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William Fioravanti, Chief Executive Officer • **Susan R. Katzoff**, General Counsel • **Christopher C. Canada**, Bond Counsel

Governance Committee Agenda

PLEASE TAKE NOTICE, The Orange County Industrial Development Agency and Orange County Funding Corp. will hold a Governance Committee Meeting on June 10th, 2024, at 4:30 PM at the Orange County IDA Headquarters, 4 Crotty Lane, Suite 100, New Windsor, NY 12553 to consider and/or act upon the following:

Order of Business

- **Call Meeting to Order**
- **Roll Call**
- **Proof of Notice**
- **Minutes**
 - Approval of Minutes from February 15th, 2024 OCIDA Governance Committee Meeting
- **New Business**
 - By-Laws Review
 - Employee Handbook Review
 - Staff Title Changes
 - Local Labor Policy Revision
- **Adjournment**

To watch the livestream, please visit our website: www.ocnyida.com

Dated: June 05, 2024

By: William Fioravanti – Chief Executive Officer

Orange County Industrial Development Agency
4 Crotty Lane, Suite 100 • New Windsor, NY 12553
Phone : (845) 234-4192 • Fax : (845) 220-2228 • Email : business@ocnyida.com



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Date: May 14, 2024
From: Jeffrey D. Crist
RE: Next Meeting Date

OCIDA Governance Committee Meeting Notice

The next Governance Committee Meeting of
the Orange County Industrial Development

Agency is:

**Monday, June 10, 2024
at 5:00pm**

**OC IDA Headquarters
4 Crotty Lane, Suite 100
New Windsor, NY 12553**

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Orange County Industrial Development Agency
4 Crotty Lane
New Windsor, NY 12553
(845) 234-4192

OCIDA Governance Committee Minutes
Thursday, February 15th, 2024

Meeting Location: 4 Crotty Lane, New Windsor, NY 12553

Committee Members Present: Jeffrey Crist, Dean Tamburri, Dr. Vincent Odock, Giovanni Palladino

Staff Present: Bill Fioravanti, Jose Rojas (AV)

I. Call Meeting to Order

The Chairman called the meeting to order at 5:03 pm.

II. Roll Call

Mr. Fioravanti acknowledged the Committee and staff members present.

III. Proof of Notice

The Chairman acknowledged that notice of the meeting was duly and properly provided.

IV. Minutes

A MOTION TO ACCEPT THE DECEMBER 19TH, 2023, OCIDA GOVERNANCE COMMITTEE MEETING MINUTES AS PRESENTED WAS MADE BY MR. PALLADINO, SECONDED BY DR. ODOCK, AND PASSED UNANIMOUSLY.

V. Committee Responsibilities

Mr. Fioravanti read a section of the Public Authorities Accountability Act (PAAA) which included a list of Governance committee responsibilities.

VI. Policy Review

Uniform Tax Exemption Policy (UTEP): Mr. Fioravanti stated that this policy is a requirement of all IDAs and lists the priorities and details of incentives based on different sectors. He reviewed his approach regarding his revision suggestions and noted that he wanted to prioritize other sectors such as, high-tech chip manufacturing, clean tech, advance manufacturing, and advanced agriculture; projects which are a focus of New York State. He also noted that the OCIDA has an opportunity to assist in the housing crisis and wanted to add that sector to the UTEP and discuss

warehouse distribution and hotels. Mr. Fioravanti asked the Board to review and provide feedback after which he would present a comprehensive report that will include information on what other IDAs are doing. He confirmed that Shovel Ready isn't governed by the UTEP and noted that the scoring matrix portion of the policy might need to be revised or removed. He explained "Impending 485-B opt-outs" and stated that they are not held to the local labor policy.

Local Labor Policy: Mr. Fioravanti discussed the revised policy implemented in 2016 and explained how the 85% threshold on every sub-contractor of every construction project can hinder the progress of a project and that with some trades, contractors must go outside of the region. He stated that how the "man-hours" are tabulated must be made clear and he would discuss with counsel.

VII. Executive Session

With no other business to discuss, the Committee moved to enter Executive Session.

Start: 6:15 pm - End: 6:55 pm

A MOTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL WAS MADE BY DR. ODOCK, SECONDED BY MR. PALLADINO, AND PASSED UNANIMOUSLY.

A MOTION TO COME OUT OF EXECUTIVE SESSION WAS MADE BY MR. PALLADINO, SECONDED BY DR. ODOCK, AND PASSED UNANIMOUSLY.

VIII. Adjournment

A MOTION TO ADJOURN WAS MADE BY MR. PALLADINO, SECONDED BY DR. ODOCK, AND PASSED UNANIMOUSLY.

The meeting closed at 6:57 p.m.

ORANGE COUNTY
INDUSTRIAL DEVELOPMENT AGENCY
BY-LAWS

ARTICLE 1

THE AGENCY

Section 1. Name. The name of the Agency shall be “Orange County Industrial Development Agency” as established by General Municipal Law, Chapter 390 of the Laws of 1972, specifically Section 912.

Section 2. Seal of Agency. The seal of the Agency shall be in the form of a circle and shall bear the name of the Agency and the year of its organization.

Section 3. Office of the Agency. The office of the Agency shall be in Orange County, New York.

Section 4. Mission Statement and Powers of the Agency. The mission of the Agency shall be to effectuate the economic development policy and purposes of the General Municipal Law, Section 852, in Orange County, New York. Toward that end, the Agency shall among other things: (1) seek, outreach and process applications for financial assistance from companies; (2) invest in and undertake economic development projects in Orange County with a view toward quality job creation, job retention and other economic benefits; (3) assist in expanding manufacturing opportunities in Orange County; and (4) improve the quality of life in Orange County recognizing that excellent quality of life enhances economic development.

The Agency shall have all the powers of an Industrial Development Agency authorized by Article 18-A of the General Municipal Law and shall have the power to do all things necessary or convenient to carry out its purposes and exercise the powers authorized herein.

ARTICLE II MEMBERS

Section 1. Board of Directors. The Orange County Industrial Development Agency is composed of a seven member Board of Directors which is appointed by and serves, without compensation, at the pleasure of the Orange County Legislature and shall continue to hold office until his or her successor is appointed. Notwithstanding, the Board of Directors shall be entitled to necessary expenses, including traveling expenses, incurred in the discharge of their duties. Upon the resignation or removal of a Member, a successor shall be selected by the County Legislature. Members may resign at any time by giving written notice to the

County Legislator and to the Chairman of the Agency. Unless otherwise specified in the notice the resignation shall take effect upon receipt of the notice by the Chairman or the County Legislator. Acceptance of the resignation shall not be necessary to make it effective.

No Agency Board member, including the Chairman, shall serve as the Agency's Chief Executive Officer or hold any other equivalent position.

Section 2. Board Member Responsibilities. The duties and responsibilities of the Board are as follows:

- A. Execute direct oversight of the Agency's chief executive officer and other senior management in the effective and ethical management of the Agency;
- B. Understand, review and monitor the implementation of fundamental financial and management controls and operational decisions of the Agency;
- C. Establish policies regarding the payment of salary, compensation and reimbursements and establish rules for time and attendance of the chief executive officer and senior management;
- D. Adopt a Code of Ethics applicable to each officer, director and employee that, at a minimum, includes the standards established in the Public Officers Law;
- E. Establish written policies and procedures on investments, travel, the acquisition of real property, the procurement of goods and services and policies protecting employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, sexual harassment, malfeasance or other inappropriate behavior by an employee or board member of the Agency;
- F. Adopt a defense and indemnification policy and disclosing same to all board members;
- G. Perform each of their duties as board members in good faith and with that degree of diligence, care and skill which an ordinarily prudent person in like position would use under similar circumstances and apply independent judgment in the best interest of the Agency;
- H. Upon taking his/her oath of office, each board member executes an acknowledgement in which he/she attests that he/she understands his/her role and fiduciary responsibilities and understands his/her duty of loyalty and care to the Agency and commitment to the Agency's mission and public interest.
- I. Comply with Section 3 below.

Section 3. Training, Independence and Ethics. Upon appointment, all Board members shall participate in State-approved training regarding their legal, fiduciary and ethical responsibilities within one year of their appointment to the Agency. Further, each Board member shall execute a certificate of independence as required by the PAAA. All members of the Board shall participate in such continuing training as may be required to remain informed of best practices, regulatory and statutory changes relating to the effective oversight of the management and financial activities of industrial development agencies and to adhere to the highest standards of responsible governance as required by the PAAA. All Agency Board members, officers and

employees shall be familiar with the Ethics policies as adopted by the Board in accordance with PAAA requirements.

ARTICLE III

OFFICERS

Section 1. Officers and duties. The Officers of the Agency shall be a Chairperson, a Vice Chairperson and a Secretary and an Assistant Secretary, who shall have such duties, powers and functions as hereinafter provided, and all of whom shall be elected by the members of the Agency at the annual meeting of the Agency in each fiscal year.

Section 2. Chairperson. The Chairperson shall preside at all meetings of the Agency. Except as otherwise authorized by resolution of the Agency, the Chairperson shall sign all agreements, contracts, deeds and any other important instruments of the Agency. Before each meeting, the Chairperson shall approve the agenda and submit such recommendations and information as he/she may consider proper concerning the business, affairs and policies of the Agency.

Section 3. Vice Chairperson. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson and, in the case of the resignation of the Chairperson, the Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Agency shall elect a new Chairperson.

Section 4. Secretary. The Secretary shall be responsible to keep, or cause to be kept, the records of the Agency, shall act as secretary of the meetings of the Agency and record or cause to be recorded all votes and shall keep, or cause to be kept, a record of the proceedings of the Agency in the form of minutes to be kept for such purpose and shall perform all duties incident to his/her office. He/she shall keep in safe custody, the seal of the Agency and shall have the power to affix the seal to all contracts and other instruments authorized to be executed by the Agency.

Section 5. Additional Duties. The officers of the Agency shall perform such other duties and functions as may from time to time be required or authorized by the Agency, by the By-Laws of the Agency or by the rules and regulations of the Agency.

Section 6. Office Vacancies. Should any Agency office become vacant, the Agency shall appoint a successor from among its membership at the next regular meeting and such appointment shall be for the unexpired term of said office.

ARTICLE IV

KEY PERSONNEL, AGENTS AND SUBSIDIARIES

Section 1. Chief Executive Officer The CEO shall be hired/appointed by the Agency

and shall be responsible for the design, implementation, and management of projects relating to Agency operations and for coordinating economic development projects. The CEO shall be accountable for management of all IDA staff. Strategy for the IDA once approved by the Board, shall be implemented by the CEO. He/She shall set goals and objectives for the organization. The CEO shall be the point of media contact for the Agency and shall present the Agency's economic development positions and policies on relevant issues. He/She will work with state, county, and local officials and the Agency's economic development partners, as necessary, on all prospective Agency projects.

Section 2. Additional Personnel. The Agency may, from time to time, employ such personnel or engage such agents as it deems necessary to exercise its powers, duties and functions as prescribed the New York General Municipal Law and all other laws of the State of New York.

ARTICLE V

ANNUAL REPORT AND ANNUAL BUDGET

Section 1. Annual Reporting. An Annual Report "PARIS" is required by the Public Authorities Accountability Act (PAAA). The Chief Executive Officer is responsible for compiling, preparing and filing the Annual Report, or causing same to be compiled, prepared and filed. The Annual Report shall be posted on the Agency's website and filed with the State as same may be required by the PAAA or other law. The Chief Executive Officer, Agency Staff and an independent accounting firm shall assist in preparing the Annual Report. The CEO shall compile and prepare the Annual Report by March 31 of each year for the preceding fiscal year ending December 31st. The Chief Executive Officer shall certify, or cause to be certified, that the financial information contained in the annual report is accurate and does not contain any untrue statements as required by the PAAA. The CFO shall submit the Annual Report by March 31st to the Orange County Executive, the Chairman of the Orange County Legislature and the New York State Authority Budget Office as required by the PAAA via the "PARIS" reporting system.

Section 2. Annual Budget. The annual budget shall be prepared by the Agency's independent auditor with input from the Chief Executive Officer, the Chairman, Audit Committee, Agency members and employees, as applicable. The budget shall contain information on operations and capital construction setting forth the estimated receipts and expenditures for the next fiscal year and the current fiscal year and the actual receipts and expenditures for the last completed fiscal year. The budget shall be prepared during the months of September and October of each year, in time for Agency adoption prior to the mandatory November 1st submission to the Orange County Executive, the Orange County Commissioner of Finance, the Chairman of the Orange County Legislature and the New York State Authority Budget Office as required by the PAAA.

ARTICLE VI

GENERAL PROVISIONS

Section 1. Fiscal Year. The fiscal year of the Agency shall begin on the first day of January of each year.

Section 2. Annual Meeting. The annual meeting of the Agency shall be held at the first regularly scheduled meeting in the month of January at its designated meeting place.

Section 3. Regular meetings. Regular meetings of the Agency shall be held upon lawful notice at such times and places as, from time to time, may be determined by resolution of the Agency.

Section 4. Special Meetings. The Chairperson of the Agency may, when he/she deems it desirable, and shall, upon the written request of two members of the Agency, call a Special Meeting of the Agency for the purpose of transacting any business designated in such call or for any business otherwise agreed to by a majority of members present at the meeting. The call for a Special Meeting may be delivered to each member of the Agency or may be mailed, faxed or e-mailed to the business or home address of each member of the Agency at least two (2) days prior to the date of such Special Meeting or as soon as practicable if meeting is called on less than two (2) days notice. Waivers of Notice may be signed by any members failing to receive proper notice.

Section 5. Quorum. At all meetings of the Agency, a majority of the members of the Agency shall constitute a quorum for the purpose of transacting business.

Section 6. Order of Business. At the regular meetings of the Agency, the following shall be the order of business unless modified by the Chairperson from time to time:

- A. Roll Call
- B. Approval of Minutes
- C. Financial Report
- D. Reports, as applicable
 - a. Chairperson's Report
 - b. Reports of Officers
 - c. Reports of Committees
- E. New Business
 - Applications and Resolutions
- F. Other Business
- G. Adjournment

The order of business may be altered or suspended at any meeting by the Members of the Agency.

Section 7. Committees. The Board shall have an audit, finance and governance committee. The Board may constitute other committees as it deems appropriate. The members of all committees shall be appointed at the Annual Meeting or as soon thereafter as a quorum can be obtained by the Chairperson of the Agency who shall be an ex officio member of each committee. A quorum of any committee shall consist of a majority of members of that committee. The CEO shall attend all committee meetings, if requested, and make such reports and recommendations as he/she deems necessary and advisable. The following constitute the Standing Committees of the Agency and their duties and responsibilities:

A. **Audit Committee.** The Chairperson shall appoint an Audit Committee comprised of at least three (3) independent members who shall constitute a majority of the Committee. The primary responsibilities of the Audit Committee shall be to recommend the hiring of a certified, independent accounting firm, establish the compensation to be paid to such accounting firm and to provide direct oversight of the performance of the independent audit to be performed annually by the accounting firm. The Audit Committee shall also monitor the Agency's Investment Policy and recommend changes to such policy in consultation with their independent auditor, as necessary. In addition, the Audit Committee is charged with the responsibility of evaluating and deciding requests for exemptions from Agency clients from the Agency's local labor policy and for monitoring the work performed by the firm retained by the Agency for auditing adherence to such local labor policy.

B. **Governance Committee.** The Chairperson shall appoint a Governance Committee comprised of at least three (3) independent members who shall constitute a majority of the Committee. The primary responsibilities of the Governance Committee shall be to keep the Board informed of best governance practices, review corporate governance trends, update the Board's corporate governance practices, advise Board members on the skills and experiences required of potential board members, examine ethical and conflicts of interest issues, perform Board self-examinations and recommend By-Laws that include rules and procedures for conduct of Board business.

C. **Finance Committee.** The Chairperson shall appoint a Finance Committee comprised of the three (3) independent members of the Audit Committee, the primary purpose of which shall be to oversee the Agency's debt and debt practices and to recommend policies concerning the Agency's issuance and management of debt.

Section 8. Voting. All action taken by the Agency shall require a vote by a majority of the total number of members of the board in accordance with Section 2826 of the New York State Public Authorities Law.

ARTICLE VII

AMENDMENTS

Section 1. Amendment to By-Laws. The By-Laws of the Agency shall be amended only with the approval of at least a majority of all of the members of the Agency at a regular or a

special meeting, but no such amendment shall be adopted unless at least seven (7) days written notice thereof has been previously given to all members of the Agency.



**Orange County IDA
Employee Handbook
May 29, 2024**

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Core Policies

1.0 Welcome

1.1 A Welcome Policy

For employees who are commencing employment with Orange County IDA, on behalf of the organization, let me extend a warm and sincere welcome. For employees who have been with us, thank you for your past and continued service. I extend my personal best wishes for success and happiness here at Orange County IDA> We understand that it is our employees who provide the services our customers rely upon and who will enable us to create new opportunities in the years to come.

The Organization complies with all federal and state employment laws, and this handbook generally reflects those laws. The Organization also complies with any applicable local laws, although there may not be an express written policy regarding those laws contained in the handbook.

Please take the time now to read this handbook carefully. This handbook supersedes any previously issued handbooks or policy statements dealing with the subjects discussed herein. The Organization reserves the right to interpret, modify, or supplement the provisions of this handbook at any time. Neither this handbook nor any other communication by a management representative or other, whether oral or written, is intended in any way to create a contract of employment. Please understand that no employee handbook can address every situation in the workplace.

If you have questions about your employment or any provisions in this handbook, contact Ethan Allen HR Services.

We wish you success in your employment here at Orange County IDA!

All the best,

Bill Fioravanti, CEO
Orange County IDA

1.2 At-Will Employment (PEO)

Your employment with Orange County IDA is on an "at-will" basis. This means your employment may be terminated at any time, with or without notice and with or without cause. Likewise, we respect your right to leave the Organization at any time, with or without notice and with or without cause.

Nothing in this handbook or any other Organization document should be understood as creating a contract, guaranteed or continued employment, a right to termination only "for cause," or any other guarantee of continued benefits or employment. Only the CEO has the authority to make promises or negotiate with regard to guaranteed or continued employment, and any such promises are only effective if placed in writing and signed by the CEO.

If a written contract between you and the Organization is inconsistent with this handbook, the written contract is controlling. However, Ethan Allen HR Services is not a party to the contract, and it is not controlling with respect to Ethan Allen HR Services.

Nothing in this handbook will be interpreted, applied, or enforced to interfere with, restrain, or coerce employees in the exercise of their rights under Section 7 of the National Labor Relations Act.

Commented [MJSM1]: Required Policy

1.3 What Is Ethan Allen HR Services?

Commented [MJS2]: Required Policy

Orange County IDA has enlisted the services of Ethan Allen HR Services to help manage payroll, benefits, workers' compensation, and other personnel matters. Ethan Allen HR Services operates as an off-site Human Resources office and assumes the administrative tasks of being an employer. However, it is your workplace employer who screened you for the position, offered you the job, and supervises your work. This arrangement provides you with the advantage of having access to a human resource department and allows your workplace employer more time to concentrate on the business at hand. If you have issues or concerns regarding your employment that you do not want to speak to management about, please contact Ethan Allen HR Services.

You can contact Ethan Allen HR Services at 845-471-1200 or email customerservice@eaworkforce.com.

You can also access the employee portal by going to <https://eaworkforce.com/portal>.

2.0 Introductory Language and Policies

2.1 Ethics Code

Orange County IDA will conduct business honestly and ethically wherever operations are maintained. We strive to improve the quality of our services, products, and operations and will maintain a reputation for honesty, fairness, respect, responsibility, integrity, trust, and sound business judgment. Our managers and employees are expected to adhere to high standards of business and personal integrity as a representation of our business practices, at all times consistent with their duty of loyalty to the Organization.

We expect that officers, directors, and employees will not knowingly misrepresent the Organization and will not speak on behalf of the Organization unless specifically authorized. The confidentiality of trade secrets, proprietary information, and similar confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.) about the Organization or operations, or that of our customers or partners, is to be treated with discretion and only disseminated on a need-to-know basis (see policies relating to privacy).

Violation of the Code of Ethics can result in discipline, up to and including termination of employment. The degree of discipline imposed may be influenced by the existence of voluntary disclosure of any ethical violation and whether or not the violator cooperated in any subsequent investigation.

2.2 Revisions to Handbook

Commented [MJS3]: Required Policy

This handbook is our attempt to keep you informed of the terms and conditions of your employment, including Orange County IDA policies and procedures. The handbook is not a contract. The Organization reserves the right to revise, add, or delete from this handbook as we determine to be in our best interest, except the policy concerning at-will employment. When changes are made to the policies and guidelines contained herein, we will endeavor to communicate them in a timely fashion, typically in a written supplement to the handbook or in a posting on company bulletin boards.

3.0 Hiring and Orientation Policies

3.1 New Hires and Introductory Periods

The first 60 days of your employment is considered an introductory period. This gives us the opportunity to evaluate each other. Your performance will be informally reviewed during this period to permit us to discuss your progress. All new and rehired employees are subject to an introductory period. Any break in service during the introductory period will automatically extend the introductory period by the length of the absence. If it is determined that the designated introductory period does not allow sufficient time to thoroughly evaluate your performance, your introductory period may be extended for a specified period.

3.2 Employment Authorization Verification

Commented [MJSM4]: Required Policy

New hires will be required to complete Section 1 of federal Form I-9 on the first day of paid employment and must present acceptable documents authorized by the U.S. Citizenship and Immigration Services proving identity and employment authorization no later than the third business day following the start of employment with Orange County IDA. If you are currently employed and have not complied with this requirement or if your status has changed, inform your Manager.

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

3.3 Conflicts of Interest

Orange County IDA is concerned with conflicts of interest that create actual or potential job-related concerns, especially in the areas of confidentiality, customer relations, safety, security, and morale. If there is any actual or potential conflict of interest between you and a competitor, supplier, distributor, or contractor to the Organization, you must disclose it to your Manager. If an actual or potential conflict of interest is determined to exist, the Organization will take such steps as it deems necessary to reduce or eliminate this conflict.

3.4 Employment of Relatives and Friends

We will not employ friends or relatives in circumstances where actual or potential conflicts may arise that could compromise supervision, safety, confidentiality, security, and morale at Orange County IDA. It is your obligation to inform the Organization of any such potential conflict so the Organization can determine how best to respond to the particular situation.

3.5 Employee Service Credit

"Length of service" refers to the length of time that employees spend as active full-time or part-time employees with Orange County IDA. Service begins on the day they become full-time or part-time employees. Length of service may be used in determining certain employee benefits, such as time-off benefits.

Employees will not lose credit for service with Orange County IDA provided their last day of service was within 90 days of becoming an active employee again. Human Resources will discuss this issue with any rehired employees upon hire.

3.6 Disability Accommodation

Commented [MJSM5]: Required Policy

Orange County IDA complies with the Americans with Disabilities Act (ADA), the Pregnancy Discrimination Act, and all applicable state and local fair employment practices laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities, including disabilities related to pregnancy, childbirth, and related conditions. Consistent with this commitment, the Organization will provide reasonable accommodation to otherwise qualified individuals where appropriate to allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship on the business.

If you require an accommodation because of your disability, it is your responsibility to notify your Manager. You may be asked to include relevant information such as:

- The reason you need an accommodation.
- A description of the proposed accommodation.
- How the accommodation will help you perform the essential functions of your job.

After receiving your request, the Organization will engage in an interactive dialogue with you to determine the precise limitations of your disability and explore potential reasonable accommodations that could

overcome those limitations. Where appropriate, we may need your permission to obtain additional information from your medical provider. All medical information received by the Organization in connection with a request for accommodation will be treated as confidential.

The Organization encourages you to suggest specific reasonable accommodations that you believe would allow you to perform your job. However, the Organization is not required to make the specific accommodation requested by you and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the Organization.

Where state or local law provides greater protections to employees than federal law, the Organization will apply the law that provides the greatest benefit to employees.

If leave is provided as a reasonable accommodation, such leave may run concurrently with leave under the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

The Organization will not discriminate or retaliate against employees for requesting an accommodation.

3.7 Religious Accommodation

Commented [MJS6]: Required Policy

Orange County IDA recognizes the diversity of religious beliefs and is committed to providing equal employment opportunities to all employees, regardless of their religious beliefs and practices or lack thereof. Consistent with this commitment, the Organization complies with Title VII of the Civil Rights Act of 1964 and all applicable state and local laws that prohibit employment discrimination on the basis of religion. The Organization will reasonably accommodate the sincerely held religious beliefs of employees if the accommodations would resolve a conflict between the individual's religious belief or practice and a work requirement, unless doing so would create an undue hardship.

Requesting a Religious Accommodation

If you need an accommodation because of your religious beliefs or practices, make the request with your Manager. You may be asked to include relevant information such as:

- A description of the proposed accommodation.
- The reason you need the accommodation.
- How the accommodation will help resolve the conflict between your religious beliefs or practices (or lack thereof) and your work requirements.

After receiving your request, the Organization will engage in an interactive dialogue with you to explore potential accommodations that could resolve the conflict between your religious beliefs or practices and work requirements. The Organization encourages you to suggest specific reasonable accommodations. However, the Organization is not required to make the specific accommodation requested by you and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the Organization.

The Organization will not discriminate or retaliate against employees who, in good faith, request a religious accommodation under this policy.

3.8 Accommodations for Pregnancy, Childbirth, and Related Medical Conditions

Commented [MJS7]: This language in the Accommodations policy has been updated per the PWFA

Commented [MJS8]: Required Policy

Orange County IDA recognizes the importance of supporting employees experiencing limitations related to pregnancy, childbirth, or related medical conditions by providing reasonable accommodations. We are committed to complying with the federal Pregnant Workers Fairness Act (PWFA) and any applicable state or local laws offering additional protections.

Examples of reasonable accommodations include:

- Additional break time for restroom use, meals, hydration, and rest.
- Seating options allowing for sitting or standing as needed.

- Schedule changes, part-time work, and paid and unpaid leave.
- Flexible work hours to accommodate medical appointments and physical needs.
- Telework (remote work).
- Closer parking spots to the workplace entrance.
- Light duty.
- Making existing facilities accessible or modifying the work environment.
- Job restructuring.
- Temporarily suspending one or more essential functions of your job.
- Acquiring or modifying equipment, uniforms, or devices.
- Adjusting or modifying examinations or policies.

If you require an accommodation, notify your Manager. In instances where the need for a particular accommodation is not obvious, you may be asked to provide:

- The reason an accommodation is needed.
- A description of the proposed accommodation.
- Information on how the accommodation will effectively address your limitations.

Medical documentation will not be required in the following situations:

- When the limitation and need for an accommodation is obvious.
- If the Organization is already aware of the limitation due to previous disclosures.
- When requesting accommodations such as additional restroom breaks, fluid intake, food breaks, or seating arrangements, which are considered presumptively reasonable.
- For any lactation accommodations.
- When a similar accommodation has been provided to other employees without requiring documentation.

The Organization will engage in an interactive process with you to identify suitable accommodations. While we strive to accommodate all requests, certain accommodations may not be provided if they would result in undue hardship to the Organization. Factors considered include the nature and cost of the accommodation, the overall financial resources of the facility, and the impact on operations, including safety and efficiency.

If leave is provided as a reasonable accommodation, it may run concurrently with leave under the federal Family and Medical Leave Act (FMLA) and/or any other applicable leave as permitted by law.

The Organization strictly prohibits retaliation against employees who request or utilize an accommodation under this policy.

3.9 Reproductive Health Decision Making Discrimination

Orange County IDA may not:

discriminate or take any retaliatory personnel action against employees with respect to compensation, terms, conditions or privileges of employment because of, or on the basis of,

the employee's or dependent's reproductive health decision making, including but not limited to a decision to use or access a particular drug, device or medical service; or

require employees to sign a waiver or other document that purports to deny employees the right to make their own reproductive health care decisions, including use of a particular drug,

device or medical service.

Orange County IDA also may not access the employee's personal information regarding the employee's or the dependent's reproductive health decision making, including but not limited to the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent.

Employees may bring a civil action in any court of competent jurisdiction against Orange County IDA for any alleged violations of this policy. In any civil action alleging a violation of this policy, the court may: award damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs incurred to a prevailing plaintiff; afford injunctive relief against Orange County IDA if it commits or proposes to commit a violation of the provisions of this policy; order reinstatement; and/or award liquidated damages equal to 100 percent of the award for damages unless Orange County IDA proves a good faith basis to believe that its actions in violation of this policy were in compliance with the law.

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

Employees with issues or concerns regarding this policy or who feel they have been subjected to any alleged violation of this policy should contact Ethan Allen HR Services.

4.0 Wage and Hour Policies

4.1 Employment Classifications

The Organization designates all employees as either exempt or nonexempt in compliance with applicable federal, state, and local law:

- **Exempt Employees.** Exempt employees are generally paid a fixed salary and are not entitled to overtime pay.
- **Nonexempt Employees.** Nonexempt employees are entitled to minimum wage and overtime pay.

The Organization also assigns each employee to one of the following categories:

- **Regular Full-Time Employees.** Regular full-time employees are normally scheduled to work at least 40 hours per workweek, except for approved time off. Full-time employees are eligible for most Organization benefits.

You will be informed of your classification, status, and responsibilities at the time of hire and at any time your classification, status, or responsibilities change. If you have a question regarding this information, contact Ethan Allen HR Services. These classifications do not alter your employment at-will status.

4.2 Safe Harbor Policy for Exempt Employees

It is Orange County IDA's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure proper payment and that no improper deductions are made, employees must review pay stubs promptly to identify and report all errors. Those classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for Orange County IDA. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires otherwise, salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing wage replacement benefits for such absences (deductions also

may be made for the exempt employee's full-day absences due to sickness or disability before the employee has qualified for the plan, policy or practice or after the employee has exhausted the leave allowance under the plan);

- full-day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave Act absences (either full- or partial-day absences);
- to offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
- the first or last week of employment in the event the employee works less than a full week; and
- any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness or disability;
- an absence because Orange County IDA has decided to close a facility on a scheduled work day;
- absences for jury duty, attendance as a witness, or military leave in any week in which the
- employee performed any work (subject to any offsets as set forth above); and
- any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial-day absences for personal reasons, sickness or disability. If employees believe they have been subject to any improper deductions, they should immediately report the matter to a supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), they should immediately contact Ethan Allen HR Services or any other supervisor in Orange County IDA with whom the employee feels comfortable.

4.3 Attendance

Commented [MJS9]: Required Policy

Orange County IDA requires regular and punctual attendance by employees. You are expected to arrive at the workplace on time and ready to perform your job. Failure to comply with this policy may result in disciplinary action, up to and including termination.

If you are not going to arrive at work or return from a break on time, you must notify your Manager as soon as possible but at least before your scheduled start time.

If you must miss work due to an emergency or other unexpected circumstance, notify your Manager as soon as possible. Notice should include the expected duration of your absence and your expected time or date of return. You may be required to provide documentation of the need for the absence, as permitted by applicable law.

If you become ill during your scheduled workday and need to leave before the end of your shift, notify your Manager immediately. If you are unable to perform your job at an acceptable level due to illness, you may be sent home until you are well enough to work.

Absences will be considered excused if you requested the time off in accordance with Organization policies and received the required approval for the absence. Absences will be considered unexcused if you are absent from work during scheduled work hours without permission and do not receive retroactive approval. This policy applies to all absences, including full- or partial-day absences, late arrivals, and early departures.

Planned absences, such as vacations or medical appointments, should be arranged as far in advance as possible. If you need to be absent during the workday, attempt to schedule outside appointments or obligations so that your absence has the smallest impact possible on business operations.

The Organization reserves the right to apply unused vacation, sick time, or other paid time off to unauthorized absences when permitted by applicable law. Absences resulting from approved leave, vacation, or legal requirements are exceptions to this policy.

If you fail to report to work for three (3) or more consecutive days and have not provided proper notification, the Organization will assume that you have voluntarily resigned your position and will proceed with the termination process.

4.4 Workday/Workweek

Orange County IDA's workweek runs from Monday to Friday. The workday begins at 8 am and ends at 5 pm. In order to meet our business needs it is essential that all employees keep to their assigned work schedule.

4.5 Recording Time

Orange County IDA is required by applicable federal, state, and local laws to keep accurate records of hours worked by certain employees. To ensure that the Organization has complete and accurate time records and that employees are paid for all hours worked, nonexempt employees are required to record all working time. Speak with your Manager for specific instructions.

You must accurately record all of your time to ensure you are paid for all hours worked, and must follow established Organization procedures for recording your hours worked.

Notify your Manager or Ethan Allen HR Services of any pay discrepancies, unrecorded or mis-recorded work hours, or any involuntarily missed meal or break periods.

Falsifying time entries is strictly prohibited. Falsifying time entries includes working "off the clock." If you falsify your own time records, or the time records of co-workers, or if you work off the clock, you will be subject to discipline up to and including termination. Immediately report to Ethan Allen HR Services any employee, supervisor, or manager who falsifies your time entries or encourages or requires you to falsify your time entries or work off the clock.

4.6 Direct Deposit

Orange County IDA encourages all employees to enroll in direct deposit.

If you have selected the direct deposit payroll service, an explanation of your pay and deductions will be posted to your employee portal: <https://eapeo.com/portal-login/> on pay day in lieu of a check. If you wish to have a paper copy of this information, please download it from the portal.

4.7 Paycheck Deductions

Orange County IDA is required by law to make certain deductions from your pay each pay period, including deductions for federal income tax, Social Security and Medicare (FICA) taxes, state income taxes, etc., and any other deductions required under law or by court order for wage garnishments. The amount of your tax deductions will depend on your earnings and the information you list on your federal Form W-4 and applicable state withholding form. Permissible deductions for exempt employees may also include, but are not limited to, lawful deductions for full-day absences. You may also authorize certain voluntary deductions from your paycheck where permissible under state law. Your deductions will be reflected in your wage statement. If you have any questions about deductions from your pay, contact your Manager.

The Organization will not make deductions to your pay that are prohibited by federal, state, or local law. Review your paycheck for errors each pay period and immediately report any discrepancies to your Manager.

Commented [MJSM10]: Required Policy

Commented [MJSM11]: Required Policy

You will be reimbursed in full for any isolated, inadvertent, or improper deductions, as defined by law. If an error is found, you will receive an immediate adjustment, which will be paid no later than your next regular payday.

The Organization will not retaliate against employees who report erroneous deductions in accordance with this policy.

4.8 Business Expenses

Employees will be reimbursed for reasonable approved expenses incurred in the course of business. These expenses must be approved by the employee's Supervisor, and may include air travel, hotels, motels, meals, cab fare, rental vehicles, or gas and car mileage for personal vehicles. All expenses incurred should be submitted to the CFO along with the receipts in a timely manner. Employees are expected to exercise restraint and good judgment when incurring expenses.

Employees should contact their Supervisor in advance if they have any questions about whether an expense will be reimbursed.

4.9 Travel Expenses

Overnight, Out-of-Town Trips

Non-exempt employees will be compensated for time spent traveling (except for meal periods) during their normal working hours, on days they are scheduled to work and on unscheduled work days (such as weekends). Non-exempt employees also will be paid for any time spent performing job duties during otherwise non-compensable travel time; however, such work should be limited absent advance management authorization.

Out-of-Town Trips for One Day

Non-exempt employees who travel out of town for a one-day assignment will be paid for all travel time, except for, among other things: time spent traveling between the employee's home and the local railroad, bus or plane terminal; and meal periods.

Local Travel

Non-exempt employees will be compensated for time spent traveling from one job site to another job site during a workday. The trip home, however, is non-compensable when the employee goes directly home from the final job site, unless it is much longer than the regular commute home from the regular worksite. In such case, the portion of the trip home in excess of the regular commute is compensable.

Commuting Time

Under the Portal to Portal Act, travel from home to work and from work to home is generally non-compensable. However, if a non-exempt employee regularly reports to a worksite near their home, but is required to report to a worksite farther away than the regular worksite, the additional time spent traveling is compensable.

If compensable travel time results in more than 40 hours worked by a non-exempt employee, the employee will be compensated at an overtime rate of one and one-half (1-1/2) times the regular rate. To the extent that applicable state law provides greater benefits, state law applies.

5.0 Performance, Discipline, Layoff, and Termination

5.1 Standards of Conduct

Orange County IDA wishes to create a work environment that promotes job satisfaction, respect, responsibility, integrity, and value for all our employees, clients, customers, and other stakeholders. We all share in the responsibility of improving the quality of our work environment. By deciding to work here, you agree to follow our rules.

While it is impossible to list everything that could be considered misconduct in the workplace, what is outlined here is a list of common-sense infractions that could result in discipline, up to and including immediate termination of employment. This policy is not intended to limit our right to discipline or discharge employees for any reason permitted by law.

Examples of inappropriate conduct include:

- Violation of the policies and procedures set forth in this handbook.
- Possessing, using, distributing, selling, or negotiating the sale of illegal drugs or other controlled substances.
- Being under the influence of alcohol during working hours on Organization property (including in Organization vehicles), or on Organization business.
- Inaccurate reporting of the hours worked by you or any other employees.
- Providing knowingly inaccurate, incomplete, or misleading information when speaking on behalf of the Organization or in the preparation of any employment-related documents including, but not limited to, job applications, personnel files, employment review documents, intra-company communications, or expense records.
- Taking or destroying Organization property.
- Possession of potentially hazardous or dangerous property (where not permitted) such as firearms, weapons, chemicals, etc., without prior authorization.
- Fighting with, or harassment of (as defined in our EEO policy), any fellow employee, vendor, or customer.
- Disclosure of Organization trade secrets and proprietary and confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development information, customer lists, patents, trademarks, etc.) of the Organization or its customers, contractors, suppliers, or vendors.
- Refusal or failure to follow directions or to perform a requested or required job task.
- Refusal or failure to follow safety rules and procedures.
- Excessive tardiness or absences.
- Smoking in non-designated areas.
- Working unauthorized overtime.
- Solicitation of fellow employees on Organization premises during working hours.
- Failure to dress according to Organization policy.
- Use of obscene or harassing (as defined by our EEO policy) language in the workplace.
- Engaging in outside employment that interferes with your ability to perform your job at this Organization.
- Gambling on Organization premises.
- Lending keys or keycards to Organization property to unauthorized persons.

Nothing in this policy is intended to limit your rights under the National Labor Relations Act, or to modify the at-will employment status where at-will is not prohibited by state law.

5.2 Criminal Activity/Arrests

Orange County IDA will report all criminal activity in accordance with applicable law. Involvement in criminal activity while employed by the Organization, whether on or off Organization property, may result in disciplinary action including suspension or termination of employment.

5.3 Promotions

Depending on the employee's position and classification, Orange County IDA endeavors to review performance annually. However, a positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management. In addition to these formal performance evaluations, Orange County IDA encourages employees and supervisors to discuss job performance on a frequent and ongoing basis.

5.4 Performance Reviews

We are committed to a philosophy of recognizing each employee's contribution to the organization, and administering salaries in proportion to an employee's efforts. Your performance and work quality are under continual review by your supervisor. Performance reviews will be completed annually, and will coincide with the state budget filing cycle. Your supervisor will conduct a performance appraisal discussion covering performance factors such as work skills, job knowledge, attendance, quality and quantity of work. Consideration for pay changes may occur at time of appraisal.

Commented [MJS12]: Updated policy but retained annual review basis.

6.0 General Policies

6.1 Non-solicitation/Non-distribution Policy

Orange County IDA prioritizes a harmonious work environment that minimizes disruption to business operations and respects the focus of employees, visitors, and others. Our non-solicitation/non-distribution policy aims to ensure a balanced approach to interactions within the workplace.

Solicitation

For the purposes of this policy, **solicitation** includes various activities such as selling items or services, seeking contributions, or seeking support for an organization. Solicitation, whether conducted verbally, in writing, or electronically, falls under this policy's scope.

During your assigned working hours, soliciting other employees is prohibited. **Working hours** refers to periods when either you or the employees you intend to solicit are expected to be actively engaged in work-related activities. You are permitted to engage in solicitation during authorized nonworking times, such as breaks, provided that the recipients of the solicitation are also on nonworking time.

Distribution

To ensure cleanliness, organization, and safety, the distribution of nonwork-related literature or items within working areas is prohibited at all times. Working areas do not include break/rest areas, lunchrooms, and parking lots. Electronic distribution of materials during work hours is also not allowed. Any literature that violates the Organization's equal employment opportunity (EEO) and non-harassment policies, or knowingly spreads false information, is strictly prohibited. Nonemployees are not permitted to distribute materials on company premises under any circumstances.

Statutory Rights and Communication

This policy is not meant to curtail the statutory rights of employees, including their right to discuss terms and conditions of employment. Open communication remains a vital part of our workplace culture.

Reporting Violations

If you become aware of violations of this policy, report them to your Manager.

We appreciate your cooperation in maintaining a respectful and focused work environment.

Commented [MJS13]: Required Policy

6.2 Workplace Privacy and Right to Inspect

Commented [MJSM14]: Required Policy

Orange County IDA property, including but not limited to lockers, phones, computers, tablets, desks, work place areas, vehicles, or machinery, remains under the control of the Organization and is subject to inspection at any time, without notice to any employees, and without their presence.

You should have no expectation of privacy in any of these areas. We assume no responsibility for the loss of, or damage to, your property maintained on Organization premises including that kept in lockers and desks.

6.3 Personal Appearance

Employees are expected to present a professional image to our clients as well as others with whom they come in contact as a representative of Orange County IDA. This includes manner of dress. While we leave to the employee judgment of what is considered to be a professional appearance, employee dress is expected to be appropriate to the business community and the industry. Extremes in attire must be avoided, Business Casual is acceptable.

Fragrant products, including but not limited to perfumes, colognes, and scented body lotions or hair products, should be used in moderation out of concern for others with sensitivities or allergies.

The Organization, in accordance with applicable law, will reasonably accommodate employees with disabilities or religious beliefs that make it difficult for them to comply fully with the personal appearance policy unless doing so would impose an undue hardship on the Organization. Contact your Manager to request a reasonable accommodation.

Failure to comply with the personal appearance standards may result in being sent home to groom or change clothes. Frequent violations may result in disciplinary action, up to and including termination of employment.

6.4 Personal Data Changes

It is your obligation to provide Orange County IDA with your current contact information, including current mailing address and telephone number. You should also inform the Organization of any changes to your tax withholding status. Failure to do so may result in loss of benefits or delayed receipt of W-2 and other mailings. To make changes to this information, please use your employee portal at: <http://sli.prisimhr.com/sli/auth/#/login?lang=en&clientid=232>.

6.5 Computer Security and Copying of Software

Software programs purchased and provided by Orange County IDA are to be used only for creating, researching, and processing materials for Organization use. By using Organization hardware, software, and networking systems you assume personal responsibility for their use and agree to comply with this policy and other applicable Organization policies, as well as city, state, and federal laws and regulations.

All software acquired for or on behalf of the Organization, or developed by Organization employees or contract personnel on behalf of the Organization, is and will be deemed Organization property. It is the policy of the Organization to respect all computer software rights and to adhere to the terms of all software licenses to which the Organization is a party.

You may not illegally duplicate any licensed software or related documentation. Unauthorized duplication of software may subject you and/or the Organization to both civil and criminal penalties under the United States Copyright Act. To purchase software, obtain your manager's approval.

You may not duplicate, copy, or give software to any outsiders including clients, contractors, customers, and others. You may use software on local area networks or on multiple machines only in accordance with applicable license agreements entered into by the Organization.

6.6 Use of Company Technology

This policy is intended to provide Orange County IDA employees with the guidelines associated with the use of the Organization information technology (IT) resources and communications systems.

This policy governs the use of all IT resources and communications systems owned by or available at the Organization, and all use of such resources and systems when accessed using your own devices, including but not limited to:

- Email systems and accounts.
- Internet and intranet access.
- Telephones and voicemail systems, including wired and mobile phones, smartphones, and pagers.
- Printers, photocopiers, and scanners.
- Fax machines, e-fax systems, and modems.
- All other associated computer, network, and communications systems, hardware, peripherals, and software, including network key fobs and other devices.
- Closed-circuit television (CCTV) and all other physical security systems and devices, including access key cards and fobs.

General Provisions

Organization IT resources and communications systems are to be used for business purposes only unless otherwise permitted under applicable law.

All content maintained in Organization IT resources and communications systems are the property of the Organization. Therefore, employees should have no expectation of privacy in any message, file, data, document, facsimile, telephone conversation, social media post, conversation, or any other kind or form of information or communication transmitted to, received, or printed from, or stored or recorded on Organization electronic information and communications systems.

The Organization reserves the right to monitor, intercept, and/or review all data transmitted, received, or downloaded over Organization IT resources and communications systems in accordance with applicable law. Any individual who is given access to the system is hereby given notice that the Organization will exercise this right periodically, without prior notice and without prior consent.

The interests of the Organization in monitoring and intercepting data include, but are not limited to: protection of Organization trade secrets, proprietary information, and similar confidential commercially-sensitive information (i.e. financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.); managing the use of the computer system; and/or assisting employees in the management of electronic data during periods of absence.

You should not interpret the use of password protection as creating a right or expectation of privacy, nor should you have a right or expectation of privacy regarding the receipt, transmission, or storage of data on Organization IT resources and communications systems.

Do not use Organization IT resources and communications systems for any matter that you would like to be kept private or confidential.

Violations

If you violate this policy, you will be subject to corrective action, up to and including termination of employment. If necessary, the Organization will also advise law enforcement officials of any illegal conduct.

6.7 Security

All employees are responsible for helping to make Orange County IDA a secure work environment. Upon leaving work, lock all desks, lockers, and doors protecting valuable or sensitive material in your work area and report any lost or stolen keys, passes, or similar devices to your Manager immediately. Refrain from

discussing specifics regarding Organization security systems, alarms, passwords, etc. with those outside of the Organization.

Immediately advise your Manager of any known or potential security risks and/or suspicious conduct of employees, customers, or guests of the Organization. Safety and security is the responsibility of all employees and we rely on you to help us keep our premises secure.

6.8 Telecommuting

Telecommuting is defined as regularly working a full or partial workday from home or some other alternate work site.

Orange County IDA will make telecommuting available to employees when it benefits organizational and departmental needs. This option may not be available in some job classifications due to business needs. Each department manager will determine, in his or her discretion, the positions within the department that may be suitable for telecommuting.

If you meet eligibility requirements for telecommuting, you must submit a Telecommuting Agreement form to your immediate Manager for departmental approval. If you are granted a telecommuting arrangement, you will be subject to the same performance standards as prior to telecommuting. Telecommuting work areas may be evaluated to ensure that appropriate safety standards are met. Telecommuting may be a reasonable accommodation; consult Human Resources if you are requesting telecommuting as a reasonable accommodation.

6.9 Social Media

Orange County IDA acknowledges that social media has become an integral part of modern life that provides us with unique opportunities to communicate and share information with others. However, we also want to educate employees that their social media use can:

- Pose risks to the Organization's confidential and proprietary information, reputation, and brand;
- Expose the Organization to discrimination, harassment, and other claims; and
- Jeopardize the Organization's compliance with business rules and laws.

To minimize legal risks, avoid loss of productivity and distraction, and ensure that the Organization's IT resources and communications systems are used appropriately, all employees must abide by the following policy regarding social media use.

Social Media

For purposes of this policy, **social media** refers to any means of posting content on the internet, including personal websites, social networking sites, blogs, chat rooms, and other online platforms, whether affiliated with the Organization or not.

Use Good Judgment

While the Organization respects your right to personal expression, you should assume that anything you do on social media—whether on a business or personal account—could be viewed by a colleague, supervisor, partner, supplier, competitor, investor, customer, or potential customer. As such, any social media activity, even from your personal account, reflects on the Organization as well as on yourself. It is important to remember that anyone can see what you post (or what you posted five years ago).

Guidelines for Posting on Social Media

When posting:

- Protect trade secrets, intellectual property, and confidential information related to the Organization.

- Do not make statements that are maliciously false or defamatory or would constitute unlawful harassment or discrimination.
- Do not make express or implied threats of violence.
- Avoid linking personal accounts to the Organization as an official source.
- Respect copyright, trademark, and third-party rights.
- Do not use the Organization's email addresses to register on social medial platforms for personal use.
- If you identify yourself as an employee of Orange County IDA on your personal account and are posting about the Organization, make it clear that your views are your own and that you are not speaking on behalf of the Organization.

Using Social Media at Work

Do not use social media while on your work time, unless it is work related as authorized by your Manager or consistent with policies that cover equipment owned by the Organization.

Media Contacts

If you are not authorized to speak on behalf of the Organization, do not speak to the media on behalf of the Organization. Direct all media inquiries for official Organization responses to the CEO.

Retaliation

Retaliation against those reporting policy violations or cooperating in investigations is prohibited. Retaliatory actions may lead to disciplinary measures.

Violations

Violations of this policy may result in discipline, up to and including termination.

This policy does not limit employees' rights to discuss wages, hours, or other terms and conditions of employment. All employees have the right to engage in or refrain from such activities.

6.10 Third Party Disclosures

From time to time, Orange County IDA may become involved in news stories or potential or actual legal proceedings of various kinds. When that happens, lawyers, former employees, newspapers, law enforcement agencies, and other outside persons may contact our employees to obtain information about the incident or the actual or potential lawsuit.

If you receive such a contact, you should not speak on behalf of the Organization and should refer any call requesting the position of the Organization to the CEO. If you have any questions about this policy or are not certain what to do when such a contact is made, contact the CEO.

6.11 Personal Cell Phone/Mobile Device Use

The purpose of this policy is to promote a safe and productive work environment and increase public safety. This policy applies to both incoming and outgoing personal cellular calls. The following guidelines should be followed:

1. Cell phones should be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow.
2. Employees may carry and use personal cell phones while at work on a sporadic basis. If employee use of a personal cell phone causes disruptions or loss in productivity, the employee may become subject to disciplinary action per company policy.
3. If an employee is operating a company vehicle and receives a call on a cell phone, the employee must pull to the side of the roadway, into a parking lot or other safe location to respond to the call. Use of a hands free device is acceptable.

4. The use of smart phones for purposes besides phone calls (including web usage, text messages, podcasts, watching television shows/movies, playing games) should be limited to break times only.

Failure to follow this policy may result in disciplinary action up to and including termination.

You may not connect your personal device to the Organization network or to Organization equipment (computers, printers, etc.).

Nothing in this policy is intended to prevent employees from engaging in protected concerted activity under the NLRA.

7.0 Benefits

7.1 Paid Time Off (PTO)

Orange County IDA provides employees with paid time off (PTO). PTO may be used for any reason.

Eligibility

All employees are eligible for paid time off.

Deposits Into Your Leave Account

PTO is calculated according to the anniversary of date of hire according to the following schedule:

Length of Service	Annual Grant – Hours	Annual Grant – Days
Hire date – 2 nd Anniversary	80	10
3 rd anniversary to 9 th anniversary	120	15
10+ anniversary	160	20

Leave Usage and Requests for Leave

The Organization encourages you to use your PTO time. PTO will be available on the employee's date of hire. Newly hired employees may not use PTO until they have completed their introductory period unless they are taking the time for reasons listed in the NY Paid Sick and Safe Leave Act.

Information about the specific use of this policy under New York Paid Sick Leave can be found in the section with policies specific to New York State.

PTO is compensated at the employee's base rate of pay. You must request PTO from your Manager as far in advance as possible, but at least 30 days in advance. The Organization will generally grant requests for PTO when possible, taking business needs into consideration.

If a holiday occurs during the PTO period, it will be counted as holiday time. You must take PTO in increments of at least 4 of hours. Employees will not be allowed to go into a "negative balance" regarding their PTO. Employees will not be allowed to "cash out" any of their PTO time.

During a Leave of Absence

The Organization may require you to use any unused PTO during disability or family medical leave, or any

other leave of absence, where permissible under local, state, or federal law.

Carryover

Unused PTO of up to 40 hours can be carried over to the following year on or about your anniversary date.

Separation of Employment

Upon separation of employment for any reason, you will be paid for earned but unused PTO time. If an employee renders their two week notice, they will be required to work those two weeks in order to complete an easy transition of job duties unless they need to use the time for reasons covered under the New York Paid Sick and Safe Leave Act.

7.2 Holidays

Regular full-time employees are eligible for 14 paid holidays each year when they occur on a day you are regularly scheduled to work:

- New Year's Day
- Martin Luther King, Jr. Birthday
- Lincoln's Birthday
- Washington's Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Day
- Christmas Eve (half day)
- New Year's Eve (half day)

If a holiday falls within jury duty or bereavement leave, the eligible employee will be paid for the holiday (at the regular straight time rate) in addition to the leave day, or the eligible employee will receive an additional day off at the option of the Orange County IDA

Employees may choose to work on up to three of the following holidays: Election Day, Columbus Day, Washington's Birthday, or Lincoln's Birthday, and take a floating holiday instead. The floating holiday must be used in the same year as the holiday worked.

Holiday pay will be paid according to the employee's base pay rate and for the number of hours that they would have normally been scheduled to work.

In order to receive holiday pay non-exempt employees must work their scheduled workdays immediately before and after the holiday, unless their supervisor has approved the absence, unless prohibited by state and/or federal law.

If eligible non-exempt employees work on a provided holiday, they will receive holiday pay plus wages at their straight-time rate for the hours worked on the holiday.

If a recognized holiday occurs during a full-time employee's paid vacation period, it will be counted as a holiday, and paid accordingly.

Employees will not receive holiday pay while out on disability.

You will be compensated for holidays in accordance with federal and state law.

7.3 Bereavement Leave

The death of a family member is a time when employees wish to be with their families. If the employee is full-time and has completed the introductory period and loses a close relative, the employee will be allowed paid time off of up to three (3) days to assist in attending to obligations and commitments. For the purposes of this policy, a close relative includes a spouse, child, parent, sibling, current in-laws, grandparents or any other relation required by applicable law. Paid leave days only may be taken on regularly scheduled, consecutive workdays following the day of death. Employees must inform their supervisor prior to commencing bereavement leave. In administering this policy, Orange County IDA may require verification of death. Bereavement time is paid at the employee's base rate of pay.

7.4 Group Benefits

Orange County IDA may offer a variety of group insurance benefits and/or retirement savings opportunities to eligible employees. Some plans may also include eligible dependents. Eligibility will vary by employment category, date of hire and/or hours worked.

Plan specifics are described in detail in the Summary Plan Descriptions (SPDs), which can be obtained via Ethan Allen HR Services.

Benefits may be canceled or changed at the discretion of the Organization, unless otherwise prohibited by law.

COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) provides the opportunity for eligible Orange County IDA employees and their beneficiaries to continue health insurance coverage under the Organization health plan when a "qualifying event" could result in the loss of eligibility. Qualifying events include resignation, termination of employment, death of an employee, reduction in hours, a leave of absence, divorce or legal separation, entitlement to Medicare, or where a dependent child no longer meets eligibility requirements.

Contact Ethan Allen HR Services to learn more about your COBRA rights.

7.5 Employee Assistance Program (EAP)

Orange County IDA provides an employee assistance program (EAP) to all eligible employees and their family members/dependents after the plan's defined waiting period. The EAP provides confidential access to professional counseling services for help with personal concerns that may impact job performance.

Voluntary participation in the EAP will not jeopardize your opportunities for promotion or employment. You can contact the EAP directly. Any information about your contact, participation, or any recommended treatment is confidential and will not be disclosed to the Organization.

In certain circumstances, you may be referred to the EAP by your Manager due to job performance issues.

EAP services can be initiated by contacting the EAP service provider at The Work Place - 845-483-5100. They may also be reached at the 24-hour EAP Crisis Line 1-800-724-0917

Plan details are described in the Summary Plan Description (SPD).

EAP services are available to eligible participants without charge. However, the cost of any treatment or rehabilitation services you are referred to outside of the EAP is your responsibility if not completely covered by insurance. Refer to the SPD for plan information and details.

7.6 Employer-Sponsored Disability Benefits

Orange County IDA provides enhanced monetary short-term disability benefits to full-time employees. These enhanced monetary benefits are inclusive of any monetary workers' compensation or statutory short-term disability benefits. This is not a leave of absence provision. Employees who will be out of work must request a leave of absence. See the Leave of Absence sections of this handbook for more information. Employees will be required to submit medical certification as requested by Orange County IDA. Required medical certification under this policy may differ from the medical certification required for any leave of absence requested.

7.7 Workers' Compensation Insurance

Workers' compensation is a no-fault system designed to provide benefits to all employees for work-related injuries. Workers' compensation insurance coverage is paid for by employers and governed by state law. The workers' compensation system provides for coverage of medical treatment and expenses, occupational disability leave, and rehabilitation services, as well as payment for lost wages due to work related injuries. If you are injured on the job while working at Orange County IDA, no matter how slightly, you are to report the incident immediately to your Manager. Consistent with applicable state law, failure to report an injury within a reasonable period of time could jeopardize your claim for benefits.

To receive workers' compensation benefits, notify your Manager immediately of your claim. If your injury is the result of an on-the-job accident, you must fill out an accident report. You will be required to submit a medical release before you can return to work.

7.8 Unemployment Compensation Insurance

Unemployment compensation insurance is paid for by Orange County IDA and provides temporary income for employees who have lost their job under certain circumstances. Your eligibility for unemployment compensation will, in part, be determined by the reasons for your separation from the Organization.

7.9 Military Leave (USERRA)

Orange County IDA complies with applicable federal and state law regarding military leave and re-employment rights. A military leave of absence will be granted to members of the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, with amendments) and all applicable state law. You must submit documentation of the need for leave to your supervisor. When returning from military leave of absence, you will be reinstated to your previous position or a similar position, in accordance with state and federal law. You must notify your Manager of your intent to return to employment based on requirements of the law. For more information regarding status, compensation, benefits, and reinstatement upon return from military leave, contact your supervisor or Ethan Allen HR Services.

7.10 Federal Jury Duty Leave

Orange County IDA encourages employees to fulfill their civic duties related to federal jury duty service. If you are summoned for federal jury duty, notify your Manager as soon as possible to make scheduling arrangements.

Time spent for federal jury duty service is unpaid; however, if you are classified as exempt, you will not incur any deduction in pay for a partial week's absence due to jury duty. You may opt to use vacation in place of unpaid leave.

The Organization will not discriminate or retaliate against employees for missing work due to federal jury service. Upon return to work, you will be reinstated to your prior position without loss of seniority and will be treated as if you have been on a leave of absence or furlough.

Commented [MJSM15]: New Required Policy

8.0 Safety and Loss Prevention

8.1 General Safety

The health and safety of employees and others on Orange County IDA property are of critical concern to Orange County IDA. Orange County IDA intends to comply with all health and safety laws applicable to our business. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on Orange County IDA's premises, or in a product, facility, piece of equipment, process or business practice for which Orange County IDA is responsible should be brought to the attention of management immediately.

Periodically, Orange County IDA may issue rules and guidelines governing workplace safety and health. Orange County IDA may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

8.2 Drug and Alcohol Policy

To help ensure a safe, healthy and productive work environment for our employees and others, to protect Orange County IDA property, and to ensure efficient operations, Orange County IDA has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for Orange County IDA. The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances (including medical marijuana), drug paraphernalia or alcohol by an individual anywhere on Orange County IDA premises, while on Orange County IDA business (whether or not on Orange County IDA premises) or while representing Orange County IDA, is strictly prohibited. Employees and other individuals who work for Orange County IDA also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, which may impact the employee's ability to perform their job or otherwise pose safety concerns, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. However, this exception does not extend any right to report to work under the influence of medical marijuana or to use medical marijuana as a defense to a positive drug test, to the extent the employee is subject to any drug testing requirement, except as permitted by and in accordance with applicable law. This restriction does not apply to responsible drinking of alcohol at business meetings and related social outings.

Violation of this policy will result in disciplinary action, up to and including discharge.

Orange County IDA maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs, or jeopardizes the health and safety of any Orange County IDA employee, including themselves.

8.3 Workplace Tobacco Usage

Orange County IDA is concerned about the effect that smoking and secondhand smoke inhalation can have on its employees and clients. Smoking in the office, client areas, and restrooms is prohibited.

8.4 Workplace Violence

As the safety and security of our employees, vendors, contractors, and the general public is in the best interests of Orange County IDA, we are committed to working with our employees to provide a work environment free from violence, intimidation, and other disruptive behavior.

Zero Tolerance Policy

The Organization has a zero tolerance policy regarding workplace violence and will not tolerate acts or threats of violence, harassment, intimidation, and other disruptive behavior, either physical or verbal, that occurs in the workplace or other areas. This applies to management, co-workers, employees, and non-employees such as contractors, customers, and visitors.

Workplace violence can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm, damage to property, or any intentional behavior that may cause a person to feel threatened.

Prohibited Conduct

Prohibited conduct includes, but is not limited to:

- Physically injuring another person.
- Threatening to injure a person or damage property by any means, including verbal, written, direct, indirect, or electronic means.
- Taking any action to place a person in reasonable fear of imminent harm or offensive contact.
- Possessing, brandishing, or using a firearm on Organization property or while performing Organization business except as permitted by state law.
- Violating a restraining order, order of protection, injunction against harassment, or other court order.

Reporting Incidents of Violence

Report to your Manager or Ethan Allen HR Services, in accordance with this policy, any behavior that compromises our ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. You are expected to cooperate in any investigation of workplace violence.

Violations

Violating this policy may subject you to criminal charges as well as discipline up to and including immediate termination of employment.

Retaliation

Victims and witnesses of workplace violence will not be retaliated against in any manner. In addition, you will not be subject to discipline for, based on a reasonable belief, reporting a threat or for cooperating in an investigation.

If you initiate, participate, are involved in retaliation, or obstruct an investigation into conduct prohibited by this policy, you will be subject to discipline up to and including termination.

If you believe you have been wrongfully retaliated against, immediately report the matter to Ethan Allen HR Services.

9.0 Trade Secrets and Inventions

9.1 Confidentiality and Nondisclosure of Trade Secrets

All trade information concerning Orange County IDA is considered the sole property of Orange County IDA, and as such, this information must be kept within the company. Employees are required to keep in strictest confidence any and all information which may be acquired in connection with, or as a result of, their employment at Orange County IDA. This information includes, but is not limited to, company and/or owner personal financial information, customer lists, pricing and trade information. Without the express approval of management, employees shall not publish, communicate, divulge, disclose or use any of such information to anyone outside of the company. Violations to this policy are grounds for immediate termination of employment.

Employees may be required to sign an agreement reiterating these obligations.

New York Policies

Hiring and Orientation Policies

EEO Statement and Non-harassment Policy

Commented [MJSM16]: Required Policy

Equal Employment Opportunity Policy

Orange County IDA is committed to complying with all federal, state, and local equal employment laws. To that end, the Organization is dedicated to maintaining a work environment that is free from harassment and discrimination based on the following protected classes: age, race (including traits historically associated with race, which include, but are not limited to, hair texture and protective hairstyles such as braids, locks, and twists), creed, color, national origin (including ancestry), religion, gender or sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), disability, reproductive health decision making (including, but not limited to, the decision to use or access a particular drug, device, or medical service), marital status, partnership status, caregiver status, domestic violence victim status, familial status, military status, unemployment status, citizenship or immigration status, genetic information (including genetic characteristics), or any other protected status under federal, state, or local laws. The Organization is dedicated to the fulfillment of this policy with respect to all aspects of employment, including, but not limited to, recruiting, hiring, placement, transfer, training, promotion, compensation, termination, and all other terms, conditions, and privileges of employment.

The Organization will conduct a prompt and thorough investigation of all allegations of discrimination, harassment, or retaliation, or any violation of the Equal Employment Opportunity Policy in a confidential manner. The Organization will take appropriate corrective action, if and where warranted. The Organization prohibits retaliation against employees who provide information about, complain about, or assist in the investigation of any complaint of discrimination or violation of the Equal Employment Opportunity Policy.

We are all responsible for upholding this policy. You may discuss questions regarding equal employment opportunity with your Manager or any other designated member of management.

Policy Against Workplace Harassment

Orange County IDA has a strict policy against all types of workplace harassment, including sexual harassment and other forms of workplace harassment based upon an individual's membership in a protected class. All forms of harassment of, or by, employees, vendors, visitors, customers, and clients are strictly prohibited and will not be tolerated.

Sexual Harassment

The Organization is committed to maintaining a workplace free from sexual harassment, which is unlawful and subjects the Organization to liability. The Organization prohibits any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment.

For additional information on sexual harassment, including how to file a claim, see the Sexual Harassment Policy.

Other Harassment

Other workplace harassment is verbal or physical conduct that insults or shows hostility or aversion toward an individual because of the individual's membership in a protected class.

Again, while it is not possible to list all the circumstances that may constitute other forms of workplace harassment, the following are some examples of conduct that may constitute workplace harassment:

- The use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to the above-protected categories;
- Written or graphic material that insults, stereotypes, or shows aversion or hostility toward an individual or group because of one of the above-protected categories and that is placed on walls, bulletin boards, or elsewhere on our premises, in emails or voicemails, or otherwise circulated in the workplace; and
- A display of symbols, slogans, or items that are associated with hate or intolerance toward any select group.

Reporting Discrimination and Harassment

If you feel that you have witnessed or have been subjected to any form of discrimination or harassment, immediately notify Ethan Allen HR Services or any member of management.

The Organization prohibits retaliation against employees who provide information about, complain about, or assist in the investigation of any complaint of harassment or discrimination.

The Organization will promptly and thoroughly investigate any claim and take appropriate action where we find a claim has merit. To the extent possible, the Organization will retain the confidentiality of those who report suspected or alleged violations of the harassment policy.

Discipline for violation of this policy may include, but is not limited to, reprimand, suspension, demotion, transfer, and discharge. If the Organization determines that harassment or discrimination occurred, corrective action will be taken to effectively end the harassment. As necessary, the Organization may monitor any incident of harassment or discrimination to assure the inappropriate behavior has stopped.

Alternative Reporting and Remedies

The Organization encourages employees to report incidents of discrimination and harassment internally. However, employees who believe they have been subjected to discrimination or harassment in the workplace may file a private civil action or seek relief by either:

- Filing a complaint alleging violation of the New York State Human Rights law with the Division of Human Rights, or in the New York State Supreme Court; or
- Filing a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) for violation of federal antidiscrimination laws, including Title VII of the Civil Rights Act of 1964 (Title VII).

To file a complaint, contact the appropriate agency below.

Contact Information

New York Division of Human Rights

One Fordham Plaza, Fourth Floor
Bronx, New York, NY 10458
718-741-8400
1-800-HARASS-3 (1-800-427-2773): Toll-free, confidential hotline for complaints of workplace sexual harassment
www.dhr.ny.gov

Equal Employment Opportunity Commission (EEOC)

33 Whitehall St, 5th Floor
New York, NY 10004
800-669-4000
TTY: 800-669-6820
info@eeoc.gov
www.eeoc.gov

Local jurisdictions may have additional protections against discrimination and harassment. For example, workers in New York City may file complaints of discrimination or harassment with the New York City Commission on Human Rights at:

Law Enforcement Bureau

Commission on Human Rights
40 Rector Street, 10th Floor
New York, NY 10006
212-306-7450
www.nyc.gov/html/cchr/html/home/home.shtml

If the discrimination or harassment involves criminal activity, contact local police.

In any civil action alleging a violation of the laws prohibiting sexual harassment and discrimination, a court may order or award:

- Damages, including, but not limited to, back pay, benefits, and reasonable attorneys' fees and costs;
- Injunctive relief;
- Reinstatement; and/or
- Liquidated damages equal to 100% of the award for damages.

Any act of retaliation against New York employees for exercising any rights granted under this policy may subject the Organization to separate civil penalties. For the purposes of this policy, **retaliation** or **retaliatory personnel action** means discharging, suspending, demoting, or otherwise penalizing employees for:

- Making or threatening to make a complaint to the Organization, a coworker, or to a public body, that rights guaranteed under this policy have been violated;
- Causing to be instituted any proceeding under or related to this policy; or
- Providing information to or testifying before any public body conducting an investigation, hearing, or inquiry into any such violation of a law, rule, or regulation by the Organization.

Sexual Harassment Prevention

Commented [MJS17]: Required Policy

Purpose and Goals

Orange County IDA is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the Organization recognizes that discrimination can be related to or affected by other identities beyond gender (**see NY EEO Statement and Non-harassment Policy**). Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the Organization's commitment to a discrimination-free work environment.

Goals of this Policy

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into

any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the Organization, with a government agency, or in court under federal, state, or local antidiscrimination laws. To file a complaint internally, use the complaint form attached to the end of this handbook and submit it to your supervisor or Ethan Allen HR Services. To file an employment complaint with the New York State Division of Human Rights, visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, visit <https://www.eeoc.gov/filing-charge-discrimination>.

Sexual Harassment and Discrimination Prevention Policy

1. Orange County IDA's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the Organization. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the Organization.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the Organization who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform their Manager or Ethan Allen HR Services. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained in the **Legal Protections** section below.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the Organization to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability, and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. The Organization will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when management otherwise knows of possible discrimination or sexual harassment occurring. The Organization will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the Organization will act as required. In addition to any required discipline, the Organization will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. Employees who prefer not to report harassment to their Manager or the Organization may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity

Commission. Complaints may be made to both the employer and a government agency. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to Ethan Allen HR Services.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the Organization's shared network.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination, including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression, and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary.

- A **cisgender person** is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female.
- A **transgender person** is someone whose gender is different than the sex they were assigned at birth.
- A **non-binary person** does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do.

Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the Organization's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct that is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence that are of a sexual nature or that are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements that an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with their job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it.

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, or brushing against or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits (can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship);
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks, or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history that create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace. This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or

- o Creating different expectations for individuals based on their perceived identities, such as dress codes that place more emphasis on women's attire, or leaving parents/caregivers out of meetings.

Who Can Be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York law protects employees and all covered individuals described earlier in the policy. **Harassers can be anyone in the workplace.** A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be a harasser, including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum, and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on Black female employees than white female employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel retraumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

Where Can Sexual Harassment Occur?

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

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitutes harassment even if the employee is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demoting, terminating, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as "difficult" and excluding them from projects to avoid "drama";
- Undermining an individual's immigration status; or

- Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

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

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other antidiscrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged another employee to report harassment.

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

Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to their Manager or Ethan Allen HR Services. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to their Manager or Ethan Allen HR Services

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy for employees to use, but the complaint form is not required. If you are reporting sexual harassment on behalf of someone else, you may use the complaint form and should note that it is on another's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained in the Legal Protections section below.

Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to Ethan Allen HR Services. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

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

While supervisors and managers have a responsibility to report harassment and discrimination, they must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable, and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling, and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, these guidelines can serve as a brief guide on how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers, deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Organization will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The Organization recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an individual. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, Ethan Allen HR Services will:

1. Conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If the complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, Ethan Allen HR Services will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails, or phone records that may be relevant to the investigation. Ethan Allen HR Services will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Seek to interview all parties involved, including any relevant witnesses;
4. Create a written documentation of the investigation (such as a letter, memo, or email), which contains the following:
 - o A list of all documents reviewed, along with a detailed summary of relevant documents;
 - o A list of names of those interviewed, along with a detailed summary of their statements;
 - o A timeline of events;
 - o A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and

- o The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Keep the written documentation and associated documents in a secure and confidential location;
 6. Promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
 7. Inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Organization, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in this policy is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

New York State Division of Human Rights

The New York State Human Rights Law, N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in the New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a Human Rights Law complaint in state court.

Complaining internally to the Organization does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

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

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies, but it may include requiring your employer to take action to stop the harassment or repair the damage caused by the harassment, including paying monetary damages, punitive damages, attorney's fees, and civil fines.

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

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR, as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1-(800)-HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement, or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Conclusion

The policy outlined above is aimed at providing Orange County IDA employees and covered individuals an understanding of their rights to a discrimination- and harassment-free workplace. Everyone should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes, including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

Wage and Hour Policies

Wage Disclosure Protection

In accordance with New York law, Orange County IDA will not prohibit you from inquiring about, discussing, or disclosing your wages or the wages of other employees.

If you have access to or knowledge of the compensation information of other employees as a part of your

essential job functions, you may not disclose that information to individuals who do not otherwise have authorized access to it, unless the disclosure is:

- In response to a formal charge or complaint; or
- In furtherance of an investigation, proceeding, hearing, or other action (including an investigation conducted by the Organization).

This policy does not require you to disclose your wages.

If you believe that you have been discriminated or retaliated against in violation of this policy, immediately report your concerns to Ethan Allen HR Services.

Failure to adhere to this policy may lead to corrective action including, but not limited to, termination.

Nothing in this policy will be enforced to interfere with, restrain or coerce, or retaliate against employees regarding their rights under the National Labor Relations Act, or any collective-bargaining agreement.

Pay Period

Commented [MJSM18]: Required Policy

At Orange County IDA, the standard pay period is weekly for all employees. Pay dates are Friday. If a pay date falls on a holiday, you will be paid on the preceding workday. Special provisions may be required from time to time if holidays fall on pay dates. Check with your Manager if this type of date arises.

Review your paycheck for accuracy. If you find an issue, report it to your Manager immediately.

Overtime

Commented [MJSM19]: Required Policy

If you are nonexempt, you may qualify for overtime pay. All overtime must be approved in advance, in writing, by your Manager.

At certain times Orange County IDA may require you to work overtime. We will attempt to give as much notice as possible in this instance. However, advance notice may not always be possible. Failure to work overtime when requested or working unauthorized overtime may result in discipline, up to and including discharge.

Unless otherwise required or exempted by law, overtime pay of one and one-half times your regular rate of pay is paid for any hours worked in excess of 40 hours in a workweek. Holidays, vacation days, and sick leave days do not count as time worked for computing overtime.

Reporting Time Pay

Orange County IDA provides reporting time pay (also referred to as call-in pay) to nonexempt employees in accordance with applicable law. If you report to work at the request or permission of the Organization and you are not needed to work, you will be paid the basic minimum hourly wage for the lesser of:

- Four hours.
- The number of hours in your regular shift.

If the amount of your total wages for the workweek exceeds the minimum wage and the overtime rate for the number of hours worked and the minimum wage rate for any reporting time pay owed, no additional payment for reporting pay is required during that workweek.

Speak with your Manager for more information regarding reporting time pay.

Meal Periods

Commented [MJS20]: Required Policy

Orange County IDA strives to provide a safe and healthy work environment and complies with all federal and state regulations regarding meal periods.

Applicable law provides that the Organization may limit meal periods to a minimum of 30 minutes as long as there is no indication of hardship to the employees.

You will not be required to work during your meal period unless otherwise permitted under applicable law.

Check with your Manager regarding procedures and schedules for meal periods.

The Organization requests that employees accurately observe and record meal periods. If you know in advance that you may not be able to take your scheduled meal period or are not fully relieved of all duties, let your Manager know; in addition, notify your Manager as soon as possible if you were unable to take or were prohibited from taking a meal period.

Accommodations for Nursing Mothers

Commented [MJS21]: Required Policy

Orange County IDA provides accommodations for nursing mothers to express milk in the workplace in accordance with federal and New York law.

Reasonable Break Time to Express Milk

The Organization will provide nursing mothers reasonable break time to express milk for their infant child each time the mother has the need to express milk for up to three years following the child's birth.

The break time must, if possible, run concurrently with any break time already provided. If you are nonexempt, clock in and out, any time taken that does not run concurrently with normally scheduled rest periods. Break time may be unpaid where permissible by applicable law.

You are encouraged to discuss the length and frequency of these breaks with your Manager.

Lactation Location

The Organization will provide nursing mothers with a private room or other location, other than a restroom, to express milk. The room or location will be well lit, in close proximity to the work area, and be shielded from view and free from intrusion from coworkers and the public. The room or location will have a chair, a working surface, nearby access to clean running water, and an electrical outlet.

If the sole purpose or function of the room or location is not dedicated for use by employees to express breast milk, employees who need the room for expressing milk will be given priority use of the room, and their pumping needs will determine the availability of the room for other purposes. The Organization will notify employees as soon as practical when the room or location has been designated for use by employees to express breast milk.

When compliance with the room/location requirements would impose an undue hardship on the Organization, the Organization will make reasonable efforts to provide a room or other location, other than a restroom or toilet stall, that is in close proximity to the work area where employees can express breast milk in privacy. You may submit a lactation location request through your supervisor. The Organization will respond to your request within five business days.

Milk Storage

Expressed milk can be stored in company refrigerators. Sufficiently mark or label your milk to avoid confusion for other employees who may share the refrigerator. You may also bring a personal cooler for storage.

Retaliation

The Organization will not discriminate or retaliate against Organization who express breast milk in the workplace in accordance with this policy.

General Policies

Access to Personnel and Medical Records Files

Orange County IDA maintains separate medical records files and personnel files for all employees. Files containing medical records are stored separate and apart from any business-related records in a safe, locked, inaccessible location. The medical file is the repository for sensitive and confidential information related to an individual's health, health benefits, health-related leave and/or accommodations, and benefits selections and coverage. Medical records are kept confidential in compliance with applicable laws and access is on a "need-to-know" basis only.

Supervisors and others in management may have access to your personnel file for possible employment-related decisions. If you wish to review your personnel or medical records file, you must give the Organization reasonable notice. Inspection must occur in the presence of an Organization representative.

All requests by an outside party for information contained in your personnel file will be directed to Ethan Allen HR Services, which is the only department authorized to give out such information.

Availability of Required Postings

Digital versions of all postings required to be displayed by New York State employers are available in your employee portal at: <http://sli.prismhr.com/sli/auth/#/login?lang=en&clientid=232>.

Benefits

Sick Leave

Commented [MJSM22]: Required Policy

This Policy is a part of the PTO policy in section 7 of this handbook. The hours outlined below are not in addition to PTO hours.

Orange County IDA provides unpaid sick leave to eligible employees in accordance with New York law.

Eligibility

All employees are eligible for sick leave.

Reasons for Leave

Sick leave may be used for the following purposes:

- For your own or a family member's mental or physical illness, injury, or health condition regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that you request leave;
- For the diagnosis, care, or treatment of your own or a family member's mental or physical illness, injury, or health condition or need for medical diagnosis or preventive care; or
- For your absence from work when you or your family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking and you need to:
 - Obtain services from a domestic violence shelter, rape crisis center, or other services program;

- Participate in safety planning, temporarily or permanently relocate, or take other actions to increase your safety or the safety of your family members;
- Meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- File a complaint or domestic incident report with law enforcement;
- Meet with a district attorney's office;
- Enroll children in a new school; or
- Take any other actions necessary to ensure your or a family member's health or safety or to protect those who associate or work with you.

If you are responsible for the domestic violence, family offense, sexual offense, stalking, or human trafficking, you are not eligible for leave under this policy.

Family member means:

- Your child, spouse, domestic partner, parent, sibling, grandchild, or grandparent; or
- The child or parent of your spouse or domestic partner.

Parent means:

- Your biological, foster, step- or adoptive parent; or
- A person who acted as your legal guardian or a person who stood in loco parentis when you were a minor child.

Child means:

- Your biological, adopted, or foster child;
- A legal ward; or
- A child for which you stand in loco parentis.

Amount of Leave and Usage

The minimum increment of leave that you may take at one time is four hours. Unused sick leave will carry over to the following leave year. The maximum amount of sick leave you may use in a leave year is 40 hours.

Notice

If the need for leave is foreseeable, you must provide reasonable notice of your need for leave. If unforeseeable, provide notice as soon as practical. If known, notice should include the expected length of the absence.

Confidentiality

Details surrounding your request for leave will be kept confidential, except as required by federal or state law or as necessary to protect your safety in the workplace. You will not be required to disclose the nature of any medical condition or of any domestic violence/sexual offense matter necessitating the need for leave.

Recordkeeping

You may request (verbally or in writing) a summary of the amounts of sick leave you have accrued and used in the current calendar year and/or any previous calendar year. This information will be provided within three business days.

Retaliation

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

Disability Benefits

Commented [MJSM23]: Required Policy

If you are unable to work for more than seven consecutive days due to a non-work-related illness or injury, or pregnancy-related disability, you may be eligible for disability benefits. Disability benefits provide up to 26 weeks of partial wage replacement benefits during any 52-consecutive-week period. Benefits are payable beginning on the eighth consecutive day of disability.

If you have been disabled for more than seven days, the Organization will provide you with a Form DB-271S, *Statement of Rights*, within five days of learning that you are disabled. The *Statement of Rights* provides information on how to file a claim for benefits. You must file a claim within the first 30 days of your disability or all or part of your claim may be rejected. You must be under the care of a physician, chiropractor, podiatrist, psychologist, dentist, or certified nurse midwife to qualify for disability benefits.

Disability benefits are a wage replacement benefit, not a protected leave benefit. If you are temporarily disabled, you may be eligible for job-protected leave under the federal Family and Medical Leave Act or other state or local law.

To learn more about the New York Disability Benefits law, including eligibility requirements and benefits, or to obtain a claim form (Form DB-450), contact the New York State Workers' Compensation Board (www.wcb.ny.gov).

Paid Family Leave

Commented [MJSM24]: Required Policy

New York's Paid Family Leave (PFL) program provides eligible employees with job-protected, paid time off to:

- Bond with a newly born, adopted, or foster child.
- Care for a family member with a serious health condition.
- Assist in situations when a spouse, domestic partner, child, or parent is deployed abroad on active military service.

Eligibility

Eligible employees may take PFL leave as follows:

- If you work **full time** (a regular schedule of 20 or more hours per week), you are eligible after 26 consecutive weeks of employment.
- If you work **part time** (a regular schedule of less than 20 hours per week), you are eligible after working 175 days, which do not need to be consecutive.

Amount of Benefit

You will be provided up to 12 weeks of leave at 67 percent of your weekly pay (capped at 67 percent of statewide average pay).

You may use accrued paid leave in order to receive full pay while on PFL.

Funding

PFL 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 the New York State Department of Financial Services.

If you are not eligible for PFL, you will be provided a waiver to sign, and PFL contributions will not be deducted from your wages.

Qualifying Events

If you are eligible, you may use PFL for the following reasons:

- **New child:** You may take PFL during the first 12 months following the birth, adoption, or fostering of a child. Expectant mothers cannot take PFL for their own pregnancy. PFL for the birth of a child begins after the child's birth and is not available for prenatal conditions.
- **Serious health condition:** You may take PFL to care for a family member with a serious health condition. The relative may live outside of New York State and even outside the country. You cannot take PFL for your own health condition.
- **Military active service deployment:** You may take PFL 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 PFL for your own qualifying military event.

As used in this policy:

- **Family member** includes a spouse, domestic partner, child and stepchild, parent and stepparent, parent-in-law, grandparent, grandchild, and sibling (biological, adopted, half, and step).
- **Serious health condition** is an illness, injury, impairment, or physical or mental condition, including transplant preparation and recovery from surgery related to organ or tissue donation, that involves inpatient care in a hospital, hospice, or residential medical facility; or continuing medical treatment or continuing supervision by a health care provider.

Health Insurance

Your health insurance will continue while you are on leave; however, if you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on leave.

Interaction with Other Laws

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

You may not receive short-term disability and PFL benefits at the same time. You may not take more than 26 combined weeks of short-term disability and PFL in a 52-week period.

If you are unable to work and qualify for workers' compensation benefits, you may not use PFL benefits at the same time as you are receiving workers' compensation benefits. If you are receiving reduced earnings, you may be eligible for PFL.

Notice and Required Documentation

Notify Ethan Allen HR Services if you intend to use PFL. If leave is foreseeable, you must give 30 days' advance notice so the Organization can plan for your absence. If the event was not foreseeable, notify Ethan Allen HR Services as soon as possible. If you fail to give notice without unusual circumstances justifying the failure, PFL may be delayed or partially denied.

You must provide documentation in support of your PFL request within 30 days after the leave begins. The Organization may require additional proof during your leave, but not more often than once a week. Proof must include a statement of disability from the leave recipient's health care provider.

Returning to Work

On return from PFL, you will be reinstated to your original position, or if no longer available, an equivalent position with equivalent terms and conditions of employment, including pay and employment benefits.

Use of PFL will not result in the loss of any employment benefit that accrued before the start of your family leave that was not used during your family leave.

Retaliation

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

Additional Information

If you have additional questions regarding PFL, contact Ethan Allen HR Services or visit <https://paidfamilyleave.ny.gov/>.

Voting Leave

Commented [MJSM25]: Required Policy

Orange County IDA encourages all employees to fulfill their civic responsibility and to vote in public elections. Most work schedules provide sufficient time to vote either before or after working hours. If the polls are open for at least four consecutive hours before or after the work shift, you will be deemed to have sufficient time outside of work hours to vote.

If you do not have sufficient time before or after work to vote, you may take enough time off at the beginning or end of your work shift to vote. Up to two hours' time off for this purpose will be provided without loss of pay.

You must request time off to vote from your Manager at least two working days prior to Election Day so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to normal business operations.

The Organization will not retaliate or tolerate retaliation against employees who request or take leave under this policy. If you believe that you are being retaliated against because you requested or took leave under this policy, immediately report it to your Manager or Ethan Allen HR Services.

Jury Duty Leave

Commented [MJSM26]: Required Policy

Orange County IDA realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected, however, to provide proper notice of a request to perform jury duty and verification of their service, including fees received for jury duty service.

Employees also are expected to keep management informed of the expected length of jury duty service and to report to work for the major portion of the day if excused by the court. If the required absence presents a serious conflict for management, employees may be asked to try to postpone jury duty.

Orange County IDA will not compensate non-exempt employees for time off while on jury duty leave. Exempt employees will be paid their full salary less jury duty fees for any week in which they performed work for Orange County IDA and missed work due to jury service.

Crime Victim and Witness Leave

Commented [MJSM27]: Required Policy

Orange County IDA will provide eligible employees with time off from work, without pay, for any of the following reasons:

- To comply with a subpoena to testify in a criminal proceeding (including time off to consult with the district attorney);
- To give a victim impact statement at a pre-sentencing proceeding;
- To give a statement at a sentencing proceeding; or
- To give a statement at a parole board hearing.

You are eligible for time off under this policy if you are:

- The victim of the crime at issue in the proceedings;
- The victim's next of kin;
- The victim's representative if the victim is deceased as a result of the offense;
- A "Good Samaritan"; or
- Pursuing an application or the enforcement of an order of protection as provided under relevant law.

For purpose of this policy:

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

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

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

Accommodations for Victims of Domestic Violence

Commented [MJSM28]: Required Policy

Orange County IDA will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time, unless such accommodation would cause an undue hardship on the Organization.

Accommodations include reasonable time off to:

- Seek medical attention for injuries caused by domestic violence, including for a child who is the victim of domestic violence;
- Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence;
- Obtain psychological counseling related to an incident or incidents of domestic violence, including for a child who is the victim of domestic violence;
- Participate in safety planning or other action taken to increase safety from future incidents of domestic violence (e.g., temporary, or permanent relocation); or
- Obtain legal services, assist in the prosecution of an offense, or appear in court related to an incident of domestic violence.

A **victim of domestic violence** is any person who is older than 16, married, or is a parent accompanied by a minor child in a situation where the individual or minor child is the victim of an act committed by a family or household member in violation of New York penal law. The act must have resulted in actual physical or emotional injury or created a substantial risk of physical or emotional harm to the person or their child.

Notice

You must provide reasonable advance notice of your intention to take time off for the above reasons unless advanced notice is not feasible. If an unscheduled absence occurs, you must provide the following documentation within a reasonable amount of time after your absence:

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

Confidentiality

The Organization will maintain the confidentiality of any information regarding your status as a victim of domestic violence, except as required by federal or state law or as necessary to protect your safety in the workplace.

Compensation

The time off may be charged against any paid time off to which you are entitled. If you have no available paid time off, the time off may be treated as unpaid time.

Retaliation

The Organization will not retaliate against a victim of domestic violence for requesting or obtaining reasonable accommodation in accordance with this policy.

COVID-19 Sick Leave

Commented [MJSM29]: Required Policy

If you are, or your minor dependent child is, subject to an individual order of mandatory or precautionary quarantine or isolation issued by New York State, the New York State Department of Health, a local board of health, or any other government entity authorized to issue such order due to COVID-19 (Individual Quarantine Order), you may be eligible for paid and/or unpaid leave in addition to paid family leave benefits (PFLB) and disability benefits (DB).

Program Specifics

For the duration of the Individual Quarantine Order, the Organization is required to provide you with **unpaid sick leave** and you may be eligible for compensation by applying for PFLB and DB.

Leave will be provided without the loss of any accrued sick leave.

Eligibility

You are not eligible for leave if you are deemed asymptomatic or have not yet been diagnosed with a medical condition and are physically able to work remotely or through other means while under an Individual Quarantine Order.

If you have returned to the United States after non-business-related travel to a country from which the Centers for Disease Control and Prevention (CDC) has issued a level two or three travel health notice, you are not eligible for these benefits if you were provided notice of the travel advisory, were warned that you would not be eligible for such benefits if you elected to travel to such countries, and chose to travel anyway. All employees in this category are entitled to use any accrued leave provided by the Organization. If you do not have any accrued leave, you may use unpaid leave for the duration of the quarantine or isolation.

Restoration

Upon return from leave, you will be restored to the same position you held prior to the leave with the same pay and other terms and conditions of your employment.

How to Apply for Benefits

Information on how to apply for DB and/or PFLB when you are under an Individual Quarantine Order is available at <https://paidfamilyleave.ny.gov/if-you-are-quarantined-yourself#how-to-apply>.

Business Closure

If the Organization temporarily closes or goes out of business due to COVID-19, you may not be eligible for the above-mentioned benefits and should immediately apply for unemployment insurance. The unemployment insurance benefits one-week waiting period has been waived. Information on how to file a claim can be obtained at <https://labor.ny.gov/unemploymentassistance.shtm>.

Discrimination and Retaliation

The Organization will not discriminate or retaliate against employees who take leave in accordance with this policy.

Safety and Loss Prevention

Airborne Infectious Disease Exposure Prevention Plan

Please contact Ethan Allen HR Services for a copy of the Airborne Infectious Disease Exposure Prevention Plan.

Commented [MJS30]: Required Policy

Closing Statement

This handbook is intended to give employees a broad summary of things they should know about Orange County IDA. The information in this handbook is general in nature and, should questions arise, any member of management should be consulted for complete details. While we intend to continue the policies, rules and benefits described in this handbook, Orange County IDA, in its sole discretion, may always amend, add to, delete from or modify the provisions of this handbook and/or change its interpretation of any provision set forth in this handbook. Employees should not hesitate to speak to management if they have any questions about Orange County IDA or its personnel policies and practices.

APPENDIX

Complaint Form for Reporting Sexual Harassment



Combating Sexual Harassment

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment or gender discrimination, you are encouraged, but not required, to complete this form and submit it to the appropriate person or department indicated in the New York Sexual Harassment Prevention policy in this handbook. No employee will be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy, and follow its sexual harassment prevention policy by investigating the claims.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

COMPLAINT INFORMATION

1. Your complaint of sexual harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: Supervisor Supervisee Co-Worker Other (please specify)

2. Please describe what happened and include as many details as possible. You may use additional sheets of paper if necessary. If you have any relevant documents, please include them. .

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. If possible, please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously provided information (verbal or written) about related incidents? If yes, when and to whom did you provide information?

This is not required, but if you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____

Date: _____

Proposed Staff Title Changes

Kelly Reilly

Current Title: Project Manager

Proposed Title: **Director of Administration**

Marty Borrás

Current Title: Administrative Assistant

Proposed Title: **Finance & Compliance
Manager**

EXHIBIT "C"
LABOR POLICY
ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
Adopted 01-18-23

The Orange County Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Orange County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Orange County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs, though limited in time duration, are vital to the overall employment opportunities and economic growth in Orange County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices (hereinafter "construction workers"), including those who have returned from military service, during the construction phase of projects. In this way, the IDA can generate significant benefits to advance the County's general prosperity. It is, therefore, the policy of the IDA that firms benefiting from its programs shall employ workers from Orange County and the "local labor" market during all project phases, including the construction phase.

For the purpose of this policy, the "local labor" market for construction workers shall be defined as those individuals living in Orange, Ulster, Sullivan, Dutchess, Putnam, Rockland, Westchester, and Delaware Counties. Applicants receiving IDA benefits shall ensure the contractor/developer hire at least 85% from the "local labor" market for their approved projects. **The 85% shall be by contractor and in total at the time of completion of the project.** The contractor/developer is mandated to keep daily log sheets of all field workers, commencing on the date of application. Any work performed after application shall be included in the determination of overall compliance with the 85% hiring requirements of this policy. A third-party auditing firm will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

However, the IDA recognizes that the use of local labor may not be possible for the following reasons and the applicant may request an exemption on a particular contract or trade scope for the following reasons:

1. Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers;
2. Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work;

3. Cost Differentials:
 - a. For projects whose project cost exceeds \$15M, significant cost differentials in bid prices whereby the use of local labor and materials significantly increases the sub contract or contract of a particular trade or work scope by at least 20%. Every reasonable effort should be made by the applicant and or the applicant's contractor to get below the 20% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the Hudson Valley Building and Construction Trades Council and other local Contractor Associations;
 - b. For projects whose project cost is less than \$15M, significant cost differentials in bid prices whereby the use of local labor and materials significantly increases the sub contract or contract of a particular trade or work scope by 10% or more. Every reasonable effort should be made by the applicant and or the applicant's contractor to get below the 10% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the Hudson Valley Building and Construction Trades Council and other local Contractor Associations;
4. No labor is available for the project; and
5. The contractor requires key or core persons such as supervisors, foreman or "construction workers" having special skills that are not available in the "local labor" market.

The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party monitor and received in advance of work commencing. The request will be reviewed by the 3rd party monitor and forwarded to the IDA, at which time the IDA's Audit Committee shall have the authority to approve or disapprove the exemption. The 3rd party monitor shall report each authorized exemption to the Board of Directors at its monthly meeting.

In addition, applicants receiving IDA benefits and Contractors on the project shall make every reasonable effort to utilize vendors, material suppliers, subcontractors and professional services from Orange County and the surrounding counties. Applicants and contractors shall be required to keep records of those local vendors, material suppliers, contractors and professional services whom they have solicited and with whom they have contracted with or awarded. This shall be stored in a binder on site and shall be easily available for review by an authorized representative of the IDA, such as the IDA's 3rd party monitor. It shall include any documents for solicitation and contracts. It is the goal of the County of Orange and the IDA to promote the use of local veterans on projects receiving IDA benefits. By partnering with local contractors, local contractor groups, local trade unions and contractors awarded work on IDA projects, there are opportunities for veterans to gain both short term and long term careers in the construction industry.

Once approved for IDA benefits, all applicants will be required to provide to IDA staff the following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project;
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions;
3. The names, contact information, certificate of authorization to do business in the State of New York and copies of current Certificates of NYS Workers' Compensation Insurance, NYS Disability Insurance, General Liability Insurance and proof of current OSHA training certification from all contractors' employees performing work on the site; and
4. A Construction Completion Report listing the names and business locations of prime contractors, subcontractors and vendors who have been engaged in the construction phase of the project.

All Orange County IDA projects are subject to local monitoring by the IDA and any 3rd party monitor. The applicant and/or the Construction Manager or General Contractor acting as agent for the applicant on the project, shall keep a log book on site detailing the number of workers, hours worked and counties and states in which they reside. Proof of residency or copy of drivers' license shall be included in the log book, along with evidence of necessary OSHA certifications. Reports will be on forms provided by the IDA or weekly payroll reports which contain the same information as required on the IDA issued form. The applicant and contractors are subject to periodic inspection or monitoring by the IDA or 3rd party monitor.

The 3rd party monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the Audit Committee and/or IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, IDA staff shall notify the applicant and contractor in writing of non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or its 3rd party monitor shall notify the applicant that the project is in violation of the Orange County IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.

The IDA will use a third party firm or firms to monitor and audit compliance with this local labor policy, the cost of which shall be paid for by the Company in advance of the audits and held in a non-interest bearing escrow account until audits are complete.

The applicant of an IDA approved project shall be required to maintain a 4' X 8' bulletin board on the project site containing the following information:

1. Contact information of the applicant;
2. Summary of the IDA benefits received;
3. Contractors names and contact information on IDA provided form;
4. Copies of proof of exemption from labor policy;
5. Copies of any warnings or violations of policy;
6. Copy of the Executed Labor Policy.

The bulletin board shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible at least 10 feet from said board.

The applicant has read the OCIDA Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same. The Applicant understands and agrees that it is responsible for all third-party auditing and monitoring costs.

Applicant Signature

Signature of CM, GC or SC

Company Name

Company Name

Print Name of above signer

Print Name of above signer

Email/phone of Applicant

Email/phone of CM/GC/SC

Date

Date

We are proposing to replace the section of the Labor Policy highlighted above with the following language:

“The 85% shall be borne by each primary contractor, including their subcontractors, and in total at the time of completion of the project”