



**ASSOCIATION FOR VISION REHABILITATION
AND EMPLOYMENT, INC.**

EMPLOYEE HANDBOOK

Rev. 06/2023

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FOREWARD

AVRE Mission and Vision Statement

Our Mission is to create opportunities for success and independence with people who are blind or visually impaired.

Our Vision is to be the first in choice and quality in services and employment for people who are blind.

Foreword

Whether you have just joined our staff or have been at AVRE for a while, we are confident that you will find our organization a dynamic and rewarding place to work. We consider AVRE's employees its most valuable resource and wish you a successful career here. This handbook serves as your guide for the employer/employee relationship.

This handbook contains general information and guidelines. It is not intended to be comprehensive or to explain in detail the policies and procedures it covers. If you have any questions concerning specific benefits or policies, you should ask the Human Resources Department.

The procedures, practices, policies, and benefits described here may be modified or discontinued at management's discretion. We will inform you of changes as they occur.

This handbook is the property of AVRE and is intended for use by its employees. Some subjects described in this handbook, such as health insurance, are covered in detail in official policy documents. The handbook only summarizes those guidelines and benefits. Please note that the terms of the written insurance policies are controlling and override any statements made in this or other documents.

This handbook is available in regular print, large print, Braille, and electronic versions.

At-Will Employment

In accordance with New York State law, AVRE is an at-will employer. Your employment is not for any specific time and may be terminated at will by you or by AVRE, with or without cause and with or without prior notice, so long as there is no violation of applicable federal or state law.

Neither this handbook nor any other company document confers any contractual right, either express or implied, to remain in AVRE's employ. Nor does it guarantee any fixed terms and conditions of your employment. No supervisor or other AVRE representative (except the President/CEO) has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above.

Handbook Receipt Acknowledgment

When you received this handbook, you signed the acknowledgment provided separately.

SECTION ONE – INTRODUCTION

Equal Employment Opportunity and Affirmative Action Policy

It is AVRE’s policy not to discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, age, marital or partnership status, familial status, genetic predisposition or carrier status, prior arrest or conviction record, pregnancy, disability, military status, protected veteran status, status as victim of domestic violence, sexual violence, or stalking, alienage or citizenship status, or any other protected class or characteristic, consistent with state and local law (hereafter “Protected Characteristic”).

It is also AVRE’s policy to take affirmative action to employ and to advance in employment all persons regardless of Protected Characteristic. We commit to base all employment decisions only on valid job requirements. This policy applies to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, recall, leaves of absence, termination, rates of pay or other forms of compensation, and selection for training at all levels of employment.

As part of AVRE’s Equal Employment Opportunity (EEO) policy and as a Government contractor, AVRE pursues affirmative action as called for by applicable laws and Executive Orders to ensure that minority group individuals, females, disabled veterans, recently separated veterans, Armed Forces service medal veterans, other protected veterans, and qualified individuals with disabilities are introduced into our workforce and considered for promotional opportunities.

In furtherance of AVRE's policy regarding Affirmative Action and Equal Employment Opportunity, AVRE has developed and implemented a written Affirmative Action Plan which sets forth the policies, practices, and procedures to which AVRE is committed in order to ensure that its policy of nondiscrimination and affirmative action is accomplished. This Affirmative Action Plan is available in the Human Resources office for inspection by any employee or applicant for employment upon request, during normal business hours. It is available in regular print, large print, Braille, and electronic versions. Interested persons should contact the EEO Officer for assistance.

Non-Discrimination and Anti-Harassment Policy

AVRE is committed to fostering a safe, productive work environment where all individuals are treated with respect and dignity. Every individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including all types of harassment. Therefore, AVRE expects that all workplace relationships will be business-like and free of bias, prejudice, and harassment.

AVRE strictly forbids and will not tolerate any discrimination or harassment on the basis of a Protected Characteristic (see EEO Policy Statement above).

Individuals and Conduct Covered

This policy applies to all applicants, employees, independent contractors, paid and unpaid interns, volunteers, AVRE Board Members, and persons conducting business, regardless of immigration status, with AVRE. This policy relates to conduct engaged in by these individuals or by someone not directly

connected to AVRE (e.g., an outside vendor, consultant, or customer).

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace such as during business trips, business meetings and business-related social events.

Discrimination Defined

Discrimination refers to job actions, such as hiring, promotions, discipline, demotions, termination, that are taken on the basis of one of the Protected Characteristics listed above. AVRE strictly prohibits discrimination.

Harassment Defined

Harassment is a form of discrimination that is offensive, undermines the integrity of employment relationships, and causes serious harm to the productivity, efficiency, stability, and morale of our organization. Harassment refers to repeated and unwelcome conduct based on a Protected Characteristic as described above. Harassment can be sexual and non-sexual in nature and is expressly prohibited under this policy.

Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. 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. For the purposes of this policy, sexual harassment is defined, according to the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or

physical conduct of a sexual nature when, for example, 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender, unwanted sexual advances or requests for sexual favors. 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.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject AVRE, Inc. to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

Examples of sexual harassment

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

- sexual jokes and innuendo;
- verbal abuse of a sexual nature;
- commentary about an individual's body, sexual prowess, or sexual deficiencies;

- leering, whistling, or touching;
- insulting or obscene comments or gestures;
- display in the workplace of sexually suggestive objects or pictures;
- and other physical, verbal, or visual conduct of a sexual nature.
- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace

computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Non-sexual Harassment

AVRE also prohibits harassment on the basis of any Protected Characteristic. Under this policy, harassment is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual, his/her relatives, friends or associates because of a Protected Characteristic. To be considered harassment, the conduct also 1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes:

- epithets, slurs, or negative stereotyping;
- threatening, intimidating, or hostile acts;
- denigrating jokes;
- written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time (using any equipment) or at any time using company equipment via e-

mail, phone (including voice messages), text messages, tweets, blogs, social networking sites, or other means.

Complaint Procedure

Reporting an Incident of Harassment, Discrimination, or Retaliation

Manager and Supervisor Obligations

AVRE mandates that all managers and supervisors report immediately to the Human Resources department or senior management any suspected incidents of harassment, discrimination, or retaliation. Failure to do so will result in disciplinary action up to and including termination. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Employee Obligations

AVRE requires all employees, volunteers, interns, and non-employees to report all perceived incidents of harassment, discrimination, or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct contrary to AVRE's policy, employees who believe they have witnessed harassment, discrimination, or retaliation, and those who have concerns about such matters should file their complaints with any of the following with whom they feel comfortable: their immediate supervisor, the Human Resources office, or any member of middle or senior management, including the President/CEO. Employees should report the conduct as soon as possible so that action can be taken before the conduct becomes severe or pervasive. Individuals are not obligated to file their complaints with their immediate supervisor first before

bringing the matter to the attention of one of the other AVRE designated representatives listed above.

Early reporting and intervention have proven to be the most effective method for resolving actual or perceived incidents of harassment or discrimination. Therefore, while no fixed reporting period has been established, AVRE strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. AVRE will make every effort to stop harassment or discrimination before it becomes severe or pervasive but can only do so with the cooperation of its employees.

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note that federal, state, and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and from requesting that the behavior stop.

Reports of discrimination or harassment may be made verbally or in writing. A form for submission of a written discrimination or harassment complaint is attached to this policy, and all employees are encouraged to use this complaint form. Employees reporting harassment on behalf of other employees

should use the complaint form and note that it is on another employee's behalf.

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

The Investigation

All complaints or information about harassment, discrimination, and retaliation will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible consistent with state and federal laws and the needs of the investigation.

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

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

Responsive Action

AVRE will deal promptly and appropriately with misconduct constituting harassment, discrimination, or retaliation. Responsive action may include, for example, training, referral to counseling,

monitoring the offender's behavior, and/or discipline such as warning, reprimand, withholding a promotion or pay increase, demotion, reassignment, temporary suspension without pay, or termination. AVRE will determine what response the circumstances warrant.

Individuals who have questions or concerns about these policies should speak with the Human Resources department.

Retaliation Prohibited

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

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

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

- exercised any other legal right protected by federal, state, or local EEO law.

Even if the alleged harassment or discrimination 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 or discrimination.

Retaliation is a serious violation of this policy and will be subject to disciplinary action up to and including termination.

Legal Protections and External Remedies

Harassment is not only prohibited by AVRE but is also prohibited by state, federal, and, where applicable, local law.

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

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

State Human Rights Law (HRL)

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

the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

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

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.

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

Civil Rights Act of 1964

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

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-

800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

Local Protections

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

Contact the Local Police Department

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

Additional Non-Discrimination Policies

Americans with Disabilities Act Policy Statement

AVRE is committed to complying with the Americans with Disabilities Act (ADA), the ADA Amendments Act (ADAA), and the New York State Human Rights Law (NYSHRL) concerning the employment of persons with disabilities and to acting in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is AVRE's policy not to discriminate against qualified individuals with disabilities in regard to any terms or conditions of employment because of such individual's disability or perceived disability so

long as the employee can perform the essential functions of the job.

Consistent with this policy, AVRE will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA and ADAA, who has made AVRE aware of his or her disability, provided that such accommodation does not constitute an undue hardship on AVRE. Individuals who wish to request an accommodation should contact their immediate supervisor and the Human Resources Department. Employees are reminded that accommodation of a disability is an interactive process—that is a give and take conversation—and may require information from the employee’s physician regarding limitations and acceptable options for accommodation.

Religious Accommodation Policy

AVRE respects the right of all employees to practice their religion freely. In accordance with state and federal laws, AVRE adheres to a strict policy of non-discrimination based on an individual’s sincerely held religious beliefs. AVRE will make, on request, an accommodation for an individual’s religious beliefs, observances, and practices when a reasonable accommodation is available that does not create an undue hardship on the company’s business. Any individual seeking a religious accommodation should contact the Human Resources department.

Pay Transparency Nondiscrimination Provision

As a Government contractor, AVRE complies with the rules and regulations of the Office of Federal Contract Compliance Programs (OFCCP). AVRE adheres to the following Pay Transparency Nondiscrimination Provision implemented under Executive Order 13665.

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information. 41 CFR 60-1.35(c)

Note: This policy is available in regular print, large print, Braille, and electronic versions.

Complaint Form for Reporting Harassment or Discrimination

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. In addition, AVRE prohibits any harassment or discrimination based on a Protected Characteristic (see EEO policy statement).

If you believe that you have been subjected to harassment or discrimination, you are encouraged to complete this form and submit it to the Human Resources Manager at AVRE, Inc., 174 Court St., Binghamton, NY 13901, phone 607-724-2428. You may submit the form in person, by mail, or by e-mail. You will not 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 harassment prevention policy by investigating the claims as outlined at the end of this form.

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

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method: Email
Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) harassment occurred:

Is the harassment continuing? Yes No

4. 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 complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature

Date

Reproductive Rights Notice

AVRE will not discriminate nor take any retaliatory personnel actions against an employee with respect to compensation, terms, conditions or privileges of employment because of the employee's (or their dependent's) reproductive health decision, including but not limited to, the decision to use or access a particular drug, device, or medical service. AVRE will not allow retaliation against employees for exercising their rights under this law. An employee who feels that they may have been discriminated against or retaliated against may seek remedy by bringing a civil action against AVRE in any court of competent jurisdiction.

SECTION TWO – EMPLOYMENT

Employee Categories

AVRE has three basic categories of employment:

- Full-time (regular work week of 30 hours or more);
- Part-time employment (normal work week of less than 30 hours);
- Temporary employment (see below).

Employees are designated as either nonexempt or exempt under state and federal wage and hour laws.

Nonexempt employees are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are NOT exempt from the law's requirements concerning minimum wage and overtime. Non-exempt employees are typically paid hourly and hold production, office and clerical, or non-supervisory administrative positions. These employees are entitled to overtime pay for hours **worked** over 40 hours in a regular workweek. (Holidays, vacation, personal time, PTO, or other forms of paid time off do not count toward the 40 hours.)

Exempt employees are generally managers or professional, administrative, or technical staff who ARE exempt from overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor. Exempt employees are not eligible for overtime pay.

If you are a non-exempt or exempt employee and feel that you have not been paid properly or that an improper deduction has been

made from your pay, please report the matter to Human Resources.

Temporary employees are not eligible for benefits not mandated by law and are paid only for hours worked.

Transfers and Promotions

AVRE encourages employees to gain new skills or advance their careers by moving to either a lateral or higher level position within the organization. Employees may request consideration to transfer to other jobs as vacancies become available and will be considered along with other applicants. At the same time, the company may initiate transfers of employees between departments to meet specified work requirements.

AVRE offers employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the company's best interest.

AVRE encourages employees to discuss their career goals with their supervisor or the Human Resources Department at any time.

SECTION THREE - WORKPLACE SAFETY

Drug-Free Workplace

AVRE has a longstanding commitment to provide a safe and productive work environment. To meet these objectives and to comply with our obligations under federal and state laws, we take a firm stand against substance abuse. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities.

This policy is intended to ensure a drug-free work environment to benefit our employees, consumers, and customers.

Policy Statement

AVRE strictly prohibits the unlawful manufacture, distribution, dispensation, possession, and/or use of a controlled substance while on AVRE's premises, or on a consumer's or customer's premises, or in the performance of services for AVRE.

As a condition of continuing employment with AVRE, each employee must:

1. Abide by the terms of this policy; and
2. Notify AVRE of any criminal drug statute conviction for a violation occurring in any AVRE workplace (including off-site assignments) no later than five (5) days after such conviction.

As a federal government contractor, AVRE will notify the contracting agency within 10 days after receiving notice that a covered employee has been convicted of a criminal drug violation in the workplace.

Any violation of this policy may result in disciplinary action, discharge from employment, and/or requiring the employee to participate in a drug or alcohol abuse rehabilitation program.

Violations of this policy should be reported immediately to your supervisor, Human Resources, or a member of the senior management team. Employees reporting the violation will not be subject to retaliation.

Zero Tolerance: Employees found using or in possession of alcohol, illegal narcotics, or illegally obtained controlled substances on AVRE premises, or on a consumer's or customer's premises, or in the performance of services for AVRE, will face immediate termination. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Drug-Free Awareness and Employee Assistance

In an effort to maintain a drug-free workplace, AVRE provides periodic drug-free awareness education and an Employee Assistance Program. Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and resources for help for drug/alcohol problems is available from the Human Resource Department.

AVRE will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Please speak with your supervisor or the Human Resources Department regarding your options.

Employees should report to work fit for duty and free of any adverse effects of alcohol or illegal drugs. This policy does not

prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

New York Cannabis Policy DISCRIMINATION PROHIBITED

The MRTA amended Section 201-D of the New York Labor Law to clarify that cannabis used in accordance with New York State law is a legal consumable product. As such, employers are prohibited from discriminating against employees based on the employee's use of cannabis outside of the workplace, outside of work hours, and without use of the employer's equipment or property.

PERMITTED EMPLOYER ACTIONS

The MRTA amended New York Labor Law Section 201- D by adding a new subsection 4-a, which provides that employers MAY take employment action or prohibit employee conduct where:

- An employer is/was required to take such action by state or federal statute, regulation, or ordinance, or other state or federal governmental mandate
- The employer would be in violation of federal law
- The employer would lose a federal contract or federal funding
- The employee, while working, manifests specific articulable symptoms of cannabis impairment that decrease or lessen the employee's performance of the employee's tasks or duties
- The employee, while working, manifests specific articulable symptoms of cannabis impairment that interfere with the employer's obligation to provide a safe and healthy workplace as required by state and federal workplace safety laws

FREQUENTLY ASKED QUESTIONS:

HUMAN RESOURCES ISSUES / ACTION AGAINST EMPLOYEES

Is illegal cannabis use protected?

Only the legal use of cannabis by adults over the age of 21 under New York State law is protected. The illegal use, sale, or transportation of cannabis is not protected by Section 201-D of the Labor Law. For more information on what is now considered legal use, please visit New York State's Office of Cannabis Management's website at cannabis.ny.gov or consult with an appropriate professional.

Can an employer take action against an employee for using cannabis on the job?

An employer is not prohibited from taking employment action against an employee if the employee is impaired by cannabis while working (including where the employer has not adopted an explicit policy prohibiting use), meaning the employee manifests specific articulable symptoms of impairment that:

- Decrease or lessen the performance of their duties or tasks
- Interfere with an employer's obligation to provide a safe and healthy workplace, free from recognized hazards, as required by state and federal occupational safety and health laws

What are articulable symptoms of impairment?

There is no dispositive and complete list of symptoms of impairment. Rather, articulable symptoms of impairment are objectively observable indications that the employee's performance of the duties of the position of their position are decreased or lessened. Employers are cautioned that such articulable symptoms may also be an indication that an employee has a disability protected by federal and state law (e.g., the NYS Human Rights Law), even if such disability or condition is unknown to the employer. Employers should consult with appropriate professionals regarding applicable local, state, and federal laws that prohibit disability discrimination. For example, the operation of heavy machinery in an unsafe and reckless manner may be considered an articulable symptom of impairment.

What cannot be cited by an employer as articulable symptoms of impairment?

Observable signs of use that do not indicate impairment on their own cannot be cited as an articulable symptom of impairment. Only symptoms that provide objectively observable indications that the employee's performance of the essential duties or tasks of their position are decreased or lessened may be cited. However, employers are not prohibited from disciplinary action against employees who are using cannabis during work hours or using employer property.

Can employers use drug testing as a basis for an articulable symptom of impairment?

No, a test for cannabis usage cannot serve as a basis for an employer's conclusion that an employee was impaired by the use of cannabis, since such tests do not currently demonstrate impairment. (For more information, see section Drug Testing below).

Can I fire an employee for having a noticeable odor of cannabis?

The smell of cannabis, on its own, is not evidence of articulable symptoms of impairment under Labor Law Section 201-D.

Do I have to fire an employee for using cannabis on the job or for cannabis impairment on the job?

No, employers are permitted to take action under such circumstances but are not required to do so.

Do I have to discipline, report, or fire an employee under age 21 who uses cannabis on the job?

No, there is no legal requirement to do so in the Labor Law.

Are employers required to hire an employee back who was previously terminated for now legal cannabis use or a related expunged crime?

No, the law does not require employers to rehire former employees who were terminated due to cannabis use prior to the legalization of cannabis.

What if my employee works remotely in another state that uses different laws?

The MRTA and New York Labor Law Section 201-D only apply to employees employed within the State of New York.

Can a person use cannabis if they are on leave?

For purposes of the labor law, employers cannot prohibit the use of cannabis while employees are on leave unless the employer is permitted to do so pursuant to the provisions of New York Labor Law Section 201-D(4-a).

USE AT WORK OR DURING WORK HOURS

Can employers prohibit use of cannabis during meal or break periods?

Yes, employers may prohibit cannabis during “work hours,” which for these purposes means all time, including paid and unpaid breaks and meal periods, that the employee is suffered, permitted or expected to be engaged in work, and all time the employee is actually engaged in work. Such periods of time are still considered “work hours” if the employee leaves the worksite.

Can employers prohibit use of cannabis during periods in which an employee is on-call?

Yes, employers may prohibit cannabis during “work hours,” which includes time that the employee is on-call or “expected to be engaged in work.”

Can employers prohibit cannabis possession at work?

Yes, employers may prohibit employees from bringing cannabis onto the employer’s property, including leased and rented space, company vehicles, and areas used by employees within such property (e.g., lockers, desks, etc.).

For remote employees, can employers prohibit use in the “worksite”?

The Department of Labor does not consider an employee’s private residence being used for remote work a “worksite” within the meaning of Labor Law Section 201- D. However, an employer may take action if an employee is exhibiting articulable symptoms of impairment during work hours as described above and may institute a general policy prohibiting use during working hours.

Can employers prohibit use when the employee uses a company vehicle?

Yes, employers are permitted to prohibit use in company vehicles or on the employer's property, even after regular business hours or work shifts.

WORKPLACE POLICIES

Can employers prohibit the use of cannabis outside of the workplace?

No, unless the employer is permitted to do so pursuant to the provisions of Labor Law Section 201-D(4-a).

Can employers require that employees promise or agree not to use cannabis as a condition of employment?

No, employers are not permitted to require employees to waive their rights under Section 201-D of the Labor Law as a condition of hire or continued employment.

Are existing policies prohibiting use permitted?

No, unless an exception applies. Employers are encouraged to update or amend such policies to reflect changes to New York State law.

APPLICABILITY

Are both public and private employees covered by the MRTA and New York Labor Law Section 201-D?

Yes, they apply to all public (state and local government) and private employers in New York State, regardless of size, industry, or occupation.

Which employees aren't covered by the MRTA and New York Labor Law Section 201-D?

The MRTA and New York Labor Law Section 201-D do not apply to individuals who are not employees (e.g., students who are not employees, independent contractors, individuals working out of familial obligation, volunteers) or provide any consumer protections. Employees under the age of 21 are also not covered, as cannabis use by individuals under the age of 21 is prohibited by New York Law and not subject to the present protections.

Do the MRTA and New York Labor Law Section 201-D depend on immigration or citizenship status?

No, the MRTA and New York Labor Law Section 201- D apply to all employees regardless of immigration or citizenship status.

Do the MRTA and New York Labor Law Section 201-D apply to students?

Yes, the MRTA and New York Labor Law Section 201-D apply to all employees, regardless of their educational status. However, students who are not “employees” are not covered by this law.

DRUG TESTING OF EMPLOYEES

Can an employer test for cannabis?

No, unless the employer is permitted to do so pursuant to the provisions of Labor Law Section 201-D(4-a) or other applicable laws.

Can an employer drug test an employee if federal law allows for drug testing?

No, an employer cannot test an employee for cannabis merely because it is allowed or not prohibited under federal law. (See e.g., USDOL TEIN 15-90 explaining that neither the Drug Free Workplace Act of 1988 nor the rules adopted thereunder authorizes drug testing of employees.) However, an employer can drug test an employee if federal or state law requires drug testing or makes it a mandatory requirement of the position. (See e.g., mandatory drug testing for drivers of commercial motor vehicles in accordance with 49 CFR Part 382; see also e.g., NY Vehicle and Traffic Law Section 507-a which requires mandatory drug testing for for-hire vehicle motor carriers in accordance with 49 CFR 382.)

¹ *The federal government, as an employer, is not covered by this law*

Compassionate Care Act

To the extent it does not conflict with AVRE’s other legal obligations, AVRE complies with the requirements of the Compassionate Care Act (“the Act”) regarding the use of medical

marijuana by certified patients who are residents of New York State. An employee who is a certified patient should discuss with Human Resources whether a reasonable accommodation relating to the use of medical marijuana can be made. An accommodation cannot be made in all cases. AVRE will require documentation (including medical documentation) that the employee seeking an accommodation complies with the Act in all respects.

The use, distribution, or possession of marijuana, whether covered by the Act or not, is prohibited on AVRE's property and at AVRE work assignments at any time. Any employee, whether covered by the Act or not, who appears at work while impaired will be subject to discipline up to and including termination.

Inspections/Searches

AVRE reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband. All employees, contract employees, and visitors may be asked to cooperate in inspections of their persons, work areas, and property (including but not limited to packages, parcels, purses, handbags, briefcases, and lunch boxes) that might conceal drugs, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate disciplinary action or termination.

Workplace Bullying Policy

AVRE will not tolerate bullying under any circumstances. Employees who violate this policy will be disciplined accordingly and, where appropriate, terminated.

AVRE defines bullying as repeated, abusive conduct, directed at one or more individuals by one or more perpetrators, that causes psychological or physical harm.

Abusive conduct may include the following:

- Threatening, intimidating, or humiliating behaviors (both verbal and nonverbal)
- Activity that interferes with job performance (sabotage)

If you think you are a victim of bullying or suspect bullying is taking place, report it immediately to your supervisor, Human Resources, or a member of the senior management team. All suspected incidents of bullying will be thoroughly investigated and disciplinary measures will be taken accordingly. Employees reporting the violation will not be subject to retaliation.

Violence in the Workplace

AVRE believes that all employees, consumers, customers, and constituents should be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others.

Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities should be reported as soon as possible to a supervisor, Human Resources, or a member of senior management.

AVRE will promptly and thoroughly investigate any incident or threat of violence. The identity of the individual making a report will be protected as much as possible. AVRE will not retaliate against employees making good-faith reports of violence, threats, or suspicious individuals or activities.

Violation of this policy will result in disciplinary action or termination.

AVRE encourages employees to bring their disputes to the attention of their supervisor or Human Resources before the situation escalates. AVRE will not discipline employees for raising such concerns.

Zero Tolerance on Firearms: Employees found in possession of firearms (licensed or unlicensed) on AVRE premises will be immediately terminated.

Accidents and Emergencies

AVRE wants to ensure that our employees remain safe and injury-free. Maintaining a safe work environment requires the continuous cooperation of all employees to conduct all tasks in a safe and efficient manner. AVRE is committed to complying with all local, state, and federal safety and health regulations and program standards, and with any special safety guidelines for use in a particular area or with a client.

AVRE expects all employees to refrain from horseplay, careless behavior, and any negligent actions that might cause injury to themselves or others. Employees are responsible for identifying and familiarizing themselves with the emergency evacuation plan for his/her working area. Note where the Safety Data Sheets are located in your work area. Your supervisor and/or Human Resources will show you your primary and secondary evacuation routes.

If you are involved in an accident, you must:

- Report the accident immediately to your supervisor, other nearest supervisor, or Human Resources regardless of the severity.

- Obtain any necessary medical treatment.
- Fill out an Accident Report regardless of the severity of the injury.

Failure to follow company safety and health guidelines or engaging in conduct that places the employee, client, or company property at risk can lead to disciplinary action or termination.

If an employee is injured on the job, AVRE provides accident and injury insurance in accordance with New York State Workers' Compensation Law. Employees must notify their supervisor and Human Resources immediately about any work-related injury or disease. Under New York State law, failure to report work-related injuries in a timely manner can result in a reduction or denial of Workers' Compensation benefits.

Smoke-Free Workplace

In compliance with the New York Clean Indoor Air Act and to promote a safe and healthy work environment for all employees, AVRE prohibits smoking in all company buildings.

The smoke-free workplace policy applies to:

- All areas of company buildings, except for management designated outdoor smoking areas.
- All vehicles owned or leased by the company.
- All employees, visitors (consumers, customers, contractors/vendors, and other constituents) while on company premises.

Please ask your supervisor about designated outdoor smoking areas.

Employees who violate the smoking policy will be subject to disciplinary action or termination.

Cameras

To maintain a safe, secure workplace, AVRE has placed numerous cameras inside and outside of the facility.

Safety Manual

For full details about AVRE's safety policies and procedures, please consult the Safety Manual.

SECTION FOUR – CODE OF CONDUCT

Code of Business Ethics

AVRE expects all employees to adhere to the highest levels of ethical standards, honesty, and conduct in the execution of their duties and to comply with all applicable laws and regulations. AVRE's consumers, customers, volunteers, and vendors have the right to expect honesty, fairness, integrity, openness, and accountability from AVRE employees. It is the intent of AVRE to adhere to all laws and regulations governing the organization and to support efforts to maintain legal compliance.

Attendance and Punctuality

AVRE expects employees to come to work on time for all scheduled work days and to be present during all scheduled work hours. If an employee expects to be late or absent, s/he must notify his/her direct supervisor or Human Resources as far in advance as possible by phone, e-mail, or text, but no later than one hour before his/her scheduled starting time. The employee must speak directly with the supervisor or must receive a response or acknowledgment by phone, e-mail, or text. In the case of a weak attendance record, an employee's supervisor or the Human Resources Department may review the problem with the employee. Please see Time Off/Leaves of Absence section.

Employer Information and Confidentiality

During the course of your duties at AVRE, you will come into contact with records and information relating to AVRE's business operations, consumers, customers, and vendors. This information is proprietary and confidential. Employees must not disclose any confidential or proprietary information to any unauthorized person inside or outside the company. No AVRE proprietary information

may be removed from AVRE's premises without express permission from AVRE senior management unless such removal occurs during the course of performing AVRE duties. This information includes but is not limited to documents, notes, files, records, oral information, computer files, or similar materials. If you are unsure what constitutes confidential information, ask your supervisor for clarification.

Any violation of this policy will result in appropriate disciplinary action or termination.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications. This policy does not apply to employees' discussion of wages.

Conduct and Language

As an AVRE employee, you represent the agency to the general public and to specific groups. AVRE expects its employees to conduct themselves in such a manner that enhances the reputation, respect, and general opinion of the organization. Keep this in mind as you interact in a professional capacity with consumers, vendors, customers, and the public. In your verbal or written communication with others, use polite, respectful language. AVRE expects employees to cooperate with their coworkers, supervisors, and managers to facilitate their work performance.

External Agency Communications

On occasion the media will inquire about AVRE business and operations. It is AVRE's policy that one authorized person speak for the company in order to maintain a consistent public presence.

Always refer media questions seeking AVRE's position or comment to the Chief Operating Officer or the President/CEO.

All written material that pertains to AVRE business and operations and is intended for external distribution by AVRE must be approved by the Chief Operating Officer or the President/CEO. In addition, any public presentations on AVRE's behalf must be brought to the attention of and approved by the employee's immediate supervisor. Supervisors should report to senior management as appropriate.

Conflict of Interest

A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal and/or financial gain for the employee or an immediate family member (e.g., spouse or significant other, children, parents, siblings) as a result of AVRE's business dealings.

A conflict of interest can include but is not limited to:

- Hiring or supervising family members or persons with whom the employees has a close personal relationship.
- Accepting business quotes based on family or personally remunerative relationships rather than price.
- Accepting gifts, discounts, favors, or services from a customer/potential customer, competitor, or supplier, unless equally available to all company employees.

AVRE expects its employees to conduct business according to the highest ethical standards and to devote their best efforts to AVRE's interests. Business dealings that appear to create a conflict between AVRE's interests and an employee's personal interests are unacceptable. Employees are expected to disclose any situation that might pose a potential conflict of interest.

Employees who question whether an action would create a conflict of interest should contact Human Resources or a member of senior management to obtain advice on the issue.

A violation of this policy will result in appropriate disciplinary action or termination.

Outside Employment

AVRE understands that employees may wish to engage in outside work or to hold other jobs. Nevertheless, secondary employment activities must not compete with, conflict with, or compromise AVRE's interests, or adversely affect job performance and the ability to fulfill all job responsibilities. AVRE prohibits employees from using company-owned tools or equipment for outside employment. Employees are not to solicit or conduct any outside business during paid working time.

AVRE cautions employees to consider carefully the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If AVRE determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment.

Dress Code

AVRE adheres to three types of dress/attire for employees – Business Casual, Service Casual, and Production. Employees may fall into more than one category based on their work assignment for any given day.

Administrative and management staff will primarily follow acceptable guidelines for Business Casual. Business Casual includes pants/slacks, dresses, skirts, collared shirts and blouses. Shoes should be appropriate for the clothing. When an employee is hosting a customer, donor, or other invited guest, Business Professional should be considered.

Health and Rehabilitation staff will follow guidelines for Service Casual. Clothes should be clean and free of tears/holes. Clothing should be comfortable but appropriate for someone representing AVRE to a consumer. Shoes should be appropriate for the services being provided.

Production employees must pay special attention to safety in the workplace. In general, clothing must be clean and free of loose material. Work pants of various types, jeans, and close-toed shoes are acceptable. In some areas, steel-toed shoes are required. Shorts are acceptable in warmer months but must have at least a 7" inseam. Post earrings are acceptable. Necklaces that hang outside the shirt are not allowed. Hair longer than shoulder length must be securely pulled back when working on any machine.

Some examples of clothing that is never appropriate include halter/tank tops, crop tops, torn or dirty clothing. Perfume and cologne are not allowed in any work setting. Supervisors and managers will ultimately determine if an employee is dressed inappropriately and address the issue directly with the employee. Employees are expected to use good judgment and should seek guidance from a supervisor if they have any questions.

Nepotism, Employment of Relatives, and Personal Relationships

AVRE makes all employment decisions based on objective criteria. Applicants who are related to or who have a close personal relationship with present employees will be considered for employment on the same basis as all other applicants, subject to the same hiring procedures. AVRE does not allow employees to work in an area where they would supervise or be supervised by a relative or a person with whom they have a close personal relationship.

If an employee in a supervisory position begins a romantic relationship with a direct report, that employee must notify senior management immediately. Such a relationship will result in either the demotion or transfer of the supervisor or the removal of the direct report to another position if available.

Solicitations, Distributions, and Use of Bulletin Boards

AVRE, as a community-supported organization, encourages employees to participate in charitable and school associated activities. AVRE will generally allow solicitations for employees' children's school and related activities. Solicitations by individuals for charities require approval from Human Resources. However, AVRE is receptive to suggestions for company-wide charitable appeals and participation in charitable events.

Solicitations often mean asking other employees to support an activity financially or otherwise. They can cause unnecessary interruptions if undertaken during employees' working time. AVRE prohibits solicitation during a time when employees are engaged in performing their work duties or on the production floor at any time. Solicitation of any kind by nonemployees on AVRE premises is strictly prohibited.

The distribution and posting of materials related to charitable fundraising requires approval from the Human Resources Department. Nonemployees may not distribute literature of any kind on company premises at any time. Employees may not solicit other employees or distribute literature of any kind during work times, except in connection with a company-approved or sponsored event.

AVRE bulletin boards are to be used only for posting notices directly related to Company business or announcements of a business nature which are of interest to all employees. Employees are not to remove material from the bulletin boards.

Before posting any material, employees must obtain authorization from Human Resources.

Nothing in this section prohibits employees from discussing terms and conditions of employment.

Use of Company Property

AVRE expects employees to exercise care while using Company equipment and property. Such property is to be used only for authorized purposes. Employees must report lost, damaged, or stolen property as soon as possible. Negligence in the care and use of AVRE property and equipment may be considered grounds for discipline or termination.

Vehicle Use Policy

Employees whose positions require they drive their personal vehicles or an AVRE vehicle during the course of their AVRE duties must, as a condition of employment, meet the driver approval standards of this policy at all times.

Code of Conduct

AVRE subscribes to a policy of safety first. Employees driving on AVRE business must abide by state and local traffic safety and motor vehicle laws, rules, and regulations. They must be aware of road safety and demonstrate safe driving habits. The following actions while driving on AVRE business will be viewed as serious breaches of conduct and may result in immediate dismissal:

- Driving while drinking or under the influence of drugs or illegal substances
- Driving unlicensed or with a suspended license
- Reckless or dangerous driving causing injury or death
- Failing to stop after an accident
- Any actions that warrant license suspension

Employee Responsibilities

Employees driving for AVRE must adhere to the following rules:

- Agree to a Motor Vehicle Report background check as a condition of employment.
- Agree to have their license monitored by the New York State License Event Notification Service (LENS), or any other applicable state monitoring program, as a condition of employment.
- Hold a current driver's license for the class of vehicle they drive and provide AVRE with a copy upon request.
- Ensure that their personal vehicle is legally registered.
- Maintain current personal automobile insurance in accordance with New York State law and provide AVRE with a copy of the insurance card and insurance declarations page when the policy renews each year.
- Immediately notify their supervisor if their driver's license has been suspended or revoked.
- Comply with all state and local traffic and motor vehicle legislation.
- Wear a safety seat belt at all times.

- Do not use a cell phone while driving unless it is hands-free, including texting.
- Do not pick up hitchhikers or allow an unauthorized person to be a passenger while on AVRE business.
- In the case of a company vehicle, report vehicle defects to a manager at the earliest opportunity.
- Drive defensively and safely!

Technology Use and Social Media Policy

AVRE provides computers, e-mail, cell phones, mobile devices and Internet access to employees to facilitate their business-related tasks. Every employee is responsible for using the computer (network) e-mail system, Internet, cell phone and mobile devices in an appropriate, ethical, and professional manner, and in accordance with this policy. Inappropriate use may result in loss of access privileges and disciplinary action or termination.

AVRE owns the computer network, data storage devices, e-mail system, and all communications and information transmitted by, received from, or stored on the system.

AVRE is not responsible for any material employees view or download. Employees are expected to keep their Internet searches work-related.

The following guidelines have been established for using the Internet, company-provided computers, cell phones, mobile devices, and e-mail in an appropriate, ethical, and professional manner:

- Internet, company-provided equipment (e.g., cell phone, laptops, computers), and mobile devices may not be used

for transmitting, retrieving or storing any communications of a discriminatory, harassing, or pornographic nature.

- AVRE forbids the following actions while using company-provided equipment: using discriminatory, abusive, or profane language during the course of work duties; transmitting confidential or proprietary information to unauthorized persons or organizations; texting while driving; engaging in any illegal activities, including piracy, hacking, extortion, and blackmail; and unauthorized access of any company-provided equipment and network storage devices.
- AVRE's policies against sexual or other types of harassment apply fully to the computer network, e-mail system and Internet use, and any violation of those policies will be grounds for discipline or termination.
- Employees must abide by all laws governing fair use of copyrighted material owned by others.
- Employees must not access another employee's network or e-mail account unless authorized by an AVRE senior manager.
- Internal and external e-mails are considered business records and may be subject to discovery in the event of litigation.

Employees who witness or suspect abuse of the computer system (including e-mail and Internet) should report it immediately to their supervisor, the Human Resources Department, or senior management.

AVRE reserves the right to modify this policy at any time as the need arises and will notify employees of any changes.

Cyber Security

AVRE requires employees with computer access to pass an on-line cyber security training course. AVRE tracks course completion, and performs ongoing periodic/random cyber security testing. AVRE requires all employees with computer access to create a password before computer access is granted and to update that password at regular intervals.

All employees with mobile devices that have access to AVRE's e-mail system or networks must make sure their devices are password protected.

All employees whose job duties require the use of a desktop or laptop computer will have a unique password which must be changed every 90 days.

Social Media

Employees should be aware that using social media comes with certain risks and responsibilities. AVRE has established guidelines that will help you make responsible decisions about your use of social media as it pertains to your employment with AVRE. You are solely responsible for what you post online. Keep in mind that any conduct that adversely affects your job performance, your coworkers' job performance, or otherwise adversely affects consumers, customers, vendors, or others who work on AVRE's behalf may result in disciplinary action up to and including termination.

- Be sure that your postings are consistent with AVRE's Non-Discrimination and Anti-Harassment Policy and Workplace Bullying Policy.
- Do not comment on confidential, business-related proprietary information including customer, pricing, marketing plans, business plans, trade secrets, or related information.
- If you decide to post complaints or criticism, do not use statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating regarding AVRE's employees, customers, consumers, or vendors.
- Respect copyright and trademark laws.
- You may not take photographs or videos of customers, clients, or consumers without their permission. Employees are reminded that others have a right to privacy and a right to control how their own image is used. You are also reminded that AVRE confidential information (such as treatment notes, marketing and business plans, and related information) may not be shared outside of AVRE.

Nothing in the AVRE social media policy should be construed as interfering with employee communications pertaining to wages, hours, or other terms and conditions of employment.

Right to Monitor

AVRE reserves the right to monitor use of company-supplied technology. Employees have no right of personal privacy in any material stored, created, received, or sent on the company computer system. Employees violating company policy or engaging in the illegal use of e-mail and the Internet may be subject to disciplinary action or termination of employment. Where

appropriate, AVRE cooperates with law enforcement investigations involving the use of AVRE supplied technology.

Internal Investigations and Searches

From time to time, AVRE may conduct internal investigations pertaining to security, auditing, or work-related matters. Employees are required to cooperate fully with and assist in these investigations if requested to do so.

AVRE reserves the right to search, without notice, any employee's office, desk, files (both paper and computer files including e-mail), locker, or any area or article on the premises, including personal belongings (including briefcases and handbags). It should be noted that all offices, desks, computers, files, lockers, etc., are owned by AVRE and are issued for employee use only during their employment.

Open Door Policy

AVRE promotes a friendly work environment where employees feel free to speak with management staff. Employees should not hesitate to discuss openly with their supervisor any problems they may be experiencing so that appropriate action may be taken. If the supervisor cannot assist them, they should contact Human Resources or senior management for guidance. AVRE is interested in employees' professional success and satisfaction. We welcome the opportunity to help employees whenever feasible.

Whistle Blower Policy

In keeping with AVRE's open door policy, AVRE encourages employees to share their questions, concerns, or complaints about possible unethical or unlawful activities with their immediate

supervisor or with any manager with whom they feel comfortable speaking. Supervisors and managers are required to report suspected ethical and legal violations in writing to AVRE's President/CEO or to the Compliance Department at the National Industries for the Blind (NIB). In cases of suspected fraud or other financial misconduct, an employee may also contact a member of the Board of Directors.

AVRE prohibits retaliation against an employee who in good faith reports violations. An employee who retaliates against someone who has in good faith reported a violation will be subject to discipline or termination of employment.

Anyone filing a complaint must be acting in good faith and have reasonable grounds for believing the information disclosed represents a legal or ethical violation. Any allegation that proves to have been made maliciously or to be knowingly false will be viewed as a serious offense subject to discipline.

AVRE will promptly investigate the reported violation. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Hotlines for Reporting Ethics or Code of Conduct Violations

To report suspected ethics or code of conduct violations, call #1-877-767-7781 or submit a message via the web at www.intouchwebsite.com/AVREcares.

To report suspected fraud, waste, abuse, and mismanagement in the AbilityOne program, please contact the hotline at the Office of Inspector General (U.S. AbilityOne Commission): toll-free #1-844-496-1536 or e-mail hotline@oig.abilityone.gov.

SECTION FIVE – COMPENSATION AND PERFORMANCE MANAGEMENT

Recording of Time

Federal and state law require AVRE to keep accurate records of employees' hours worked. Non-exempt employees must maintain an accurate record of their working time. If required, employees who report to AVRE must punch in and out using the time clock or maintain an accurate time card in the electronic timekeeping system. If an employee fails to do so, s/he must contact his/her supervisor as soon as possible. AVRE prohibits employees from punching in or out or completing time cards for another employee with the intent to falsify time records, and doing so will result in discipline, including termination. Any employee falsifying time records will be terminated.

All time records with corrections must be approved by the employee.

Payment of Wages

Payday is every other Friday as AVRE is on a bi-weekly payroll system. Payment will be in the form of a company check or direct deposit at the option of the employee. The length of the work week is determined at the discretion of management and is subject to modification.

Overtime

Overtime must be preapproved and will be given on the basis of organizational need. While a direct supervisor may recommend overtime, final approval must come from a senior manager. For hourly, non-exempt employees, overtime will be paid at 1.5 times the regular hourly wage for hours **worked** over 40 in a regular

work week. If management closes the agency, these hours will be considered as hours worked for purposes of calculating overtime pay. (Holidays, vacation, personal time, PTO, or other forms of paid time off do not count toward the 40 hours.)

Meal and Break Periods

All employees working at least six hours in a day must receive a minimum of 30 minutes for an uninterrupted lunch break. The break must take place before six (6) hours are worked or at the end of six (6) hours worked. For example, if you work 7:00 a.m. to 4:00 p.m., you must take lunch at or before 1:00 p.m.

Employee Travel and Reimbursement

AVRE reimburses for appropriate business-related travel expenses such as transportation, lodging, and meal expenses when employees travel for work. Employees must produce receipts, complete an expense report (available through HR), and submit the form to their supervisor for approval.

Employee Referral Program

AVRE offers current employees an incentive for recruiting qualified candidates for open positions (minimum 21 hours/week). All full-time and part-time employees are eligible to receive referral rewards. Supervisors and managers are not eligible for this incentive. AVRE will pay a \$300 referral reward once the referred employee (either hired through an employment agency or direct) completes three months of employment. The referring employee must complete an Applicant Referral Card to attach to the candidate's resume when it is submitted to Human Resources.

The referring employee must be working and in good standing at AVRE to receive the payment. If multiple employees refer a single candidate, the employee whose referral card was submitted first will receive the reward payment.

Management reserves the right to change the reward amount at any time.

Progressive Discipline

In accordance with New York State law, AVRE is an at-will employer. Your employment is not for any specific time and may be terminated at will by you or by AVRE, with or without cause and with or without prior notice, so long as there is no violation of applicable federal or state law.

If you are not performing your assigned duties satisfactorily or are violating company policy or procedure, your supervisor will bring it to your attention. AVRE supervisors and managers will coach and counsel employees before enacting corrective measures. AVRE wants to ensure that you fulfill your duties in compliance with company expectations, procedures, and performance standards. If you are violating a company rule, policy, or procedure, your supervisor or manager will take appropriate corrective action.

Verbal Warning – If your job performance is below expected standards or you violate company policy or procedure, your supervisor will discuss the problem openly with you and outline his or her performance expectations along with suggested remedies. Meeting notes will be maintained in your personnel file.

Written Warning – The written warning formally documents specific performance problems or policy violations, emphasizes the need for correction, and details the consequences of uncorrected behavior. A letter of reprimand is prepared and addressed to the employee with a copy for his/her file. When the supervisor gives you the letter, he or she will give a VERBAL explanation and work to obtain your commitment to change. A written warning can be given if there is an accumulation of minor offenses or one event of a more serious nature. You will be asked to sign and date the letter as confirmation of its receipt.

Suspension (Final Warning) – Suspension without pay indicates that AVRE has a serious concern about your behavior or performance. Suspension may be imposed for more serious offenses or when lesser forms of discipline have failed to bring about a desired change or when you have no previous disciplinary record and you commit a serious offense. This unpaid disciplinary suspension applies to all employees, both exempt and nonexempt. Record of the suspension will be maintained in your personnel file.

It is your responsibility to notify your supervisor immediately about any job-related factors that may hinder your job performance.

Termination - Termination may result when unacceptable performance or conduct persists despite warning. Termination might also occur where you, with no prior disciplinary record, engage in gross misconduct.

AVRE reserves the right to skip steps, accelerate progressive discipline, or take other or further disciplinary action.

Gross Misconduct and Immediate Termination

AVRE expects its employees to meet reasonable standards of work performance and professional conduct. In order to promote productivity and efficiency, we encourage employees to focus on their duties during work hours and to cooperate with one another to get their job completed satisfactorily. If an employee engages in behavior that violates the policies outlined in this handbook, AVRE reserves the right to terminate that individual's employment immediately.

The following examples of gross misconduct are sufficient cause for immediate termination. This list should not be considered exhaustive.

- Deliberate destruction, damage, sabotage, waste, theft, or unauthorized removal of property belonging to AVRE, an AVRE employee, or an AVRE customer or consumer.
- Dishonesty, fraud, deception, or falsification of AVRE records.
- Violation of the Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policies.
- Possession, sale, use, or delivery of controlled substances (not prescribed by a physician) on AVRE premises or in company vehicles or vehicles used during the course of AVRE business.
- Knowingly punching another employee's time card IN or OUT.
- Immoral or indecent behavior on AVRE premises.
- Intentionally restricting output or interfering with the work of other employees.
- Possession of dangerous weapons (including, but not limited to, firearms and explosives) on AVRE premises.

- Insubordination, threats, intimidation, use of profanity, or any act of violence toward managers/supervisors, coworkers, customers, or vendors during the course of AVRE business.
- Violating safety rules.
- Failure to notify your supervisor of absence for three consecutive days.
- Horse play, fighting or deliberately injuring another employee.
- Misuse or unauthorized disclosure of confidential information not otherwise available to persons outside AVRE.
- Violation of AVRE's E-mail, Cell Phone, and Internet Usage Policy.
- Sleeping during work hours.

AVRE's management reserves the right to determine on an individual basis whether an employee's behavior reaches the level of misconduct subject to discipline.

Failure to comply with these guidelines and other reasonable expectations of the employment relationship will result in disciplinary action up to and including termination.

Personnel Records

AVRE's employee files are maintained by the Human Resources Department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Personnel files may not be taken outside the Human Resources Department. An employee may review his or her personnel file under the supervision of an HR staff person. AVRE will release information from personnel files at the discretion of management and only with written permission from the employee or when legally required.

Employees should notify Human Resources as soon as possible about any changes in:

- Name and/or marital status
- Address and/or telephone number
- Number of eligible dependents
- W-4 deductions
- Emergency contact information

New York State Workplace Breastmilk Expression

Section 206-c of the New York State Labor Law provides as follows: Right of Nursing Mothers to Express Breast Milk. An employer shall provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The employer shall make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy. No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace.

This law is applicable to all public and private employers in New York State, regardless of the size or nature of their business. In administering this statute, the Department applies the following interpretations and guidelines:

I. Notice

A. Employers shall provide written notification of the provisions of Labor Law §206-c to employees who are returning to work, following the birth of a child, and their right to take unpaid leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees

generally through publication of such notice in the employee handbook or posting of the notice in a central location.

B. An employee wishing to avail herself of this benefit is required to give her employer advance notice. Such notice shall preferably be provided to the employer prior to the employee's return to work following the birth of the child in order to allow the employer an opportunity to establish a location and schedule leave time amongst multiple employees if needed.

II. Reasonable Unpaid Break Time

A. Reasonable unpaid break time is sufficient time to allow the employee to express breast milk. Each break shall generally be no less than twenty minutes. If the room or other location is not in close proximity to the employee's work station (e.g. as in a shared work location with a common lactation room) each break shall generally be no less than thirty minutes. Employees can elect to take shorter unpaid breaks for this purpose.

B. The number of unpaid breaks an employee will need to take for expression purposes varies depending on the amount of time the employee is separated from the nursing infant and the mother's physical needs. In most circumstances, employers shall provide unpaid break time at least once every three hours if requested by the employee.

C. Upon election of the employee, unpaid break time may run concurrently with regularly scheduled paid break or meal periods.

D. Upon election of the employee, an employer shall allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) for the expression of breast milk so long as such additional time requested falls within the employer's normal work hours.

E. This benefit is available to the employee during their basic work week and any overtime or additional hours worked.

F. An employee may be required to postpone scheduled unpaid break time for no more than thirty minutes if she cannot be spared from her duties until appropriate coverage arrives.

III. Reasonable Efforts and Privacy

A. All employers are required to make reasonable efforts to provide a private room or other location for the purpose of expression of breast milk. "Reasonable effort" requires that the room or other location must be provided for use of employees expressing breast milk so long as it is neither significantly impracticable, inconvenient, or expensive to the employer to do so. Relevant factors in determining significant impracticality, inconvenience, or expense include but are not limited to:

1. The nature of work performed at the business;
2. The overall size and physical layout of the business;
3. The type of facility where the business is housed;
4. The size and composition of the employer's workforce;
5. The business' general hours of operation and the employees' normal work shifts;
6. The relative cost of providing a room or other space for the dedicated purpose.

B. The room or location provided by the employer for this purpose cannot be a restroom or toilet stall.

C. An employer may dedicate one room or other location for the expression of breast milk and establish a schedule to accommodate the needs of multiple employees needing access thereto.

D. An employer who is unable to provide a dedicated lactation room or other location under these guidelines, may allow the use of a vacant office or other available room on a temporary basis for the expression of breast milk, provided the room is not accessible to the public or other employees while the nursing employee is using the room for expression purposes.

E. As a last resort, an employer who is unable to provide a dedicated lactation room or other location under these guidelines may make available a cubicle for use by individuals expressing breast milk, provided the cubicle is fully enclosed with a partition and is not otherwise accessible to the public or other employees while it is in use for expression purposes. The cubicle walls shall be at least seven feet tall to insure the nursing employee's privacy.

F. Each room or other location used for the expression of breast milk under these guidelines shall be well lit at all times through either natural or artificial light. If the room has a window, it shall be covered with a curtain, blind, or other covering to ensure privacy for the mother as she is expressing breast milk. The room shall contain, at a minimum, a chair and small table, desk, counter, or other flat surface. In addition, employers are encouraged to provide an outlet, clean water supply, and access to refrigeration for the purposes of storing the expressed milk.

G. An employer is not responsible for insuring the safekeeping of expressed milk stored in any refrigerator on its premises. The employee is required to store all expressed milk in closed containers, regardless of the method of storage and to bring such milk home with her each evening.

H. The employer must maintain the cleanliness of the room or location set aside for the use of employees expressing breast milk at work.

I. An employer may not deny an employee this benefit due to difficulty in finding a location for purposes of the same.

J. For the purposes of this provision: “Private” shall mean that the room or other location shall not be open to other individuals frequenting the business, whether as employees, customers, or other members of the public. To ensure privacy, the room or location should have a door equipped with a functional lock. If a door with a functional lock is not available (in the case of a fully enclosed cubicle) as a last resort an employer must utilize a sign advising the room or location is in use and not accessible to other employees or the public.

IV. Close Proximity

A. Any room or location provided for the expression of breast milk must be in close proximity to the work area of the employee(s) using it for the expression of breast milk.

B. Close proximity means the room or location must be in walking distance and the distance to the location should not appreciably lengthen the break time.

C. Should an employer have more than one employee at a time needing access to a lactation room or other location, the employer may dedicate a centralized location for use by all such employees, provided however, that the employer shall make every effort to locate such space at a reasonable distance from the employees using it.

D. Employers located in shared work areas such as office buildings, malls, and similar premises may cooperate with one another to establish and maintain a dedicated lactation room, provided however, that such rooms must be located at a reasonable distance from the employees using the room. Each employer utilizing such common dedicated lactation room will

retain individual responsibility for ensuring that it meets all the requirements of these guidelines with regard to their employees. Use of a common dedicated lactation room pursuant to this paragraph will not reduce, mitigate, or otherwise affect the employer's obligations under these guidelines.

V. Non-Discrimination No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace. Encouraging or allowing a work environment that is hostile to the right of nursing mothers to take leave for the purpose of expressing breast milk could constitute discrimination within the meaning of this section of the guidelines.

VI. Suggested Employer Activities

A. In addition to the activities set forth in the guidelines above, an employer may consider implementing one or more of the following activities in connection with the needs of employees who are breast feeding children:

1. Providing educational information in the lactation room or area regarding the benefits of breastfeeding and tips on expressing and storing breast milk including posters, newsletters, books, and referral information to health education programs about breastfeeding.

2. Allowing flexible work hours, job sharing, and/or part-time scheduling to accommodate employees with children of nursing age.

3. Providing an easily accessible sink to wash tubing used for pumping breast milk.

4. Allowing mothers of nursing children attending on-site day care to take breaks to breast feed in lieu of pumping.

5. Providing a listing of lactation consultants whom breastfeeding mothers could contact for assistance.

6. Including protection for pregnant and breastfeeding mothers in the company's sexual harassment policy.

7. Designation of a breastfeeding coordinator to allow consistent and coordinated implementation of this benefit in the workplace.

B. Not all questions can be anticipated; therefore these guidelines may not cover all situations that may arise. For additional assistance or information please contact the Division of Labor Standards office nearest you.

SECTION SIX – TIME OFF

Paid Time Off (PTO)

AVRE offers paid time off (PTO) that combines vacation, sick, and personal leave time into one bank. Full-time employees are entitled to PTO benefits ---according to the schedule below. If you are full-time working between 30 and 37 hours per week, your PTO will be prorated. Part-time employees working between 22.5 and 29.5 hours per week are entitled to PTO as follows: employees with 1-5 years of service receive PTO equivalent to two regular work weeks; employees with more than 5 years of service receive PTO equivalent to three regular work weeks. Part-time employees working less than 22.5 hours per week are not eligible for PTO benefits. New employees will accrue a pro-rated amount of PTO during their first year of service beginning on the first day of full- or part-time employment. During that first year, PTO can be used only after it is earned. PTO will not be earned during an unpaid leave of absence. After the first year of employment, employees will receive the entire PTO allotment on their hire anniversary date.

- 1-5 years of service: 22 days or 165 hours
- 6-10 years of service: 27 days or 202.5 hours
- 11-20 years of service: 27 days + 1 day for each year of service up to a maximum of 37 days or 202.5 hours plus 7.5 hours for each year of service up to 277.5 hours
- 20+ years of service: 37 days or 277.5 hours

PTO may be taken in half-hour increments. Employees must take at least ten (10) PTO days each year. Employees in the following categories must take at least five (5) of those consecutively: Team Leads, Supervisors, Managers, Directors, and Officers.

Any PTO days in excess of 10 days not used by your anniversary date will carry over into a Medical Reserve bank for use as paid time off in the event of short term disability. (Exceptions will be made for first year employees who accrue PTO.) The PTO accumulated in Medical Reserve cannot exceed 65 days or 487.5 hours. Any PTO exceeding that limit will be paid out to the employee annually.

To schedule PTO, employees are required to submit a completed absence report to their supervisor at least two weeks before the requested leave. Employees should check with Human Resources to verify they have enough time accrued. Requests will be approved based on a number of factors, including department operating and staffing requirements. The supervisor will return the leave request to the employee within three business days of the date it is submitted indicating that the request has been approved or denied. If the request for PTO is denied, the supervisor will provide an appropriate reason on the form returned to the employee.

Leave taken beyond an employee's available PTO balance will be unpaid unless otherwise required under state or federal law.

Effective 1/1/19: If full-time employees exhaust their annual PTO allotment before their anniversary date and wish to schedule time off without pay, they must request it from their supervisor. Senior management will then either approve or deny the request. If full-time employees have an unscheduled absence after exhausting their PTO, they will receive one warning from their supervisor. If they have a second unscheduled absence, they will convert to part-time status. If their position does not permit for part-time status, they may be terminated.

Unscheduled PTO

Unscheduled PTO is a burden to coworkers and supervisors and should be used sparingly. If your supervisor deems your use of unscheduled PTO excessive, you may be subject to disciplinary action.

PTO Payout upon Termination

If employees who voluntarily resign provide at least two (2) weeks' notice, they may receive payment for their remaining PTO. Employees receive no payout from Medical Reserve. If AVRE terminates an employee, management reserves the right to determine if the employee is entitled to a PTO payout.

AVRE management reserves the right to modify the PTO policy at any time.

Weather Related Closing

If AVRE closes due to a weather event or other unforeseen reason, and you have already scheduled a PTO day, you must use the PTO time.

Bereavement Time

AVRE permits full-time employees a maximum of three days annually for bereavement leave. This leave may be taken in hour increments. Should additional time be required, employees may use PTO for this purpose.

Holidays

AVRE recognizes ten (10) paid holidays (listed below) for all full-time employees and part-time employees whose regular schedule

would have required them to work on that day. Employees in their probationary employment period are also eligible for paid holidays.

- New Year's Day
- President's Day
- Memorial Day
- Juneteenth (if during the workweek)
- July 4th
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Work day before or after Christmas

Temporary employees are not paid for holidays.

To be paid for a holiday, you must work your scheduled day before or after the holiday unless you have already scheduled PTO for those days. Employees calling in requesting time off the day before or after a holiday will not be paid unless extenuating circumstances exist.

Full time employees will be paid for the full day. Part time employees will be paid for the number of hours they would typically work on that day.

Military Leave

AVRE provides military leave to eligible employees in compliance with federal and state laws, including the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

Employees who are members of the U.S. Army, Navy, Air Force, Marines, or Coast Guard Reserves, or are in the National Guard, must notify their supervisor two weeks in advance of any training programs they must attend. This leave will be unpaid unless the employee elects to use earned PTO. Employees who enter extended active duty will be placed on an unpaid leave of absence. AVRE will grant these employees, upon completion of such active duty, re-employment rights in accordance with the law.

Military Spouse Leave

In compliance with New York State law, AVRE grants up to ten (10) days unpaid leave to an employee whose spouse serves in the U.S. Armed Forces, National Guard, or Reserves and has been deployed in a combat zone. Employees may take the leave only when the military spouse is on leave. Employees seeking spousal leave must give as much notice as possible to Human Resources, and AVRE reserves the right to ask for documentation to substantiate the leave request.

Jury Duty

AVRE will grant a leave of absence to any full-time or part-time employee who has been called to serve jury duty. Upon receipt of a jury notice, the employee must immediately notify his/her supervisor and the Human Resources Department. HR will make a copy of the notice to include with the employee's attendance record.

Employees will receive full pay during their jury duty.

Time Off to Vote

A registered voter may, without loss of pay for up to three hours, take off so much working time as will enable them to vote. The employee shall be allowed time off for voting only at the beginning or end of his or her working unless otherwise mutually agreed. If the employee requires working time off to vote, the employee shall notify his or her supervisor not less than two working days before the day of the election that he or she requires time off to vote.

If you believe you qualify for paid leave to vote, please contact the Human Resources Manager who will work with your supervisor to determine when the leave can be granted.

Blood Donation

Employees are permitted to take one leave per year of three hours' duration to donate blood. Such leaves shall be scheduled in advance. Leave for blood donation is unpaid, except that employees may substitute PTO in accordance with those leave policies.

Sponsored Leave of Absence without Pay

In keeping with AVRE's mission, we have a special policy that applies only to legally blind individuals in hourly direct labor positions. Should such an individual be sponsored by the New York State Commission for the Blind for a specific employment related training program, AVRE will grant that individual a leave of absence without pay for the duration of the training up to nine months. AVRE reserves the right to extend that leave. Should the individual obtain employment outside AVRE, we will grant a leave of absence without pay for up to ninety (90) calendar days. AVRE will endeavor to hold a position open for the individual until the

end of the granted leave. While AVRE cannot guarantee a return to employment, we will make affirmative efforts to return the individual to employment with a status as close as possible to his/her original position before the leave of absence began. Please note that while the individual is on approved unpaid leave, all AVRE employee benefits will cease.

Family and Medical Leave Act

AVRE complies with the Family and Medical Leave Act (FMLA). The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Questions about this policy should be directed to Human Resources (HR).

General Provisions

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons.

Under FMLA, an eligible employee is entitled to a leave of up to twelve (12) workweeks during a twelve (12) month period for covered FMLA issues (or up to 26 weeks if the leave is to care for a covered service member with a serious injury or illness).

Eligibility

Only eligible employees are entitled to take FMLA leave. An eligible employee is one who:

- Works for a *covered employer*,
- Has worked for the employer for at least *12 months*;
- Has at least *1,250 hours* of service for the employer during the 12 month period immediately preceding the leave; and
- Works at a location where the employer has at least *50 employees within 75 miles*.

The 12 months of employment do not have to be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven years or more, the time worked prior to the break will not count *unless* the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement, including a collective bargaining agreement, outlining the employer's intention to rehire the employee after the break in service.

Leave Entitlement

Eligible employees may take up to 12 work weeks of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or

- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status. See below for Qualifying Exigency Leave Entitlements.

Intermittent or Reduced Schedule Leave

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. Employees needing intermittent or reduced schedule leave for foreseeable medical treatment must make a reasonable effort to schedule treatment so as not to unduly disrupt AVRE's operations, subject to the approval of the employee's health care provider. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the AVRE's approval.

Substitution of Paid Leave

AVRE policy allows but does not require employees to use their current PTO and Medical Reserve time during their FMLA leave. When all time is depleted, no further payments will be made by AVRE.

Serious Health Condition

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves the following:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

Qualifying Military Exigency Leave

Qualifying exigencies may arise when the employee's spouse, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty. For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age.

Covered Active Duty Eligible employees may take FMLA leave for a qualifying exigency while the military member is on covered active duty, call to covered active duty status, or has been notified of an impending call or order to covered active duty.

For members of the Regular Armed Forces, covered active duty is duty during deployment of the member with the Armed Forces to a foreign country. For members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), covered active duty is duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation. Deployment to a foreign country means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States. It also includes deployment to international waters.

Qualifying exigencies include but are not limited to:

- Issues arising from the military member's short notice deployment (i.e., deployment within seven or less days of notice). (7 days)
 - Attending military events and related activities
 - Certain childcare and related activities arising from the military member's covered active duty
 - Certain activities arising from the military member's covered active duty related to care of the military member's parent who is incapable of self-care
 - Making or updating financial and legal arrangements to address a military member's absence while on covered active duty
 - Attending counseling for the employee, the military member, or the child of the military member when the need for

that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider.

- Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave.

- Certain post-deployment activities within 90 days of the end of the military member's covered active duty

- Any other event that the employee and employer agree is a qualifying exigency.

Amount of Leave

- All categories except military caregiver leave – eligible employees can take up to 12 workweeks for qualifying situations. This calculation is based on a “rolling” 12-month period measured backward from the date of your first FMLA leave usage.
- Military caregiver leave – permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. The “single 12-month period” begins on the first day the eligible employee takes military caregiver leave and ends 12 months after that date.
- Spousal combined leave – when husband and wife both work for the company and each wishes to take leave for the birth, adoption, placement of a child in foster care, or to care for a parent with a serious health condition, the husband and wife may take a combined total of 12 weeks of leave. If both husband and wife work for the company and each wishes to take leave to care for a covered injured or ill service

member, the husband and wife may take a combined total of 26 weeks of leave.

Employee Status and Benefits During Leave

AVRE will maintain your group health plan coverage and certain other employment benefits (such as group life insurance, AD&D, and dependent flexible spending) during your FMLA leave on the same terms as if you had continued to work, if these benefits were provided to you before the leave was taken.

You will be required to pay your regular portion of premiums during your leave. If on paid leave, AVRE will continue to make payroll deductions to collect the employee's share of the premium(s). If on unpaid leave, the employee must continue to make this payment, either in person or by mail. Arrangements for payment can be made with HR.

Benefits that are accumulated based upon hours worked generally will not accumulate during FMLA leave. In some instances AVRE may seek to recover premiums it paid to maintain plan coverage for an employee who fails to return to work from FMLA leave.

Procedure for Requesting FMLA Leave

It is your responsibility to notify HR, verbally or in writing, of absences that may be covered by FMLA.

Non-emergency leave should generally be requested at least 30 days, or as soon as practical, in advance of the date the leave is

expected to begin. In cases of emergency, verbal notice should be given as soon as possible.

Failure to provide this information may result in delay or forfeiture of rights under this policy. This means the absence may then be counted against your record for purposes of discipline for attendance or similar matters.

HR will complete and provide the employee with the Department of Labor (DOL) Notice of Eligibility and Rights and appropriate certification form once the FMLA leave request has been made by the employee.

Medical and Military Certifications

The employee will be required to obtain a medical certification form (available from HR) when the leave is for a family member's or your own serious health condition. The certification form needs to be signed by the health care provider. AVRE must receive documentation within fifteen (15) days after employee receives FMLA paperwork or as soon as is reasonably possible given the nature of the medical problem.

Under certain circumstances, AVRE may require a second or third certification from health care providers at the Association's expense. We may also require recertifications or periodic reports during your leave regarding your status and intent to return to work.

When the FMLA leave is for military reasons, appropriate certification will also be required (Certification of Qualifying Exigency or Certification for Serious Injury or Illness of a Current Service Member; forms available from HR). A copy of

the military member's active duty orders or other military or other documentation may also be required to substantiate your need for FMLA leave.

Designation of FMLA Leave

Upon receipt of the appropriate certification forms, HR will complete and provide the employee with a written response to the leave request (DOL Designation Notice). If approved, FMLA leave begins on with the first day of absence.

Return to Work

An employee may return to work in the same or equivalent job within the twelve (12) workweek FMLA period with no loss of benefits, benefits eligibility, or other change in status. The employee must provide a physician's note regarding fitness for duty. If the employee's physician imposes work duty restrictions, the employee must submit a note signed by the physician and discuss the restrictions with AVRE to ensure that AVRE can make reasonable accommodations.

Questions regarding the FMLA policy should be directed to Human Resources.

New York State Paid Family Leave

Employees employed in New York State who meet certain guidelines will become eligible for Paid Family Leave (PFL) starting on January 1, 2018. PFL is not optional. It is a mandatory state-run program. This is a summary of the New York PFL program. If you have questions about eligibility, taking PFL,

or other concerns, please contact the Human Resources Department.

Benefit Available

PFL will provide an eligible employee with the following benefits in a twelve month period:

2018 - 8 weeks of leave 50% pay

2019 - 10 weeks of leave 55% pay

2020 - 10 weeks of leave 60% pay

2021 - 12 weeks of leave 67% pay

The amount paid is capped by the New York State average weekly wage (which changes from year to year). These amounts are subject to change by the State of New York.

The benefits are calculated on a rolling twelve month basis from each use of PFL and not on a calendar basis [in the same way as our FMLA is calculated].

Employees on PFL will also have job protection and will be restored to the same or a similar position following their leave. While on leave, employees will be eligible to continue their health insurance with the same contribution level as while working.

If health insurance options change while an employee is on PFL, the employee will have the option to elect new coverage the same as an employee who is working.

Eligibility for PFL

Employees who have been employed by AVRE for at least 26 weeks or part-time for 175 days during the past 52 weeks will be eligible to take PFL. Part-time means fewer than 20 hours per week.

Employees who do not meet this eligibility requirement will be given the option to waive PFL. Anyone seeking a waiver of PFL should meet with Human Resources to discuss the consequences of such a waiver and to complete a waiver form. **No waiver will occur until a waiver form is completed.**

Cost of PFL

PFL is paid for through a deduction from an employee's paycheck. You will notice this deduction on your pay stub. There is no other cost for PFL.

When Can PFL Be Used?

PFL can be used for three reasons:

- Providing care to a family member with a "serious health condition"
- Bonding Leave for the birth of a child, adoption of a child or placement of a child with the family in foster care
- Qualifying Military Exigency Leave

Family Care

A "Serious Health Condition," mirroring the Family Medical Leave Act, means:

An illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential health care facility; or
- Continuing treatment or continuing supervision by a health care provider.

Providing care requires “close and continuing proximity” to the care recipient.

“Family Member” means:

- Spouse
- Domestic Partner
- Child
- Parent, Parent in-law, including a person who acted as parent (i.e. Foster Care Parent)
- Grandparent
- Grandchild

A medical certification from the family member’s physician will be required.

Bonding Leave

Time for Bonding Leave may be taken by either parent following the birth of a child, the adoption of a child or the placement of a foster child. Leave for Adoption of a child or Foster Care placement of a child may, in some circumstances, be taken prior to the placement, such as for mandatory court appearances or home visits.

Bonding leave must be taken within 52 weeks of the date of the child’s birth, the adoption, or the foster care placement.

A copy of the birth certificate or court order of placement (or other similar documentation) will be required.

If two spouses are employed by AVRE, both spouses may not take the same period of time-off to bond with the same child.

Qualifying Military Exigency Leave

The definition of Qualifying Military Exigency is the same as that under the Family and Medical Leave Act (FMLA). Please see above FMLA policy.

How to Request Leave

Employees seeking leave should contact Human Resources to obtain the Request for PFL form (PFL-1) and discuss appropriate documentation. In most circumstances, employees must give at least 30 days' notice of the leave. In circumstances where that is not possible, employees must give as much notice as possible. AVRE reserves the right to deny or delay leave for late notice in accordance with law.

For Intermittent Leave, employees must provide notice each day. Intermittent PFL is taken in full-day increments (unlike FMLA which can be taken in less than full-day increments).

Effect on Other Types of Leave

You may not take short-term disability and paid family leave at the same time; however, you may take each type of leave individually, provided that your total leave time for both short-term disability and paid family leave does not exceed 26 weeks.

You may not take PFL while out of work on Worker's Compensation or under certain other circumstances.

Where appropriate, AVRE will designate PFL as FMLA and both will run together. In accordance with our FMLA policy, when PFL and FMLA occur at the same time, you may choose to but are not required to use your PTO to supplement PFL.

For circumstances where PFL and FMLA do not run at the same time, you will have the option to supplement your PFL with your PTO, but you will not be required to do so. At the time you discuss your leave with Human Resources, this option will be discussed.

Note: Paid Family Leave is subject to change by New York State.

For complete details, please see:

<https://www.ny.gov/programs/new-york-state-paid-family-leave>

SECTION SEVEN – BENEFITS

Disclaimer

Nothing contained in the benefit plans described below shall be held or construed to create a promise of employment or future benefits, or a binding contract between AVRE and its employees, retirees, or dependents, for benefits or for any other purpose. All employees shall remain subject to discharge or discipline to the same extent as if these plans had not been put into effect.

Many benefits are governed by specific plan documents. If anything in this handbook contradicts or conflicts with the plan documents, the plan documents will govern and control. Plan documents are available from Human Resources.

AVRE reserves the right to amend, modify, or terminate, in whole or in part, any or all the provisions of its benefit plans, including any health, vision, or dental benefits that may be extended to retirees and their dependents.

Benefits Eligibility

AVRE offers all full-time employees (working 30 or more hours a week) a wide range of benefits, described below. Part-time employees are only eligible to join the 403(b) retirement plan but would not be eligible for the employer match unless they work over 1,000 hours per 12-month period starting on their hire or anniversary date. Temporary employees are not eligible for any AVRE benefits.

Health Insurance

AVRE offers its employees and their dependents health insurance. AVRE and the employee share the premium cost. Employees can elect to participate or not. New employees become eligible for health insurance on the first day of the month after their hire date. Each year during the open enrollment period, employees will have the option to elect coverage, change their plan, or opt out. The health insurance plan year runs from September 1 to August 31.

AVRE reserves the right to change health insurance plans and premium cost at any time. Employees will be notified of any changes in advance.

Dental Insurance

AVRE offers a dental insurance plan to its employees and their dependents. Employees pay the full premium for dental insurance. New employees become eligible for dental insurance on the first day of the month after their hire date. Each year during the open enrollment period, employees will have the option to elect coverage or opt out. Dental insurance runs on a calendar year.

AVRE reserves the right to change dental insurance plans and premium cost at any time. Employees will be notified of any changes in advance.

Vision Insurance

AVRE offers vision insurance to its employees and their dependents. AVRE and the employee share the premium cost. New employees become eligible for vision insurance on the first day of the month after their hire date. Each year during the open enrollment period, employees will have the option to elect coverage or opt out. Vision insurance runs on a calendar year.

AVRE reserves the right to change vision insurance plans and premium cost at any time. Employees will be notified of any changes in advance.

Flexible Spending Account

AVRE provides its employees who work at least 30 hour per week with the option (under Section 125 of the Internal Revenue Code) to contribute pre-tax dollars to a Flexible Spending Account to help pay for qualified out-of-pocket health care expenses (e.g. deductibles, copays, etc.) incurred by employees or their eligible dependents. The employee decides how much to contribute from each paycheck up to a plan year limit contained in the plan documents. Your entire elected annual contribution amount is immediately available upon your enrollment in the FSA, even before you have made all your necessary payroll contributions. According to IRS regulations, if eligible medical or dental expenses that you incur during the calendar year are less than your elected annual amount of flex dollars for that year, you must forfeit the balance. In other words, your unused contributions do not roll over to the next year. "Use it or lose it." You have 120 days after the plan year ends to submit expenses incurred the previous plan year.

New employees become eligible to contribute to an FSA on the first day of the month following their hire date.

AVRE reserves the right to modify or terminate the Flexible Spending Account.

Health Reimbursement Account

AVRE reserves the right to implement, maintain, modify, or terminate a Health Reimbursement Account. Please see Human Resources for details.

COBRA Rights

AVRE complies with the federal law, Consolidated Omnibus Budget Reconciliation Act of 1985, P.L. 99 272, and later amendments, otherwise known as COBRA. Covered employees and their dependents who lose insurance coverage due to a qualifying event will be eligible for continuation of coverage at their own expense. Please see AVRE's COBRA Rights Policy for further details.

Group Life Insurance

AVRE provides each full-time employee with a specified amount of life insurance depending on his or her wages/salary. Coverage begins on your first work day of the month following three months (90 days) of employment. You must work on the first day of coverage.

403(b) Retirement Plan

AVRE offers full- and part-time employees the option of participating in a 403(b) or tax sheltered (deferred) annuity plan. The Internal Revenue Service limits maximum contributions and may change allowable amounts. After the employee completes one year of service, AVRE will match employee contributions (for employees who work over 1,000 hours in a 12-month period starting on the hire or anniversary date) up to a maximum of eight (8) percent of salary or wages. Certain exclusions may apply. Please see your Summary Plan Description for details. AVRE reserves the right to change any and all aspects of the program (including the matching contribution) within legal requirements.

Pre-tax Payroll Deductions and Premium Only Plan

Section 125 of the Internal Revenue Code permits employees to pay for certain qualified expenses such as health, dental, and vision insurance premiums and Flexible Spending Account contributions on a pre-tax basis. AVRE offers you the option to participate in the Premium Only Plan where you can elect to pay your portion of health insurance premium before taxes are deducted from your pay. Please see the Human Resources Department for more information.

Employee Assistance Program (EAP)

AVRE offers a voluntary and professional service that provides information, counseling, and referral services to all employees and their dependents who may be experiencing personal stress in their lives. Please see the Human Resources Department for specific information about the EAP.

Short-Term Disability Benefits

Under New York State Law, employees are eligible for short-term disability benefits after missing seven (7) consecutive calendar days. Employees must submit proper medical documentation to the insurance carrier in order to obtain benefits. Employees will receive half pay up to a maximum weekly amount determined by New York State for up to 26 weeks. Employees will receive payment directly from the insurance carrier.

Employees may return to work only after submitting to Human Resources a physician's note authorizing the return.

Medical Reserve Bank

If employees are on leave due to their own health condition or the health condition of their immediate family member (spouse, child, parent, brother, sister, grandparent, grandchild, step-parent, step-child, step-brother, or step-sister), they have the choice to use accrued PTO, to use Medical Reserve, or to take time off from work without pay. If they elect to use their Medical Reserve, they must provide medical documentation to Human Resources. This benefit becomes available after a seven (7) day waiting period. An employee's eligibility for Medical Reserve will be reviewed with the employee's supervisor and a member of senior management.

Employees using Medical Reserve for their own health condition may return to work only after submitting to Human Resources a physician's note authorizing the employee's return.

Volunteer Time

AVRE encourages our employees to become involved in their communities, lending their voluntary support to programs that positively impact the quality of life within these communities.

The following guidelines are for AVRE's employees who serve as volunteers in 501(c)(3) non-profit community programs that are either of personal interest or are corporate-sponsored initiatives.

Employees will be allotted 15 hours of Volunteer Time Off (VTO) annually to participate in volunteer program of their choice.

Employees may volunteer with as few or as many organizations as they choose.

Volunteer time off must be requested in advance and when possible, should be regular and on a set schedule to help with the coordination of other work-related responsibilities.

Volunteer time off needs to be used for volunteer opportunities occurring during regularly scheduled work hours. Participation should not conflict with the peak work schedule and other work-related responsibilities, create need for overtime, or cause conflicts with other employees' schedules.

Volunteer time off will be paid at the employee's hourly base rate, at a minimum of one-hour increments, up to an entire business day. The allowed time for volunteering will be refreshed each year, and will not carry over and accumulate from year to year. Unused volunteer time off hours will not be paid out.

All full-time employees are eligible.

Employees may choose to volunteer alone or as a group, but time away from work must be approved for all participants.

Interested employees should have expected performance or above.

Interested employees should meet with their managers to discuss their volunteer choice, schedule and to receive approval.

Workers' Compensation Benefits

In accordance with New York State law and employment regulations, AVRE covers all employees under a workers' compensation policy. All work-related accidents must be reported immediately to the direct supervisor regardless of severity.

Tuition Assistance Reimbursement Policy

AVRE offers full-time employees tuition assistance for pre-approved, work-related courses taken at an accredited college or university. Employees will be required to provide proof of enrollment, tuition charges, and course-related expenses. Employees interested in this benefit should see their immediate supervisor or a member of senior management for approval and specific details. AVRE reserves the right to modify or discontinue this program at any time.