



# Dutchess County Workforce Development Board

3 Neptune Road Poughkeepsie, NY 12601 Telephone (845) 463-0517 Fax (845) 463-0100 www.dcwib.org

“Driving economic growth through Workforce Partnerships”

Executive Committee

January 7, 2026

Attendees: Sheila Appel, Linda Hannigan, Theresa Giovanniello, Mary Jane Bertram, Michael McCormack

Staff: Louise McLoughlin

1. Welcome, Call to Order, establish quorum Sheila Appel  
Ms Appel called the meeting to order and welcomed everyone. She thanked the staff for the work they do on behalf of the Board and the people of Dutchess County.

Ms Appel Asked for a motion to accept the September 11, 2025 EC minutes. The results are in the chart below.

2. Motion(s)
  - Motion to accept September 11, 2025, Executive Committee meeting minutes

Motion: Michael McCormack	
2 <sup>nd</sup> : Mary Jane Bertram	
YES:	5
NO:	0
Abstained from voting:	
PASSED:	DocuSigned by: YES
CERTIFIED:	Mary Jane Bertram 1/7/2026

Ms. Appel asked Dr. McLoughlin for an explanation of the following policy. Dr. McLoughlin explained that a 2011 TA requires the DCWIB to seek both Board and NYSDOL approval before issuing staff bonuses. This came up in our recent FOTA audit. After consultation with NYSDOL, it was determined that this will be allowable if the DCWIB votes on a retroactive policy and sends NYSDOL a retroactive request. This request has been drafted and reviewed by NYSDOL. Doing this plus approving the employee bonuses that were issued in July of 2025 will resolve the finding.

- Motion to accept Retroactive Bonus Policy

Motion Theresa Giovanniello	
2 <sup>nd</sup> : Linda Hannigan	
YES:	5
NO:	0
Abstained from voting:	
PASSED:	DocuSigned by: YES
CERTIFIED:	Mary Jane Bertram 1/7/2026

Dr. McLoughlin said that we have to go into Executive Session to hear about the individuals who received the bonuses and for the EC to ask questions before we vote on approving the bonuses.

- Motion to GO INTO EXECUTIVE SESSION

Motion Michael McCormack	
2 <sup>nd</sup> : Mary Jane Bertram	
YES:	5
NO:	0
Abstained from voting:	
PASSED:	DocuSigned by: YES
CERTIFIED:	Mary Jane Bertram 1/7/2026

- Motion to RETURN FROM EXECUTIVE SESSION

Motion Sheila Appel	
2 <sup>nd</sup> : Michael McCormack	
YES:	5
NO:	0
Abstained from voting:	
PASSED:	DocuSigned by: YES
CERTIFIED:	Mary Jane Bertram 1/7/2026
2B6F76E1CCC841E...	

- Motion to Retroactively Accept Bonuses from July 11, 2025 payroll

Motion Mary Jane Bertram	
2 <sup>nd</sup> : Linda Hannigan	
YES:	5
NO:	0
Abstained from voting:	
PASSED:	DocuSigned by: YES
CERTIFIED:	Mary Jane Bertram 1/7/2026
2B6F76E1CCC841E...	

Dr. McLoughlin recommended that the DCWIB accept an ongoing bonus policy.

- Motion to accept ongoing Bonus Policy

Motion Theresa Giovannello	
2 <sup>nd</sup> : Mary Jane Bertram	
YES:	5
NO:	0
Abstained from voting:	
PASSED:	DocuSigned by: YES
CERTIFIED:	Mary Jane Bertram 1/7/2026
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Dr. McLoughlin explained that our Closeout Policy needs to be revised in order to resolve a potential NYSDOL FOTA finding (we are not sure as the letter has not been issued) but it is our understanding that this will resolve the finding.

- Motion to accept Closeout Policy

Motion Sheila Appel	
2 <sup>nd</sup> : Michael McCormack	
YES:	5
NO:	0
Abstained from voting:	
PASSED:	DocuSigned by: YES
CERTIFIED:	Mary Jane Bertram 1/7/2026
2B6F76E1CCC841E...	

Dr. McLoughlin explained that in an abundance of caution she is requesting that our Employee Handbook be approved. There might be a further modification but the changes made for the 2026 version of the handbook will help us potentially resolve a FOTA finding.

- Motion to accept Employee Handbook

Motion Theresa Giovannello	
2 <sup>nd</sup> : Linda Hannigan	
YES:	5
NO:	0
Abstained from voting:	
PASSED:	DocuSigned by: YES
CERTIFIED:	Mary Jane Bertram 1/7/2026
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Ms. Appel Asked for the ED Report

Dr. McLoughlin explained that she is seeking approval for two procedures. While these are not policies and do not require a board vote they are related to finances so she would like the EC to review and approve. Sheila Appel reminded Dr McLoughlin that data security is as important as inventory control.

### 3. Executive Directors Report

- Seeking approval for Closeout Policy Procedure

Approval Mary Jane Bertram	
2 <sup>nd</sup> : Linda Hannigan	
YES:	5
NO:	0
Abstained from voting:	
PASSED:	YES
CERTIFIED:	1/7/2026

DocuSigned by:

Mary Jane Bertram

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- Seeking approval to accept the Inventory Control Procedure

Approval Linda Hannigan	
2 <sup>nd</sup> : Michael McCormack	
YES:	5
NO:	0
Abstained from voting:	
PASSED:	YES
CERTIFIED:	1/7/2026

DocuSigned by:

Mary Jane Bertram

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Dr. McLoughlin said this concludes her report.

Ms. Appel thanked Dr. McLoughlin for her report and asked if there was any new business, hearing none, she asked for a motion to adjourn:

Motion Mary Jane Bertram	
2 <sup>nd</sup> : Micheal McCormack	
YES:	5
NO:	0
Abstained from voting:	
PASSED:	YES
CERTIFIED:	1/7/2026

DocuSigned by:

Mary Jane Bertram

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## Dutchess County Workforce Development Board

3 Neptune Road Poughkeepsie, NY 12601 Telephone (845) 463-0517 Fax (845) 463-0100 www.dcwib.org

“Driving economic growth through Workforce Partnerships”

### Staff Bonus Policy Retroactive to 7-1-2024 - DRAFT

**Background:** July 7, 2011, Technical Advisory #11-8 was issued as a reminder and update regarding the salary and bonus limitations in Public Law 109-234. Employee bonuses are an allowable cost if they meet the criteria outlined in the Technical Advisory which includes having a written bonus policy that is submitted to NYSDOL for review, application of the policy consistently and having a NYSDOL approved bonus plan. Federal compensation policy permits the use of performance-based awards to recognize contributions that advance organizational goals, provided such awards comply with statutory and regulatory limits. Rating-based performance awards are generally capped at 10% of an employee’s annual basic pay, and all compensation remains subject to the aggregate pay limitation. This structure operates within these limits while strengthening performance management and accountability.

**Purpose:** The purpose of this policy is to outline the bonus pay benefit of DCWIB for staff in supervisory/management positions.

**Policy:** WIOA funded employees may be eligible for bonus pay which will be approved by the DCWIB Board prior to issuance. The DCWIB will submit an employee bonus plan to NYSDOL and await approval of the plan prior to issuing employee bonuses per TA # 11-8.

**Eligibility:** This policy applies to all WIOA funded exempt and nonexempt, full-time and part-time employees in management roles.

#### Implementation and Oversight

Implementation of this bonus structure includes advance identification of eligible tasks, written documentation of expected outcomes, and post-completion verification by management. Each bonus is approved only after confirmation that the assigned additional duties are successfully completed and that total compensation remains within applicable aggregate pay limits. Records supporting eligibility, performance outcomes, and approvals are maintained in accordance with agency policy and are available for audit or review as required. The bonus structure is performance-based and provides for up to two bonuses of 3% each per calendar year (totaling 6% annually) for eligible employees. Based on available funding and the approved operating budget, typically one bonus is offered per program year; however, when funding levels and organizational needs warrant, two bonus periods may be offered. Eligible tasks and performance expectations are documented in advance. Management verifies completion and outcomes prior to approval of each bonus payment. Compensation is reviewed to ensure compliance with aggregate pay limitations, and supporting documentation is retained for audit and oversight purposes.



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### MEMORANDUM TO NYSDOL

Date: December 30, 2025  
Period: PY24-PY25  
Subject: Retroactive Request for Employee Bonuses  
TA: Technical Advisory #11-8

Dated July 7, 2011

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#### Implementation and Oversight

Implementation of this bonus structure includes advance identification of eligible tasks, written documentation of expected outcomes, and post-completion verification by management. Each bonus is approved only after confirmation that the assigned additional duties are successfully completed and that total compensation remains within applicable aggregate pay limits. Records supporting eligibility, performance outcomes, and approvals are maintained in accordance with agency policy and are available for audit or review as required.

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#### Purpose

This memorandum requests approval of a performance-based bonus structure that provides for up to two bonuses of 3% each per calendar year (totaling 6% annually) for eligible employees.

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#### Background

Federal compensation policy permits the use of performance-based awards to recognize contributions that advance organizational goals, provided such awards comply with statutory and regulatory limits. Rating-based performance awards are generally capped at **10% of an employee's annual basic pay**, and all compensation remains subject to the

**aggregate pay limitation.** This structure operates within these limits while strengthening performance management and accountability.

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## **Justification**

### **1. Compliance with Pay and Award Limits**

- The proposed bonus structure totals up to **6% annually**, which remains below the standard 10% threshold for rating-based awards.
- Each individual bonus amount falls below thresholds under OMB regulations.
- Bonus payments are administered in accordance with applicable compensation policies to ensure appropriate and authorized total compensation.

### **2. Alignment with Performance Management Principles**

Providing two bonuses during the year allows management to recognize sustained high performance and align incentives with organizational milestones. This approach reinforces accountability and avoids end-of-year, entitlement-based awards. Bonuses are based on the needs of the organization, staff performance and availability of funding within the approved budget. The bonus structure is used to incentivize performance and accelerate achievement of the organization's strategic objectives.

### **3. Linkage to Additional Duties and Organizational Impact**

Each 3% bonus is tied to the successful completion of **specific additional tasks** beyond an employee's routine duties. These tasks are defined in advance, time-bound, and directly aligned with priorities that move the organization forward, such as project leadership, process improvements, or delivery of critical initiatives. Bonus payments are contingent upon documented achievement of measurable outcomes.

### **4. Fiscal Responsibility**

This structure provides meaningful recognition while maintaining budgetary discipline. By remaining below statutory limits and distributing awards strategically, the organization preserves flexibility and minimizes risk related to compensation caps.

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## Staff Eligibility

All staff may be eligible for bonuses when appropriate. Currently, staff in management roles are considered for bonuses as their duties align with the strategic management of the organization.

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## Implementation and Oversight

Eligible tasks and performance expectations are documented in advance. Management verifies completion and outcomes prior to approval of each bonus payment. Compensation is reviewed to ensure compliance with aggregate pay limitations, and supporting documentation is retained for audit and oversight purposes.

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## Request

Approval is requested to authorize the payment of **two 3% performance-based bonuses per year**, subject to the conditions and controls described above. This approach is compliant, performance-driven, and aligned with effective workforce management practices.

Andrew M. Cuomo, Governor

Colleen C. Gardner, Commissioner



## NEW YORK STATE WORKFORCE DEVELOPMENT SYSTEM TECHNICAL ADVISORY

### Workforce Development System Technical Advisory #11- 8

**TO:** Workforce Development Community

**DATE:** July 7, 2011

**SUBJECT:** Reminder and Update Regarding the Salary and Bonus Limitations in Public Law 109-234

***Purpose:***

To remind Local Workforce Investment Areas (LWIAs) of the limitation on salary and bonus payments that can be made with funds appropriated to the Employment and Training Administration (ETA), which include Workforce Investment Act (WIA) and Wagner-Peyser funds, and to provide the LWIAs with New York State Department of Labor (NYSDOL) policy and guidance on implementing this provision. NYSDOL will be monitoring LWIAs for compliance with these requirements and LWIAs must monitor their sub-recipients for compliance with this provision.

This technical advisory (TA) rescinds and replaces TA#06-18, dated October 20, 2006.

***Action:***

All recipients of ETA-appropriated funds should be familiar and comply with the requirements of Public Law 109-234. LWIAs, Local Workforce Investment Boards (LWIBs), Grant Recipients and fiscal agents shall establish and implement necessary local policies to ensure adherence to salary and bonus limitation requirements within the local area and its sub-recipients (sub-grantees and contractors). For the LWIAs, this would include all performance-based contracts with their sub-recipients (e.g., One-Stop Operator, Youth Providers). Discretionary grantees should similarly familiarize themselves and their sub-recipients with this guidance.

To accomplish this, all LWIAs and Discretionary grantees should impose the following grant modification language in all of their ETA funding agreements:

Salary and Bonus Limitations: In compliance with Public Law 109-234, none of the funds appropriated in Public Law 109-149 or prior Acts under the heading 'Employment and Training' that are available for expenditure on or after June 15, 2006, shall be used by a recipient or sub-recipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II, except as provided for under §101 of Public Law 109-149. This limitation shall not apply to vendors providing goods and services

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as defined in OMB Circular A-133. Where LWIAs and Discretionary grantees are recipients of such funds, LWIAs and Discretionary grantees may establish a lower limit for the salaries and bonuses of those receiving salaries and bonuses from sub-recipients of such funds, taking into account factors including the relative cost-of-living in the state, the compensation levels for comparable state or local government employees, and the size of the organizations that administer federal programs involved including Employment and Training Administration programs.

Any proposed LWIA bonus payments must be submitted to the NYSDOL for review and approval. The LWIAs are also responsible for assuring that their sub-recipients submit any proposed bonuses for review and approval by the local area. A bonus is defined as money or something of value given to an employee in addition to the employee's hourly wage or salary, in recognition of a notable or exceptional accomplishment. Fringe benefits are not considered bonuses. Although a payment may be titled an "incentive payment," "discretionary compensation," or some other name, any of these payments is considered a bonus for the purpose of this policy.

### ***Policy:***

Employee bonuses are an allowable cost if they meet the following criteria:

- The LWIA (affected agency) submits its written bonus policy to NYSDOL for approval.
- The LWIA's submission under this policy includes the following:
  - a detailed description of the agency's employee bonus system;
  - an explanation of what behaviors and/or outcomes will be rewarded by an employee bonus;
  - an explanation of how the proposed employee bonus system will impact the agency's performance during the affected period;
  - an identification of which types of personnel will be eligible for bonuses and the maximum amount of the bonus per type; and
  - if the LWIA is administered by a non-profit or for-profit organization, documentation that demonstrates the agency's employee compensation, including the proposed bonuses, are reasonable for the labor market (i.e., comparable to amounts paid for similar work in that labor market).
- The LWIA has a written policy on the provision of bonuses in effect at the time of payment of the bonuses.
- The LWIA's written policy on bonuses is consistently applied.
- NYSDOL approves the agency bonus plan.

### ***Background:***

On June 15, 2006, President Bush signed into law an emergency supplemental appropriations bill, Public Law 109-234. Section 7013 of this public law limits salary and bonus compensation for individuals who are paid by funds appropriated to the ETA and provided to recipients and sub-recipients. Specifically, §7013 states:

None of the funds appropriated in Public Law 109-149 or prior Acts under the heading "Employment and Training" that are available for expenditure on or after the date of enactment of this section shall be used by a recipient or sub-recipient

of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II, except as provided for under §101 of Public Law 109-149. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. Where states are recipients of such funds, states may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from sub-recipients of such funds, taking into account factors including the relative cost-of-living in the state, the compensation levels for comparable state or local government employees, and the size of the organizations that administer federal programs involved, including Employment and Training Administration programs.

The salary cap requirements are also referenced in USDOL Training and Employment Guidance Letter (TEGL) #26-10, issued on May 10, 2011, and have been the subject of findings in recent USDOL reviews of NYSDOL and LWIAs.

***Inquiries:***

Questions regarding this Technical Advisory should be directed to the LWIA's Financial Oversight and Technical Assistance (FOTA) Representative.

***Attachments:***

- A. Procedure and Guidance Regarding Salary and Bonus Limitations in Public Law 109-234
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### Staff Bonus Policy 1-1-2026

**Background:** July 7, 2011, Technical Advisory #11-8 was issued as a reminder and update regarding the salary and bonus limitations in Public Law 109-234. Employee bonuses are an allowable cost if they meet the criteria outlined in the Technical Advisory which includes having a written bonus policy that is submitted to NYSDOL for review, application of the policy consistently and having a NYSDOL approved bonus plan. Federal compensation policy permits the use of performance-based awards to recognize contributions that advance organizational goals, provided such awards comply with statutory and regulatory limits. Rating-based performance awards are generally capped at 10% of an employee’s annual basic pay, and all compensation remains subject to the aggregate pay limitation. This structure operates within these limits while strengthening performance management and accountability.

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### MEMORANDUM TO NYSDOL

Date: December 30 2025  
Period: On-going  
Subject: ~~Retroactive~~ Request for Employee Bonuses  
TA: Technical Advisory #11-8  
Dated July 7, 2011

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#### Implementation and Oversight

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### **4. Fiscal Responsibility**

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## Staff Eligibility

All staff may be eligible for bonuses when appropriate. Currently, staff in management roles are considered for bonuses as their duties align with the strategic management of the organization.

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## Implementation and Oversight

Eligible tasks and performance expectations are documented in advance. Management verifies completion and outcomes prior to approval of each bonus payment.

Compensation is reviewed to ensure compliance with aggregate pay limitations, and supporting documentation is retained for audit and oversight purposes. All bonuses will be reviewed by and approved by the DCWIB Board prior to issuance.

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## Request

Approval is requested to authorize the payment of **two 3% performance-based bonuses per year**, subject to the conditions and controls described above. This approach is compliant, performance-driven, and aligned with effective workforce management practices.



## **Dutchess County Workforce Development Board**

3 Neptune Road Poughkeepsie, NY 12601 Telephone (845) 463-0517 Fax (845) 463-0100 [www.dcwib.org](http://www.dcwib.org)

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### **DCWIB CLOSEOUT POLICY FOR WIOA FUNDED GRANTS- 1-1-2026**

#### **PURPOSE**

To establish policy regarding Program Year Closeouts

#### **POLICY**

The DCWIB must close out expiring federal funds associated with WIOA for Dutchess County, in compliance with appropriate federal law.

#### **ACTION**

All expenditures for grants being closed must be incurred by the end dates as shown in Final Fiscal Closeout of Expiring Federal Funds. Any revisions to expenditures must be reported within two months of the program end date..

The DCWIB will submit Closeout Packages for each WIOA funded grant by the deadlines specified by NYSDOL and will be submitted to NYSDOL via . [dews.aers-taa@labor.ny.gov](mailto:dews.aers-taa@labor.ny.gov), copies will be sent to our Financial Oversight and Technical Assistance (FOTA) representative.

Once NYSDOL process the final expenditures, the DCWIB will submit the appropriate paperwork to the Dutchess County Executive’s office to de-obligate funds when necessary based on a new NOA.

Prior to completing the closeout documents, the DCWIB will continue to draw down cash corresponding to cash disbursements as part of our regular weekly draw down procedure with the understanding that all cash for these grants must be drawn down within 60 days of the program end date. The DCWIB will accurately record and report the accruals, which occurred during the service period and will pay these out within two months of the end of the program.

In rare instances, it may be necessary to draw down cash before immediate need. If this does occur, the DCWIB will make certain that it does not create an excess cash situation. If a cash adjustment is necessary after 60 days, the DCWIB will contact our FOTA representative for instructions. Any cash that cannot be drawn within 60 days will be documented.

DCWIB will adhere to and cite the most current versions of relevant guidance as they are issued or updated including but not limited to the New York State Department of Labor Technical Advisory #17-04 and applicable sections of Uniform Guidance (2 CFR Part 200) pertaining to grant closeouts and accrual handling. The DCWIB will utilize all Closeout Documents as described in the most recent Technical Advisory.

## Department of Labor

W. Averell Harriman State Office Campus  
Building 12, Room 440, Albany, NY 12240  
[www.labor.ny.gov](http://www.labor.ny.gov)

### **New York State Workforce Development System Technical Advisory #17-4 May 16, 2017**

**To:** Workforce Development Community

**SUBJECT:** Final Fiscal Closeout of Expiring Federal Funds

#### **PURPOSE**

Inform Local Workforce Development Boards (LWDB) of their responsibilities related to the closeout of expiring federal funds.

This Workforce Development System Technical Advisory (WDS TA) rescinds and replaces WDS TA #16-7, Final Closeout of Expiring Federal Funds (07/27/2016).

#### **POLICY**

LWDBs, Grant Recipients, Local Governmental Grant Sub-recipients, and incorporated Fiscal Agents must close out expiring federal funds associated with their Local Workforce Development Area (LWDA) in compliance with appropriate federal law.

#### **ACTION**

##### **General Closeout Requirements**

In order to comply with the appropriate federal statute regarding fiscal control and fund accounting, the New York State Department of Labor (NYDSOL) has established closeout procedures.

- a. All expenditures for grants being closed must be incurred by the end dates as shown in Final Fiscal Closeout of Expiring Federal Funds. This form, as well as all others referenced in this WDS TA can be found on the NYSDOL website on the "Programs and Tools" page, under "Fiscal": [https://dol.ny.gov/workforce-professionals-tools?f%5B0%5D=filter\\_term%3A796](https://dol.ny.gov/workforce-professionals-tools?f%5B0%5D=filter_term%3A796)

- b. Any revisions to expenditures must be reported within two months of the program end date. For example, if a program ends on 06/30/17, expenditures must be reported as final by 08/31/17.
- c. All LWDBs or designees are required to submit Closeout Packages for each grant from which they have received funding. The Closeout Packages are due on specific dates in the month following the period when final expenditures are due, as shown on the Final Fiscal Closeout of Expiring Federal Funds chart.

- i. All Closeout Packages should be mailed to:

NYS Department of Labor  
Division of Employment & Workforce Solutions  
Office of Workforce Investments  
Gov. Harriman State Office Campus  
Building 12, Room 436  
Albany, NY 12240

or scanned and emailed as a PDF file to: [dews.aers-taa@labor.ny.gov](mailto:dews.aers-taa@labor.ny.gov)

- ii. A copy must also be sent to your Financial Oversight and Technical Assistance (FOTA) representative.

Additional information regarding Closeout Packages is provided in the **Closeout Documents** section of this WDS TA.

- d. Once the final expenditures are reviewed, any Notices of Obligational Authority (NOAs) needed to de-obligate unexpended funds will be processed. The Closeout Package and final expenditures may be submitted any time after the program end date, but no later than the deadline dates established in Final Fiscal Closeout of Expiring Federal Funds. All unexpended funds reported in the closeout(s) will be de-obligated.
      - e. Prior to completing the closeout documents, LWDBs or designees should be drawing down cash corresponding to cash disbursements as part of their regular weekly draw down procedure. All cash for these grants must be drawn down within 60 days of the program end date.
      - f. In rare instances, it may be necessary to draw down cash before immediate need. If this does occur, the LWDB or designee must make certain that it does not create an excess cash situation. If a cash adjustment is necessary after 60 days, please contact your FOTA representative for instructions. Any cash that cannot be drawn within 60 days must be documented as described in the **Closeout Documents** section of this WDS TA.

## Closeout Documents

- a. Both the GM176.7 -Transmittal Document and the GM176B - LWDA Assignment of Refunds, Rebates and Credits forms must be completed and included with the Closeout Package. Additional information on each form:
  - i. **GM176.7: Transmittal Document** - This document should be used to transmit your closeout package and will serve as a document checklist. All programs included in your closeout package should be checked off on the transmittal document and the certification must be completed.
  - ii. **GM176B: LWDA Assignment of Refunds, Rebates and Credits** - An authorized signatory for the LWDB or designee **must** sign this form.
- b. In addition, when an allocation awarded from a fiscal year has not been fully expended, outstanding liabilities exist, and/or the LWDB or designee has cash on hand or cash to be returned, the Fund Reconciliation Form is also required to be completed for each applicable grant and included in the Closeout Package.
  - i. **Fund Reconciliation Form** - It is highly recommended that all closeout obligations be liquidated within 60 days of the program end date. If this is not possible, a Fund Reconciliation Form must be submitted when the final obligation is liquidated, which can be no later than 120 days after the program end date.

## REFERENCES

Workforce Innovation & Opportunity Act §184(a)(1)(2)(3)

NYSDOL Website [Programs and Tools](#)

## INQUIRIES

Please direct all questions regarding this WDS TA to your FOTA Representative.



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### Grant Close-Out Procedure- Revised 1-7-2026

#### 1. Purpose

To establish a standardized process for closing out grants to ensure financial accuracy, regulatory compliance, timely reporting, and adherence to all grantor requirements, including proper expense verification and accrual reporting.

#### 2. Scope

This procedure applies to WIOA grants managed by the organization and outlines the required steps to be completed after the grant period has ended.

#### 3. Procedure

##### 3.1 Review and Verification of Expense Report

1. At the conclusion of the grant period, generate and print a complete expense report reflecting all charges applied to the grant.
2. Review the report to ensure all expenses are:
  - o Complete and accurate
  - o Properly allocated to the correct grant
  - o Incurred **within the approved grant period**
3. **Verify each expense with required source documentation**, including but not limited to:
  - o Vendor invoices displaying **service dates**
  - o Executed contracts or agreements defining allowable services and periods of performance
  - o Payroll records, time and effort documentation, and payroll registers (if applicable)
  - o Proof of payment or accounting system transaction detail
4. Confirm that all documentation clearly demonstrates that services or goods were **received during the grant period**.

#### ⚠ Compliance Note:

Expenses lacking adequate documentation or incurred outside the grant period may be deemed **unallowable**.



## Dutchess County Workforce Development Board

3 Neptune Road Poughkeepsie, NY 12601 Telephone (845) 463-0517 Fax (845) 463-0100 www.dcwib.org

“Driving economic growth through Workforce Partnerships”

### 3.2 Accrual Identification, Documentation, and Reporting

1. **Identify all accruals** related to the grant prior to close-out, including expenses for services or goods that were **incurred during the grant period but not yet paid.**
2. Accruals must be supported by documentation that verifies incurrence within the grant period, including:
  - Invoices with service dates falling within the grant period
  - Signed contracts or purchase orders specifying the period of performance
  - Timesheets or service logs confirming work performed prior to grant end date
3. All accruals must be:
  - Recorded in the accounting system in accordance with organizational accounting policies
  - Reviewed and approved by Finance prior to close-out submission
4. **Accrual reporting frequency and cutoff:**
  - Accruals shall be identified and reviewed on a **monthly basis**, during the grant period.
  - A final accrual cutoff will occur **as of the grant end date**, and no accruals will be recorded for services or goods incurred after that date.

#### **⚠ Compliance Note:**

Accruals that cannot be substantiated as incurred within the grant period will be excluded from final reporting.

### 3.3 Cross-Check Expenses Against the Notice of Award (NOA)

1. Compare all expense categories and accruals against the amounts and cost categories approved in the Notice of Award (NOA).
2. Verify that:
  - No expense category exceeds the awarded amount
  - All costs are allowable, allocable, reasonable, and necessary
  - All expenses and accruals fall within the approved grant period
3. **Transfers of expenditures or accruals between different grant programs (e.g., Youth to Dislocated Worker (DW)) are strictly prohibited.**
  - Costs must remain charged to the grant under which they were originally incurred.
4. Identify discrepancies and resolve them with Finance **prior to submission.**

#### **⚠ Compliance Note:**

Improper cost allocation or prohibited cost transfers may result in **expense disallowance, repayment, fund de-obligation, or corrective action.**



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### 3.4 Completion of Required Close-Out Documentation

1. Complete the NYSDOL Closeout Documents, ensuring that:
  - All financial data matches the reconciled expense report and accruals
  - All expenses and accruals are supported by required documentation
  - All required signatures and attachments are included
2. Prepare the final State Report associated with the grant close-out.

---

### 3.5 Submission and Record Retention

1. Submit the complete close-out package, including:
  - Completed NYSDOL Closeout Documents
  - Final State Report
2. Retain proof of submission and all supporting documentation (expense reports, invoices, contracts, accrual support) in the official grant file in accordance with record retention requirements.

#### **⚠ Compliance Note:**

Failure to meet close-out or cash drawdown deadlines may result in **loss of remaining funds.**

## Department of Labor

W. Averell Harriman State Office Campus  
Building 12, Room 440, Albany, NY 12240  
[www.labor.ny.gov](http://www.labor.ny.gov)

### **New York State Workforce Development System Technical Advisory #17-4 May 16, 2017**

**To:** Workforce Development Community

**SUBJECT:** Final Fiscal Closeout of Expiring Federal Funds

#### **PURPOSE**

Inform Local Workforce Development Boards (LWDB) of their responsibilities related to the closeout of expiring federal funds.

This Workforce Development System Technical Advisory (WDS TA) rescinds and replaces WDS TA #16-7, Final Closeout of Expiring Federal Funds (07/27/2016).

#### **POLICY**

LWDBs, Grant Recipients, Local Governmental Grant Sub-recipients, and incorporated Fiscal Agents must close out expiring federal funds associated with their Local Workforce Development Area (LWDA) in compliance with appropriate federal law.

#### **ACTION**

##### **General Closeout Requirements**

In order to comply with the appropriate federal statute regarding fiscal control and fund accounting, the New York State Department of Labor (NYDSOL) has established closeout procedures.

- a. All expenditures for grants being closed must be incurred by the end dates as shown in Final Fiscal Closeout of Expiring Federal Funds. This form, as well as all others referenced in this WDS TA can be found on the NYSDOL website on the "Programs and Tools" page, under "Fiscal": [https://dol.ny.gov/workforce-professionals-tools?f%5B0%5D=filter\\_term%3A796](https://dol.ny.gov/workforce-professionals-tools?f%5B0%5D=filter_term%3A796)

- b. Any revisions to expenditures must be reported within two months of the program end date. For example, if a program ends on 06/30/17, expenditures must be reported as final by 08/31/17.
- c. All LWDBs or designees are required to submit Closeout Packages for each grant from which they have received funding. The Closeout Packages are due on specific dates in the month following the period when final expenditures are due, as shown on the Final Fiscal Closeout of Expiring Federal Funds chart.

- i. All Closeout Packages should be mailed to:

NYS Department of Labor  
Division of Employment & Workforce Solutions  
Office of Workforce Investments  
Gov. Harriman State Office Campus  
Building 12, Room 436  
Albany, NY 12240

or scanned and emailed as a PDF file to: [dews.aers-taa@labor.ny.gov](mailto:dews.aers-taa@labor.ny.gov)

- ii. A copy must also be sent to your Financial Oversight and Technical Assistance (FOTA) representative.

Additional information regarding Closeout Packages is provided in the **Closeout Documents** section of this WDS TA.

- d. Once the final expenditures are reviewed, any Notices of Obligational Authority (NOAs) needed to de-obligate unexpended funds will be processed. The Closeout Package and final expenditures may be submitted any time after the program end date, but no later than the deadline dates established in Final Fiscal Closeout of Expiring Federal Funds. All unexpended funds reported in the closeout(s) will be de-obligated.
      - e. Prior to completing the closeout documents, LWDBs or designees should be drawing down cash corresponding to cash disbursements as part of their regular weekly draw down procedure. All cash for these grants must be drawn down within 60 days of the program end date.
      - f. In rare instances, it may be necessary to draw down cash before immediate need. If this does occur, the LWDB or designee must make certain that it does not create an excess cash situation. If a cash adjustment is necessary after 60 days, please contact your FOTA representative for instructions. Any cash that cannot be drawn within 60 days must be documented as described in the **Closeout Documents** section of this WDS TA.

## Closeout Documents

- a. Both the GM176.7 -Transmittal Document and the GM176B - LWDA Assignment of Refunds, Rebates and Credits forms must be completed and included with the Closeout Package. Additional information on each form:
  - i. **GM176.7: Transmittal Document** - This document should be used to transmit your closeout package and will serve as a document checklist. All programs included in your closeout package should be checked off on the transmittal document and the certification must be completed.
  - ii. **GM176B: LWDA Assignment of Refunds, Rebates and Credits** - An authorized signatory for the LWDB or designee **must** sign this form.
- b. In addition, when an allocation awarded from a fiscal year has not been fully expended, outstanding liabilities exist, and/or the LWDB or designee has cash on hand or cash to be returned, the Fund Reconciliation Form is also required to be completed for each applicable grant and included in the Closeout Package.
  - i. **Fund Reconciliation Form** - It is highly recommended that all closeout obligations be liquidated within 60 days of the program end date. If this is not possible, a Fund Reconciliation Form must be submitted when the final obligation is liquidated, which can be no later than 120 days after the program end date.

## REFERENCES

Workforce Innovation & Opportunity Act §184(a)(1)(2)(3)

NYSDOL Website [Programs and Tools](#)

## INQUIRIES

Please direct all questions regarding this WDS TA to your FOTA Representative.



**Dutchess County**  
**Workforce Investment Board**

**Employee Handbook**

**April 02, 2026**

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## Core Policies

### 1.0 Welcome

#### 1.1 A Welcome Policy

Welcome! You have just joined a dedicated organization. We hope that your employment with Dutchess County Workforce Investment Board, "DCWIB" will be rewarding and challenging. We take pride in our employees as well as in the products and services we provide.

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. The employment policies and/or benefits summaries in this handbook are written for all employees.

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 work place.

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 Dutchess County Workforce Investment Board!

All the best,  
Louise McLaughlin, Executive Director  
Dutchess County Workforce Investment Board

#### 1.2 At-Will Employment (PEO)

Your employment with Dutchess County Workforce Investment Board 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 Executive Director 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 Executive Director.

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.

### 1.3 What is Ethan Allen HR Services?

DCWIB 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](mailto:customerservice@eaworkforce.com). You can also access the employee portal by going to <https://eaworkforce.com/portal>. Ethan Allen HR Services is a full-service Professional Employer Organization (PEO) offering complete personnel services to DCWIB, including payroll and benefit services, as well as a wide range of HR support.

## 2.0 Introductory Language and Policies

### 2.1 About the Company

The DCWIB is a 501c3 organization that serves a quasi-governmental function in Dutchess County. We satisfy the training and employment needs of jobseekers, incumbent workers and business.

### 2.2 Mission Statement

Our mission is to foster a skilled and competitive workforce by promoting an understanding of workforce trends and issues in a dynamic economy and to facilitate lifelong learning for individuals and businesses.

### 2.3 Ethics Code

Dutchess County Workforce Investment Board 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.

### 2.4 Revisions to Handbook

This handbook is our attempt to keep you informed of the terms and conditions of your employment, including Dutchess County Workforce Investment Board 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 90 days of your employment is considered an introductory period. During this period, you will become familiar with Dutchess County Workforce Investment Board and your job responsibilities, and we will have the opportunity to monitor the quality and value of your performance and make any necessary adjustments in your job description or responsibilities. Completion of this introductory period does not imply guaranteed or continued employment. Nothing that occurs during or after this period should be construed to change the nature of the "at-will" employment relationship.

### 3.2 Employment Authorization Verification

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 Dutchess County Workforce Investment Board. If you are currently employed and have not complied with this requirement or if your status has changed, inform your Supervisor.

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 Background Checks

To ensure employees and candidates for employment who join DCWIB have a strong potential to be productive and successful, it is DCWIB's policy to investigate the backgrounds and employment references of both applicants and employees. DCWIB may conduct background investigations when employees are being considered for promotions or transfers, due to employee involvement with and/or administration of a new grant or program or in furtherance of an internal investigation of alleged misconduct. DCWIB may conduct a background check even after initial employment to comply with obligatory, reasonable, and/or evolving circumstances and responsibilities, such as the administration of particular grant or program. Background investigations will be conducted at DCWIB discretion and in accordance with federal and state law.

No action will be taken on background checks that reveal negative outcomes until they have first been confirmed as accurate and belonging to the individual in question. DCWIB's management team will then discuss with Human Resources the outcomes of the check to assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired and/or retained. Factors that will be considered when making that determination include, but are not limited to:

- Additional facts or circumstances surrounding the offense.
  - Age at the time of the offense or the time of release.
  - Evidence that the individual performed the same type of work post-conviction with no known incidents of criminal conduct.
  - Employment history before and after the offense.
  - Rehabilitation efforts.
  - Employment or character references along with any other information regarding fitness for the particular position.

### 3.4 Conflicts of Interest

Dutchess County Workforce Investment Board 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 Supervisor. 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.

### 3.5 Job Descriptions

Dutchess County Workforce Investment Board attempts to maintain a job description for each position. If you do not have a current copy of your job description, you should request one from your Supervisor.

Job descriptions prepared by the Organization serve as an outline only. Due to business needs, you may be required to perform job duties that are not within your written job description. Furthermore, the Organization may have to revise, add to, or delete from your job duties per business needs. On occasion, the Organization may need to revise job descriptions with or without advance notice to employees.

If you have any questions regarding your job description or the scope of your duties, please speak with your Supervisor.

### 3.6 Disability Accommodation

Dutchess County Workforce Investment Board 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 Supervisor. 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**

Dutchess County Workforce Investment Board 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 Supervisor. 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**

Dutchess County Workforce Investment Board 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 Supervisor. 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.

## 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 Company also assigns each employee to one of the following types:

- **Regular Full-Time Employees.** Regular full-time employees are normally scheduled to work at least 35 hours per workweek, except for approved time off. Full-time employees are eligible for most Company benefits.
- **Regular Part-Time Employees.** Regular part-time employees are normally scheduled to work 34.50 hours or less per work week. Part-time employees are not eligible for most Company benefits.
- **Seasonal Employees.** Seasonal employees are hired on a temporary basis to assist in the completion of a specific project. Seasonal employees are not eligible for most Company 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 your Supervisor. These classifications do not alter your employment at-will status.

## 4.2 Attendance

DCWIB requires regular and punctual attendance by employees. You are expected to arrive at the workplace on time and ready to perform your job. Employees are expected to be at their assigned workspace during their regularly scheduled hours, outside of breaks as outlined in this handbook. 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 Supervisor as soon as possible but at least 30 minutes before your scheduled start time. If your Supervisor is not available, contact another member of management.

If you will be absent for any reason, you must call your supervisor at least 1 hour prior to your scheduled start time. Text messages will not be accepted as a formal notification of absence.

If you must miss work due to an emergency or other unexpected circumstance, notify your Supervisor 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 Supervisor 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 two 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.

## 4.3 Recording Time

Dutchess County Workforce Investment Board is required by applicable federal, state, and local laws to keep accurate records of hours worked by certain employees. To ensure that the Company has complete and accurate time records and that employees are paid for all hours worked, nonexempt employees are required to record all working time using the designated sign in sheet to sign in. Speak with your Supervisor for specific instructions.

You must accurately record all of your time to ensure you are paid for all hours worked, and must follow established Company procedures for recording your hours worked. Time must be recorded as follows:

- Immediately before starting your shift.
- Immediately after finishing work, before your meal period.
- Immediately before resuming work, after your meal period.
- Immediately after finishing work.
- Immediately before and after any other time away from work.
- Other compensable time required by state law (such as time taken waiting to undergo and undergoing mandatory screenings).

Notify your Supervisor 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 your Supervisor 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.

## 4.4 Direct Deposit

Dutchess County Workforce Investment Board encourages all employees to enroll in direct deposit. If you would like to take advantage of direct deposit it will be available during the onboarding process. If you have selected the direct deposit payroll service, a written explanation of your deductions will be provided to you on paydays in lieu of a check.

Should you prefer to have a paper check, notify your hiring manager for the proper documents.

## 4.5 Paycheck Deductions

Dutchess County Workforce Investment Board 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, 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, deductions for full-day absences for reasons other than sickness or disability and certain disciplinary suspensions. 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 Supervisor.

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 Supervisor.

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.

## 4.6 Travel Expenses

Employees will be reimbursed for travel and other expenses that they incur if the expenses are approved in advanced by the Center Manager and the employees provide the proper documentation. This includes receipts for expenses and travel logs for mileage. Travel expenses will be reimbursed at a rate determined by the DCWIB.

# 5.0 Performance, Discipline, Layoff, and Termination

## 5.1 Standards of Conduct

Dutchess County Workforce Investment Board 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

Dutchess County Workforce Investment Board 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.

You are expected to be on the job, ready to work, when scheduled. Inability to report to work as scheduled may lead to disciplinary action, up to and including termination of employment, for violation of an attendance policy or job abandonment.

## 5.3 Performance Reviews

Dutchess County Workforce Investment Board will make efforts to periodically review your work performance. The performance review is a tool used to evaluate employee performance over the review period by assessing:

- Your performance of assigned job duties and responsibilities.
- Your achievement or lack of achievement of specific targets and goals.
- Other aspects of your performance (e.g., communication skills, professionalism, ability to collaborate, reliability, willingness to take initiative, etc.).

The performance review process will take place once your introductory period is complete and annually, or as business needs dictate.

The performance review process is intended to increase the quality and value of your work performance. The review process may be used:

- As a basis for employment decisions, such as promotions and demotions.
- To improve the performance of underperforming employees.
- To document employee growth at the Organization.

A positive performance review does not guarantee a pay raise or continued employment.

## 5.4 Disciplinary Process

Violation of Dutchess County Workforce Investment Board's policies or procedures may result in disciplinary action, including demotion, transfer, leave without pay, or termination of employment. The Organization encourages a system of progressive discipline depending on the type of prohibited conduct. However, the Organization is not required to engage in progressive discipline and may discipline or terminate employees who violate the rules of conduct, or where the quality or value of their work fails to meet expectations at any time. Again, any attempt at progressive discipline does not imply that your employment is anything other than on an "at-will" basis consistent with applicable law. Note that the specific terms of your employment relationship, including termination procedures, are governed by the laws of the state in which you are employed.

In appropriate circumstances, management will first provide you with a verbal warning, then with one or more written warnings, and if the conduct is not sufficiently altered, eventual demotion, transfer, forced leave, or termination of employment. Your Supervisor will make every effort possible to allow you to respond to any disciplinary action taken. Understand that while the Organization is concerned with consistent enforcement of our policies, we are not obligated to follow any disciplinary or grievance procedure and, depending on the circumstances, you may be disciplined or terminated without any prior warning or procedure.

## 5.5 Outside Employment

Outside employment that creates a conflict of interest or affects the quality or value of your work performance or availability at Dutchess County Workforce Investment Board is prohibited. The Organization recognizes that you may seek additional employment during off hours, but in all cases expects that any outside employment will not affect your attendance, job performance, productivity, work hours, or scheduling, or would otherwise adversely affect your ability to effectively perform your duties or in any way create a conflict of interest. Any outside employment that will conflict with your duties and obligations to the Organization should be reported to your Supervisor. Failure to adhere to this policy may result in discipline up to and including termination.

## 5.6 Resignation Policy

Dutchess County Workforce Investment Board hopes that your employment with the Organization will be a mutually rewarding experience; however, the Organization acknowledges that varying circumstances can cause you to resign employment. The Organization intends to handle any resignation in a professional manner with minimal disruption to the workplace.

### Notice

The Company requests that you provide a minimum of two weeks' notice of your resignation, excluding holidays. Provide a written resignation letter to your Supervisor. Once an employee has given the proper two weeks' notice, they will not be afforded the opportunity to take any paid time off prior to resignation. If you provide less notice than requested, the Company may deem you to be ineligible for rehire, depending on the circumstances of the notice given.

The Company reserves the right to provide you with pay in lieu of notice in situations where job or business needs warrant.

### Final Pay

The Organization will pay separated employees in accordance with applicable laws and other sections of this handbook.

Notify the Organization if your address changes during the calendar year in which resignation occurs to ensure tax information is sent to the correct address.

### Return of Property

Return all Organization property at the time of separation, including keys, tools, laptops, credit cards, and identification cards. Failure to return some items may result in deductions from your final paycheck where state law allows. In some circumstances, the Organization may pursue criminal charges for failure to return Organization property.

## 5.7 Employment Verification

Dutchess County Workforce Investment Board policy is to confirm dates of employment, job title, and compensation (where permissible under applicable law). The Organization will only provide such information with your written authorization. Requests for employment verification should be forwarded to Ethan Allen HR Services.

## 6.0 General Policies

### 6.1 Non-solicitation/Non-distribution Policy

Dutchess County Workforce Investment Board 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 Supervisor.

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

## **6.2 Workplace Privacy and Right to Inspect**

Dutchess County Workforce Investment Board 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**

Your personal appearance reflects on the reputation, integrity, and public image of Dutchess County Workforce Investment Board. All employees are required to report to work neatly groomed and dressed. You are expected to maintain personal hygiene habits that are generally accepted in the community, including clean clothing, good grooming and personal hygiene, and appropriate attire for the workplace and the work being performed. This may include wearing uniforms or protective safety clothing and equipment, depending upon the job. Use common sense and good judgment in determining what to wear to work.

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 Supervisor 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 Computer Security and Copying of Software

Software programs purchased and provided by Dutchess County Workforce Investment Board 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.

## 6.5 Use of Company Technology

This policy is intended to provide Dutchess County Workforce Investment Board 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.

## 6.6 Telecommuting

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

Dutchess County Workforce Investment Board 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.

Employees are permitted to work from home (WFH), or telecommute, occasionally or regularly with prior approval from the Executive Director or their designee. Working from home is a privilege that may be revoked at any time. The DCWIB may request that an employee be present in the office at any time (regardless of scheduled WFH time) or deny a request to work from home based on business needs, employee performance, or viability of doing the work from home. To be eligible to WFH, an employee must have access to reliable internet connection, a laptop/computer issued by the DCWIB, and a space that is free from excessive noise or distractions.

### Submitting Requests

Employees must enter their remote work request in writing to the Executive Director or their designee and notify appropriate team members. Requests for recurring or extended WFH arrangements will be considered on a case-by-case basis, or in the event of a public health emergency and must be authorized by the Executive Director or their designee.

### Costs

The DCWIB will supply the employee with appropriate office supplies and reimburse the employee for all other reasonable business-related expenses provided the expenses are approved in advance. Any equipment supplied by the DCWIB is to be used for business purposes only, unless otherwise specified. Employees must take appropriate action to protect these items from damage or theft and may be held responsible for the cost of replacements. The DCWIB is not responsible for costs associated with initial setup of the employee's home office such as remodeling, furniture or lighting, or repairs or modifications to the home office space.

### Security

As with employees working in the office, those who WFH will be expected to ensure the protection of proprietary DCWIB and customer information through use of locking doors, desks, file cabinets, and media storage, regular password maintenance, and any other steps appropriate for the job and the environment. Unless the employee lives alone, computers should be locked when not in sight, and other household members should be not allowed to access or use DCWIB property. All provisions of the New York State Department of Labor (NYSDOL) Technical Advisory (TA) 18-5 regarding "Securing and protecting Personally Identifiable Information (PII) and Personal, Private

and Sensitive Information (PPSI) within the New York State Workforce Development System" must be adhered to at all times.

### Expectations

When working from home employees must:

- Work their full, typical schedule.
- Be prepared to be in the office within 2 hours of being notified, if requested to do so.
- Be prepared to provide a list of completed duties and duties to be completed upon request.
- Attend all meetings in a virtual capacity.
- Achieve the same level of production as in the office.
- Maintain equivalent availability for colleague and client communication, supervisor questions, etc.
- Be available online and by phone for the duration of their usual workday, minus breaks, and rest periods.
- Respond promptly to communication via messaging app, email, and phone.
- Take all required break and rest periods, as if they were in the office.
- Communicate consistently regarding their workload and status (break, lunch, working on a project, etc.).
- Follow all company procedures and policies.
- Refrain from using alcohol or illegal drugs.

## **6.7 Staff Development Day**

Each year the Executive Director will designate a mandatory staff development day or days. All employees must attend unless the absence has been authorized in advance by the Executive Director or their designee.

## **6.8 Security**

All employees are responsible for helping to make Dutchess County Workforce Investment Board 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 Supervisor immediately. Refrain from discussing specifics regarding Organization security systems, alarms, passwords, etc. with those outside of the Organization.

Immediately advise your Supervisor 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.

## **6.9 Social Media**

Dutchess County Workforce Investment Board 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 media platforms for personal use.
- If you identify yourself as an employee of Dutchess County Workforce Investment Board 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 Supervisor 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 Executive Director.

## 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 Personal Cell Phone/Mobile Device Use

While Dutchess County Workforce Investment Board permits employees to bring personal cell phones and other mobile devices (i.e., smart phones, tablets, laptops) into the workplace, you must not allow the use of such devices to interfere with your job duties or impact workplace safety and health.

Use of personal cell phones and mobile devices at work can be distracting and disruptive and cause a loss of productivity. Thus, you should primarily use such personal devices during nonworking time, such as breaks and meal periods. During this time, use devices in a manner that is courteous to those around you. Outside of nonworking time, use of such devices should be minimal and limited to emergency use only. If you have a device that has a camera and/or audio/video recording capability, you are restricted from using those functions on Company property unless authorized in advance by management or when they are used in a manner consistent with your right to engage in concerted activity under section 7 of the National Labor Relations Act (NLRA).

You are expected to comply with Company policies regarding the protection of confidential and proprietary information when using personal devices.

While operating a vehicle on work time, the Company requires that the driver's personal cell phone/mobile device be turned off. If you need to make or receive a phone call while driving, pull off the road to a safe location unless you have the correct hands-free equipment for the device that is in compliance with applicable state laws.

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

You may have the opportunity to use your personal devices for work purposes. Before using a personal device for work-related purposes, you must obtain written authorization from the Executive Director.

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

You will be subject to disciplinary action up to and including termination of employment for violation of this policy.

## **6.11 Telephone Use**

Dutchess County Workforce Investment Board phones are principally for work-related communications. Unless there is an emergency, limit long-distance telephone calls to business purposes only. Limit personal use of Organization telephones to brief communications during rest periods where possible. Casual conversation with friends and relatives during working hours is strongly discouraged. Telephone use is subject to the Use of Company Technology Policy.

## **6.12 Personal Data Changes**

It is your obligation to provide Dutchess County Workforce Investment Board 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 log onto [www.eapeo.com](http://www.eapeo.com)

## **6.13 Third Party Disclosures**

From time to time, Dutchess County Workforce Investment Board 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 Executive Director. If you have any questions about this policy or are not certain what to do when such a contact is made, contact the Executive Director.

## 7.0 Benefits

### 7.1 Vacation

Dutchess County Workforce Investment Board provides employees with paid vacation.

#### Eligibility

All regular full-time and part-time employees are eligible to start accruing vacation time immediately upon hire, but may not use vacation time until they have completed their 90-day introductory period.

#### Deposits Into Your Leave Account

Vacation is calculated according to your work anniversary and in accordance with the chart below.

Full Time Employees		
Length of Service	Vacation Accrued Per Pay Period	Maximum Annual Vacation
<b>Date of hire – 4 years</b> <i>Accrual grant starts on date of hire</i>	2.69 hours	Up to 70 hours (10 days)
<b>5 years – 9 years</b> <i>Accrual grant starts after completion of 5 years</i>	4.03 hours	Up to 105 hours (15 days)
<b>10 years – 14 years</b> <i>Accrual grant starts after completion of 10 years</i>	5.38 hours	Up to 140 hours (20 days)
<b>15 years +</b> <i>Accrual grant starts after completion of 15 years</i>	6.74 hours	Up to 175 hours (25 days)
Part Time Employees		
Length of Service	Vacation Accrued Per Pay Period	Maximum Annual Vacation
<b>Date of hire – 4 years</b> <i>Accrual grant starts on date of hire</i>	1.35 hours	Up to 35 hours (5 days)
<b>5 years – 9 years</b> <i>Accrual grant starts after completion of 5 years</i>	2.02 hours	Up to 52.5 hours (7.5 days)
<b>10 years – 14 years</b> <i>Accrual grant starts after completion of 10 years</i>	2.69 hours	Up to 70 hours (10 days)
<b>15 years +</b> <i>Accrual grant starts after completion of 15 years</i>	3.36 hours	Up to 87.5 hours (12.5 days)

#### Leave Usage and Requests for Leave

The Company encourages you to use your vacation time. You are eligible to begin using vacation upon the completion of your 90-day introductory period.

You must request vacation from your Supervisor as far in advance as possible, but at least 10 days in advance. Vacation time that is for a duration longer than two weeks (10 days), is to be requested at least 1 ½ months in advance. The Company will generally grant requests for vacation when possible, taking business needs into consideration.

If a holiday occurs during the approved vacation period, it will be counted as holiday time.

Employees will not be allowed to go "negative" in their vacation time. If an employee requires additional vacation time, they need to speak to their direct supervisor immediately.

You must take vacation in increments of at least 1 hour.

## During a Leave of Absence

The Organization may require you to use any unused vacation during disability, or any other leave of absence, where permissible under local, state, or federal law.

You will not accrue vacation during unpaid leaves of absence or other periods of inactive service, unless vacation accrual is required by applicable federal, state, or local law.

## Carryover

Employees are encouraged to use their vacation time in the year it is earned. Employees may accrue and retain vacation time up to a maximum of 225 hours. If an employee accrues more than 225 hours, they will forfeit any hours above the 225-hour maximum on December 31st. Employees will not be allowed to "cash out" any of their vacation time that includes hours lost due to reaching the 225-hour maximum.

## Change of Status

If a part-time employee's status changes to full-time, the time worked as part-time will count towards credit for full-time vacation accruals.

## Separation of Employment

Employees who are terminated or voluntarily resign by providing two weeks' notice, will be paid out a lump sum of their earned but unused vacation time. This may take place in the final paycheck or in 70-hour increments through regular pay periods until fully paid out. Exempt level employees will be paid out for the remainder of their balance. Non-exempt employees will be paid out for the remainder of their balance, not to exceed seventy (70) hours. Employees who do not provide a two weeks' notice upon resignation, will forfeit their vacation time.

If an employee renders their resignation, they will not be allowed to take paid time off during that period even if approved prior to their resignation. This period is to be used for the transition of the newly hired employee.

## 7.2 Personal Time Off

Regular full-time and part-time employees are eligible for Personal Time Off.

- Eligible regular full-time employees will receive 3 days (21 hours) of paid personnel time per year. DCWIB will grant 10.5 hours of personal time off at the beginning of each year and 10.5 hours of personal time off on or about July 1st of each year.
- Eligible regular part-time employees will receive 1.5 days (10.5 hours) of paid personal time per year. DCWIB will grant 5.25 hours of personal time off at the beginning of each year and 5.25 hours of personal time off on or about July 1st of each year.
- Should an employee be hired after the 1st of the year, personal time will be provided on a prorated basis
- at the sole discretion of the Executive Director.
- Employees must submit a request for a personal day off to their immediate supervisor or the designated department head. The request should be made with advance notice in the following manner:
  - Non-Emergency – at least 14 days prior to the requested date.
  - Emergency – In case of unforeseen circumstances or emergencies, employees should provide notice as soon as possible.

Employees are expected to comply with this policy when requesting and taking personal days off. Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.

Personal time off will be calculated based on the employee's base pay rate at the time of absence. Unused personal time will not be paid to employees upon termination of their employment, nor can unused personal time be carried into the next year.

## 7.3 Holidays

Regular full-time and part-time employees are eligible for up to 13 paid holidays each year. DCWIB's eligible holidays are the following:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus' Day/ Indigenous Peoples' Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Day

Employees working at 3 Neptune Road will receive two floating holidays to be designated by the Executive Director or their designee.

Employees working at 191 Main Street will also be paid for Veteran's Day and receive one floating holiday to be designated by the Executive Director or their designee.

Part-time employees will be eligible to receive a paid holiday only if they were regularly scheduled to work on the day of the holiday and it is paid based on the hours regularly scheduled to work. For example: An employee who is scheduled to work on Fridays from 12 pm to 4 pm will receive 4 hours of holiday pay for the day after Thanksgiving.

At the discretion of the Executive Director, an employee may be required to work on one of the above-mentioned holidays and will be given a designated floating holiday in its place. Holiday pay will be paid according to the employee's base pay rate.

In order to receive holiday pay, non-exempt employees must work their scheduled workdays immediately before and after the holiday, unless the absence has been approved a minimum of 10 days in advance by the Executive Director or their designee.

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. As in the case of any overtime, working on a holiday must be approved by the Executive Director, or their designee, before working the time.

If a recognized holiday should fall during a regular employee's paid vacation period, it will be counted as a holiday, and paid accordingly.

Employees do not receive holiday pay while out on disability.

When a holiday falls on a Saturday, it will be observed the preceding Friday. Holidays falling on a Sunday will be observed the following Monday.

## 7.4 Bereavement Leave

Dutchess County Workforce Investment Board recognizes the importance of taking leave when there is a death in the family. Where bereavement leave is not required by law, the Company will provide bereavement leave as follows:

Regular full-time employees are eligible for up to 3 days of paid bereavement leave for the death of an immediate family member. Regular part-time employees are eligible for up to 1.5 days of paid bereavement leave for the death of an immediate family member. **Immediate family members** are defined as spouse, parents, siblings, children,

current in-laws, and grandparents. A day is interpreted to mean the number of hours regularly scheduled to work. For full-time staff, a day is understood to be 7 hours. For part-time staff, a day will be calculated based on the total hours typically scheduled to be worked. For example: For a 25-hour work week, a day will be calculated by dividing the hours per week by 5 (the number of days in the work week) In this example a day will be considered to be 5 hours.

The Company may require documentation supporting your need for bereavement leave.

## 7.5 Health Insurance

Dutchess County Workforce Investment Board recognizes the value of benefits to employees and their families. The Organization supports employees by offering a comprehensive and competitive benefits program. For more information regarding benefit programs, please refer to the company Summary Plan Descriptions (SPDs).

Summaries of benefits available to employees will be distributed during onboarding and during the eligibility periods with appropriate options.

The Benefits Department will be able to provide you with the Plan Description and rates for the current enrollment period. A document containing the details of the plan and eligibility requirements, as well as information and enrollment forms will be available on the Employee Portal via Prism.

Should you have any question, please contact Benefits at Ethan Allen HR Services.

## 7.6 Employer Contribution Eligibility

Employees who have met the benefit eligibility requirements listed above, and who are in the Regular employment classification(s), are eligible to receive a benefit credit.

The benefit credit is determined annually by the DCWDB Executive Committee in consultation with the Executive Director prior to the start of the next calendar year.

Benefit credits can be used for the purchase of benefits or for funding flexible spending accounts. They cannot be used as credit towards the 401(k) plan. Benefit credits are provided to eligible employees according to the following schedule:

Calendar Year 2026 Annual Benefit Credits available are:

- Regular full-time employees are eligible for an annual benefit credit of \$19,300.
- Regular part-time employees are eligible for an annual benefit credit of \$ \$9,650.00.

## 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 Dutchess County Workforce Investment Board, no matter how slightly, you are to report the incident immediately to your Supervisor. 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 Supervisor 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 Employee Assistance Program (EAP)

Dutchess County Workforce Investment Board 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 Supervisor due to job performance issues.

**EAP services can be initiated by contacting the EAP service provider at 845-483-5150 or 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.

## 7.9 Federal Jury Duty Leave

Dutchess County Workforce Investment Board encourages employees to fulfill their civic duties related to federal jury duty service. If you are summoned for federal jury duty, notify your Supervisor 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 [PTO/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.

## 7.10 Military Leave (USERRA)

Dutchess County Workforce Investment Board 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 Supervisor 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.

## 7.11 COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) provides the opportunity for eligible Armonk Limo employees and their beneficiaries to continue health insurance coverage under the Company 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.

## 8.0 Safety and Loss Prevention

### 8.1 General Safety

It is the responsibility of all Dutchess County Workforce Investment Board employees to maintain a healthy and safe work environment, report any health or safety hazards, and follow the Organization health and safety rules. Failure to do so may result in disciplinary action, up to and including termination of employment. The Organization also requires that all occupational illnesses or injuries be reported to your Supervisor as soon as reasonably possible and that an occupational illness or injury form be completed on each reported incident.

### 8.2 Drug and Alcohol Policy

Dutchess County Workforce Investment Board is committed to providing a safe, healthy, and productive work environment. Consistent with this commitment, it is the intent of the Organization to maintain a drug and alcohol-free workplace. Being under the influence of alcohol, illegal drugs (as classified under federal, state, or local laws), or other impairing substances while on the job may pose a serious health and safety risk to others, and will not be tolerated.

#### Prohibited Conduct

The Organization expressly prohibits employees from engaging in the following activities when they are on duty or conducting Organization business or on Organization premises (whether or not they are working):

- The use, abuse, or being under the influence of alcohol, illegal drugs, or other impairing substances.
- The possession, sale, purchase, transfer, or transit of any illegal or unauthorized drug, including prescription medication that is not prescribed to the individual, or drug-related paraphernalia.
- The illegal use or abuse of prescription drugs.

While the use of marijuana has been legalized under some state laws for medicinal and/or recreational uses, it remains an illegal drug under federal law. The Organization does not discriminate against employees solely on the basis of their lawful off-duty use of marijuana. You may not consume or be under the influence of marijuana while on duty or at work. If you have a valid prescription for medical marijuana, refer to the Organization Disability Accommodation policy for additional information.

Nothing in this policy is meant to prohibit your appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law if it does not impair your job performance or safety or the safety of others. If you take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability, inform your Supervisor if you believe the medication may impair your job performance, safety, or the safety of others or if you believe you need a reasonable accommodation before reporting to work while under the influence of that medication.

#### Violations

Violation of this policy may result in disciplinary action, up to and including termination of employment.

### 8.3 Workplace Tobacco Usage

Dutchess County Workforce Investment Board is concerned about the detrimental effects of smoking and secondhand smoke inhalation. Smoking (including the use of electronic vaping products such as e-cigarettes) is prohibited in the following:

- Organization offices
- Organization vehicles
- Client areas
- Restrooms
- Areas where signs are posted prohibiting smoking

The Organization also prohibits the use of smokeless tobacco (e.g., chewing tobacco, dip, and snuff) in such areas.

The Organization will not discriminate against employees based on their off-premises, off-duty tobacco usage.

## 8.4 Workplace Violence

As the safety and security of our employees, vendors, contractors, and the general public is in the best interests of Dutchess County Workforce Investment Board, 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 Supervisor 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.

## 8.5 Equipment

Staff are responsible for the equipment or property issued to them; equipment will be used only for work purposes and in the manner intended; staff will be responsible for any damage done (excluding normal wear and tear). Laptops must be maintained in an approved computer bag when being transported. Surge protectors must be used. Laptops cannot be carried around the office in an open position under any circumstance.

Upon separation from DCWIB, equipment will be returned in proper working order (excluding normal wear & tear). A police report will be filed, and a copy provided to DCWIB should the item(s) be stolen while in staff possession; staff will replace any items issued that are damaged or lost at their expense. Staff may need to authorize a payroll deduction to cover the replacement cost of any item issued to them that is not returned for whatever reason, or is not returned in good working order.

## 8.6 Business Closure and Emergencies

Dutchess County Workforce Investment Board recognizes that inclement weather and other emergencies may affect your ability to get to work. In such situations, your safety is paramount.

If an employee is unable to get to work or must leave work early due to inclement weather conditions, the employee must use available vacation or personal time off benefits in order to be compensated for that time. However, if a county or state-wide state of emergency is declared during normal working hours, employees will be compensated their regular salary without having to use any of their benefits. If no county or state-wide state of emergency is declared and the Executive Director determines that conditions are hazardous, the Executive Director may delay, dismiss early, or declare a day off at their sole discretion.

## 9.0 Trade Secrets and Inventions

### 9.1 Confidentiality and Nondisclosure of Trade Secrets

As a condition of employment, Dutchess County Workforce Investment Board employees are required to protect the confidentiality of Organization trade secrets, proprietary information, and confidential commercially-sensitive information (i.e., financial or sales records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.) related to the Organization. Access to this information should be limited to a "need to know" basis and should not be used for personal benefit, disclosed, or released without prior authorization from management.

If you have information that leads you to suspect that employees are sharing such information in violation of this policy and/or competitors are obtaining such information, you are required to inform your Supervisor or Ethan Allen HR Services.

Violation of this policy may result in disciplinary action up to and including termination, and may subject the violator to civil liability.

## New York Policies

### Hiring and Orientation Policies

#### Reproductive Health Rights Notice

Pursuant to New York's Reproductive Health Bias Law (N.Y. Labor Law § 203-e), Dutchess County Workforce Investment Board will not access your personal information regarding your own or your 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 your prior informed affirmative written consent.

Furthermore, the Organization will not:

- Discriminate or retaliate against you with respect to compensation, terms, conditions, or privileges of employment because of, or on the basis of, your own or your dependent's reproductive health decision-making; or
- Require you to sign a waiver or other document that appears to deny you the right to make your own reproductive healthcare decisions.

If you believe your rights have been violated under this law, you may bring a civil action against the Organization. In such civil action, the court may:

- Award damages, including, but not limited to, back pay, benefits, and reasonable attorneys' fees and costs;
- Provide injunctive relief;
- Order reinstatement; and/or
- Award liquidated damages.

If you have questions related to this notice, consult your Supervisor.

#### EEO Statement and Non-harassment Policy

##### Equal Employment Opportunity Policy

Dutchess County Workforce Investment Board 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), ethnicity, color, national origin (including ancestry), religion, creed, gender or sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, and related medical conditions), pregnancy outcomes, reproductive healthcare and autonomy (including, but not limited to, the decision to use or access a particular drug, device, or medical service), disability, marital status, domestic violence victim status, familial status, military 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 Supervisor or any other designated member of management.

## Policy Against Workplace Harassment

Dutchess County Workforce Investment Board 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 anti-discrimination 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](http://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](mailto:info@eeoc.gov)

[www.eeoc.gov](http://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](http://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

### Purpose and Goals

Dutchess County Workforce Investment Board 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 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. Dutchess County Workforce Investment Board'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 Supervisor 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 Supervisor 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
  - 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 Supervisor or Ethan Allen HR Services. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to their Supervisor or [[appropriate person or department]].

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 [[appropriate person or department]]. 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, [[appropriate person or department]] 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, [[appropriate person or department]] 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. [[Appropriate person or department]] 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:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
  - 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](http://www.dhr.ny.gov).

Go to [dhr.ny.gov/complaint](http://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 but 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](http://www.eeoc.gov), or via email at [info@eeoc.gov](mailto: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](http://www.nyc.gov/html/cchr/html/home/home.shtml).

## Contact the Local Police Department

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

## Conclusion

The policy outlined above is aimed at providing Dutchess County Workforce Investment Board 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

### Accommodations for Nursing Mothers

Dutchess County Workforce Investment Board 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 with 30 minutes of paid break time (lactation breaks) to accommodate their need to express breast milk for their nursing child whenever they have a reasonable need to express milk. If additional time is needed beyond the 30 minutes, existing paid break or meal time may be used. These lactation breaks will be provided for up to three years following the child's birth.

#### Advance Notice of Need to Express Milk

To ensure that the Organization can provide appropriate accommodations, you are encouraged to notify your Supervisor in writing of your need to express milk at work, preferably before returning to work after childbirth. This notice should include the anticipated number of breaks needed per day and any preferred times for these breaks. Written notice can be provided through email, text message, or any other written communication method regularly used within the Organization. We will respond to this request within five business days and work with you to establish a break schedule that accommodates both your needs and our business operations.

#### 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, those 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 to express breast milk.

If compliance with the room/location requirements would impose an undue hardship on the Organization, we 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. We 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 others who may share the refrigerator. You may also bring a personal cooler for storage.

## **Retaliation**

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

## **Required Notice**

The Organization has provided you with a copy of the New York State Department of Labor's *Policy on the Rights of Employees to Express Breast Milk in the Workplace*, which is attached as an addendum at the end of this handbook.

## **Meal Periods**

DCWIB strives to provide a safe and healthy work environment and complies with all federal and state regulations regarding meal periods. All employees are required to take an unpaid 60-minute lunch break near the middle of the workday between the hours of 11:00 am and 2:00 pm. Employees who leave DCWIB's premises during their meal break must check out when leaving and check in when returning. Employees are expected to be punctual in starting and ending their breaks.

Applicable law also 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 Supervisor regarding procedures and schedules for meal periods.

The Organization requests that employees accurately observe and record meal periods.

## **Overtime**

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

At certain times Dutchess County Workforce Investment Board 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.

## Pay Period

At Dutchess County Workforce Investment Board, the standard pay period is biweekly for all employees. Pay dates are Fridays. 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 Supervisor if this type of date arises.

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

## Reporting Time Pay

Dutchess County Workforce Investment Board 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 Supervisor for more information regarding reporting time pay.

## Travel Time Pay

Some nonexempt positions within Dutchess County Workforce Investment Board require travel. The Organization pays nonexempt employees for travel time in accordance with federal and state law.

## Wage Disclosure Protection

In accordance with New York law, Dutchess County Workforce Investment Board 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.

# General Policies

## Access to Personnel and Medical Records Files

Dutchess County Workforce Investment Board 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 the Ethan Allen HR Services, which is the only department authorized to give out such information.

## Benefits

### Paid Sick Leave (Accrual Method)

Dutchess County Workforce Investment Board provides paid 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.

## **Accrual and Usage**

Full-time employees will accrue 3.23 hours of sick leave per pay period worked. This is approximately twelve (12) sick leave days per year worked.

Part-time employees will accrue 1.62 hours of sick leave per pay period worked. This is approximately six (6) sick leave days per year worked.

All other employees will accrue 1 hour of sick leave for every 30 hours worked, beginning on their first day of employment. You may begin using sick leave as it accrues.

Three or more consecutive sick leave absences will require a return to work note from the employee's medical provider.

For purposes of this policy, the leave year is the calendar year. The minimum increment of sick leave that you may take at one time may not exceed four hours. Unused sick leave will carry over to the following leave year. Employees may not use more than their maximum accrued hours of sick and safe leave in any calendar year.

## **Compensation**

You will be paid at your regular rate of pay or the applicable minimum wage, whichever is greater.

## **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.

## **Documentation**

If you use sick leave for three or more consecutive days, you may be required to provide reasonable documentation confirming your eligibility for leave. Reasonable documentation is limited to the following:

- A statement from a licensed medical provider attesting to your need for sick leave, the amount of leave needed, and the date you may return to work; or
- A statement from you attesting to your eligibility for leave.

The statement does not need to explain the nature of the illness or details related to the domestic violence, family offense, sexual offense, stalking, or human trafficking that necessitates the use of leave.

## **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.

## 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.

## Payment upon Termination

You will not be paid for any unused sick leave when your employment ends.

## Retaliation

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

## Paid Prenatal Personal Leave

Dutchess County Workforce Investment Board will provide employees with 20 hours of paid prenatal personal leave during any 52-week calendar period. Paid prenatal personal leave is in addition to leave provided under New York's Sick Leave Law.

Paid prenatal personal leave may be used for healthcare services during or related to your pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with your healthcare provider related to your pregnancy.

Paid prenatal personal leave may be taken in hourly increments and will be compensated at your regular rate of pay or the applicable minimum wage, whichever is greater.

If your need for leave is foreseeable, provide notice as soon as possible. If unforeseeable, provide notice as soon as practical. You are not required to provide documentation supporting your need for leave.

Upon return to work following any paid prenatal personal leave, you will be restored to the position you held prior to taking leave or a position with the same pay and other terms and conditions of employment.

You will not be compensated for unused paid prenatal personal leave when your employment ends.

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

## Paid Family Leave

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 your supervisor and 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 your supervisor and 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/>.

## Accommodations for Victims of Domestic Violence

Dutchess County Workforce Investment Board 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

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 Company is required to provide you with five days of paid sick leave. After those days are used, you may be eligible for compensation for the remainder of the Individual Quarantine Order by applying for PFLB and DB.

Leave will be provided without the loss of any accrued sick leave and may only be used for up to three orders of quarantine or isolation.

## 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.

## Crime Victim and Witness Leave

Dutchess County Workforce Investment Board 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 Supervisor 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.

## Disability Benefits

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](http://www.wcb.ny.gov)).

## **Jury Duty Leave**

Dutchess County Workforce Investment Board encourages employees to fulfill their civic duties related to jury duty. If you are summoned for jury duty, notify your Supervisor as soon as possible to make scheduling arrangements.

You will be paid your regular base rate for the duration of your juror service or any part thereof.

The Organization reserves the right to require employees to provide proof of jury duty service to the extent authorized by law.

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

## **Voting Leave**

Dutchess County Workforce Investment Board 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 Supervisor 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 Supervisor.

## **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.

## Closing Statement

Thank you for reading our handbook. We hope it has provided you with an understanding of our mission, history, and structure as well as our current policies and guidelines. We look forward to working with you to create a successful Organization and a safe, productive, and pleasant workplace.

Louise McLaughlin, Executive Director

Dutchess County Workforce Investment Board

# APPENDIX

WE ARE YOUR DOL

Department  
of Labor

# POLICY ON THE RIGHTS OF EMPLOYEES TO EXPRESS BREAST MILK

in the Workplace

## INTRODUCTION AND PURPOSE

New York State Labor Law Section 206-c gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business.

The New York State Department of Labor has developed the official policy on breast milk expression in the workplace as required by the law, ensuring that all employees know their rights and all employers understand their responsibilities. This policy is the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace.

With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space employers are required to provide for breast milk expression, how to notify employers about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored.

Employers are required to provide this policy in writing to all employees when they are hired and again every year after. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

## USING BREAK TIME FOR BREAST MILK EXPRESSION

Employers must provide thirty (30) minutes of paid break time for their employees to express breast milk when the employee has a reasonable need to express breast milk. Employees must be permitted to use existing paid break or meal time if they need additional time for breast milk expression beyond the paid 30 minutes. This time must be provided for up to three years following childbirth. Employers must provide paid break time as often as an employee reasonably needs to express breast milk. The number of paid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

An employer is prohibited from requiring an employee to work before or after their normal shift to make up for any time used as paid break time to express breast milk.

All employers must continue to follow existing federal and state laws, regulations, and guidance regarding mealtimes and paid break time regardless of whether the employee uses such time to express breast milk. For additional information regarding what constitutes a meal period or a break period under state and federal law, please see the following resources:

- NY Department of Labor Website on Day of Rest, Break Time, and Meal Periods:  
[dol.ny.gov/day-rest-and-meal-periods](https://dol.ny.gov/day-rest-and-meal-periods)
- NY Department of Labor FAQs on Meal and Rest Periods:  
[dol.ny.gov/system/files/documents/2021/03/meal-and-rest-periods-frequently-asked-questions.pdf](https://dol.ny.gov/system/files/documents/2021/03/meal-and-rest-periods-frequently-asked-questions.pdf)
- U.S. Department of Labor FLSA FAQ on Meal and Rest Periods:  
[dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked](https://dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked)
- U.S. Department of Labor FLSA Fact Sheet on Compensation for Break Time to Pump Breast Milk:  
[dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers](https://dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers)

While an employer cannot require that an employee works while expressing breast milk, Labor Law 206-c does not otherwise prevent an employee from voluntarily choosing to do so if they want to.

Paid breaks provided for the expression of breast milk must be 30 minutes. An employee must be allowed to use regular break or meal time to take a longer paid break if needed. Employees may also opt to take shorter paid breaks.

Employees who work remotely have the same rights to paid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

## MAKING A REQUEST TO EXPRESS BREAST MILK AT WORK

If an employee wants to express breast milk at work, they must give the employer reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow the employer time to find an appropriate location and adjust schedules if needed.

Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by their employer for processing requests. Employers must respond to this request for a room or other location to express breast milk in writing within five days.

Employers must notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

## LACTATION ROOM REQUIREMENTS

In addition to providing the necessary time during the workday, employers must provide a private room or alternative location for the purpose of breast milk expression. **The space provided for breast milk expression cannot be a restroom or toilet stall.**

The room or other location must:

- Be close to an employee's work area
- Provide good natural or artificial light
- Be private – both shielded from view and free from intrusion
- Have accessible, clean running water nearby
- Have an electrical outlet (if the workplace is supplied with electricity)
- Include a chair
- Provide a desk, small table, desk, counter or other flat surface

There does not need to be a separate space for every nursing employee. An employer may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, an employer may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be in walking distance, and the distance to the location should not significantly extend an employee's needed break time.

Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees.

If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression.

As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee's privacy.

To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering.

In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

If the workplace has a refrigerator, employers must allow employees to use it to store breast milk. However, employers are not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace.

Employees are required to store all expressed milk in closed containers and bring milk home each evening.

The space designated for expressing breast milk must be maintained and clean at all times.

If an employer can demonstrate undue hardship in providing a space with the above requirements, the employer must still provide a room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible.

Undue hardship is defined in the statute as "causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business." **However, an employer may not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.**

## NEW YORK STATE DEPARTMENT OF LABOR RESOURCES

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, they should contact the New York State Department of Labor's Division of Labor Standards. Call us at **1-888-52-LABOR**, email us at [LSAsk@labor.ny.gov](mailto:LSAsk@labor.ny.gov), or visit our website at [dol.ny.gov/breast-milk-expression-workplace](https://dol.ny.gov/breast-milk-expression-workplace) to file a complaint.

A list of our offices is available at [dol.ny.gov/location/contact-division-labor-standards](https://dol.ny.gov/location/contact-division-labor-standards).

*Complaints are confidential.*

## FEDERAL RESOURCES

The federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit [dol.gov/agencies/whd/pump-at-work](https://dol.gov/agencies/whd/pump-at-work).

# 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](https://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: \_\_\_\_\_



## Dutchess County Workforce Development Board

3 Neptune Road Poughkeepsie, NY 12601 Telephone (845) 463-0517 Fax (845) 463-0100 www.dcwib.org

“Driving economic growth through Workforce Partnerships”

# Property and Inventory Management Procedure- Modified 1-7-2026

## Purpose

To establish a standardized process for tracking, documenting, safeguarding, and maintaining all organizational property and equipment using the agency’s Inventory Excel Spreadsheet. This procedure ensures compliance with federal, state, and local requirements, including WIOA property standards, and requires tracking all equipment with a value of **\$5,000 or more** and **all computers regardless of cost**.

## Scope

This procedure applies to all staff involved in purchasing, receiving, issuing, storing, transferring, disposing of, or managing organizational property, including items funded through **WIOA and County/Local funding sources**.

## Responsibilities

- **Fiscal/Administrative Staff**
  - Maintain and update the Inventory Excel Spreadsheet
  - Assign inventory/asset tag numbers
  - Maintain electronic copies of inventory transfer and disposal documentation
- **Executive Director**
  - Approve property purchases, transfers, and disposals as required
- **IT Staff (if applicable)**
  - Assist with tagging, documenting, and tracking computers and technology equipment
- **All Staff**
  - Report new equipment purchases, transfers, damage, loss, theft, or disposal of property

## Procedure

### 1. Property Definition and Tracking Threshold

#### 1.1 Property Required to Be Tracked

The following property must be tagged and included in the Inventory Excel Spreadsheet:



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- Any item with a purchase cost of **\$5,000 or more**
- All computer equipment (desktops, laptops, tablets), regardless of cost
- Equipment or technology required to be tracked by grant, contract, or policy
- Furniture with a value of **\$5,000 or more**

### 1.2 Excluded Items

Consumable supplies (e.g., pens, notebooks, paper, small accessories) are not tracked in the inventory system.

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## 2. Receiving New Equipment

2.1 When new equipment is received, the receiving staff member must notify **Fiscal/Administrative staff** immediately.

2.2 The following documentation must be provided:

- Purchase order or invoice
- Packing slip
- Funding source (WIOA or County/Local)
- Serial number (required for electronic equipment)

2.3 Equipment must be inspected upon receipt to confirm:

- Accuracy of the order
- Condition of the item (new, damaged, etc.)

Any discrepancies must be reported promptly.

---

## 3. Inventory Tagging and Identification

3.1 An **Inventory Tag** with a unique identifier must be created and affixed to all tracked items.

3.2 Tags must be placed in a consistent and visible location (e.g., top of laptop, side of CPU).

3.3 Asset tag numbers must match the corresponding entry in the Inventory Excel Spreadsheet.

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## 4. Recording Items in the Inventory Excel Spreadsheet



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4.1 Fiscal/Administrative staff must record new equipment in the Inventory Excel Spreadsheet as soon as practicable after receipt.

4.2 At a minimum, the following information must be recorded:

- Item name/description
- Make and model (if applicable)
- Serial number (required for all computers)
- Inventory/asset tag number
- Date purchased
- Purchase cost
- Funding source
- Assigned staff member or location

4.3 The **Comments/Notes section** of the spreadsheet must include, as applicable:

- Whether the item was purchased with funding other than WIOA
- Current condition of the item (new, good, damaged, stolen, etc.)
- Warranty information
- Replacement schedule
- Disposal details (date and method)
- Transfer details (destination and date)

4.4 All computers must be recorded regardless of purchase price.

---

## 5. Changes to Inventory (Transfers, Repairs, Disposal)

5.1 Any movement, reassignment, or status change of equipment must be reported to Fiscal/Administrative staff within **three (3) business days**.

5.2 The Inventory Excel Spreadsheet must be updated to reflect:

- Change in assigned user
- Change in location
- Equipment sent for repair
- Replacement of major components
- Items removed from service

## 5.3 Transfers or Disposal of Property

- An **Inventory Transfer Form** must be completed for all transfers or disposals
- Executive Director approval is required prior to disposal



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- Disposal must follow applicable funding source requirements (WIOA or County/Local)
- A copy of the completed Inventory Transfer Form must be maintained electronically
- The inventory record must document:
  - Date of transfer or disposal
  - Method of disposal
  - Location transferred to (if applicable)

---

### 6. Inventory Reviews

6.1 Inventory reviews must be conducted **twice per year**.

6.2 During each review, staff must verify:

- Item is physically present
- Asset tag and serial number match inventory records
- Assigned location and staff are accurate
- Item condition is current

6.3 The Inventory Excel Spreadsheet must indicate the **date each inventory review is conducted**.

6.4 Any discrepancies, missing items, theft, or damage must be reported immediately to the Executive Director.

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### 7. Recordkeeping and Documentation

7.1 The Inventory Excel Spreadsheet must be stored on a **secure shared drive** with restricted access.

7.2 Prior versions of the inventory spreadsheet must be archived **annually** to maintain historical records.

7.3 Supporting documentation must be retained electronically for each inventory item, including:

- Purchase orders
- Invoices
- Warranty documentation
- Inventory Transfer Forms
- Disposal records