

The Fan Fox and Leslie R. Samuels Foundation

PERSONNEL MANUAL



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ABOUT THIS PERSONNEL MANUAL

This Personnel Manual ("Manual") describes the policies, practices and procedures of The Fan Fox and Leslie R. Samuels Foundation, Inc. and is designed to be a working guide for all employees. Please retain the Manual for future reference.

This Manual describes important information about the Foundation. The Manual applies to all Foundation employees and is intended as a general guide to the Foundation's current employment policies and practices and to some of your benefits and responsibilities as an employee. The contents of this Manual are only guidelines and the Foundation has the right to decide that these guidelines may not be applied in some cases. Except the policy of employment-at-will, the Foundation also reserves the right, at any time, to amend its policies, practices, and procedures, including those set forth in this Manual, from time to time as it may deem appropriate.

None of the Foundation's policies, practices and procedures, whether expressed in this Manual or elsewhere, whether orally or in writing, are to be viewed as creating a promise or a contract between the Foundation and any employee. Rather, since the policies are mere guidelines, the Foundation is free to change them, including making determinations regarding the application of certain policies, in its sole discretion at any time.

All employment at the Foundation is at-will, and either the employee or the Foundation may terminate the employment relationship at any time, for any reason, with or without cause or notice. Nothing contained in the Manual should be interpreted as in any way limiting this at-will relationship. No one has the authority to make any agreement contrary to the foregoing unless the agreement is made in writing and signed by the Chief Operating Officer.

Nothing in this Manual is intended to nor will it be interpreted, applied or enforced in a manner that would unlawfully restrict an employee's right to engage in any of the rights guaranteed them by Section 7 of the National Labor Relations Act.

If any provision of this Manual is contrary to applicable federal, state or local law, the more generous provision will be applied.

INTRODUCTION

The Fan Fox and Leslie R. Samuels Foundation, Inc. was established by Fan Fox Samuels, originally of Hartford, Connecticut, and her husband, Leslie R. Samuels, originally of Ogden and Salt Lake City, Utah.

Mr. and Mrs. Samuels were married in 1940 and settled in New York City where they lived together for over forty years. They were great patrons of the performing arts, especially Lincoln Center and its constituents, and they firmly believed that their wealth should be used to make New York a better place to live and work.

In the over 30 years since Mr. and Mrs. Samuels' deaths, the overall goals of the Foundation have remained those of its founders. The Foundation has consistently supported the performing arts which remain a major focus of its grant making, and has devoted substantial resources to health and social service programs that will improve the lives of New Yorkers.

As custodians of the Samuels' legacy, those employed at the Foundation have a special responsibility to carry on Mr. and Mrs. Samuels' work with sensitivity and respect for the public we serve.

EMPLOYMENT-AT-WILL

Foundation employees are employees-at-will, and termination of employment may be initiated by either the employee or the Foundation for any reason at any time, with or without notice.

EQUAL EMPLOYMENT OPPORTUNITY POLICIES

EQUAL EMPLOYMENT OPPORTUNITY

The Foundation strictly prohibits discrimination against any employee or applicant for employment because of the individual's race, color, religion/creed, national origin, alienage, ancestry, citizenship or immigration status, age, mental or physical disability, pregnancy (including childbirth and related medical conditions), gender/sex, actual or perceived gender nonconformity, identity, expression or presentation (including cisgender/transgender, non-binary or intersex status), actual or perceived sexual orientation, sexual and reproductive health decisions, marital status, partnership status, familial status, caregiver status, military or veteran status, genetic information or predisposition, arrest or conviction record, credit history, salary history, unemployment status, status as a victim of domestic violence, stalking and sex offenses, or any other characteristic protected by applicable federal, state or local laws ("Protected Characteristics"). The Foundation is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment.

In addition, in furtherance of the Foundation's policy not to discriminate against employees on the basis of sex/gender or gender identity, presentation, expression or nonconformity, the Foundation gives employees the option of indicating their preferred gender pronoun.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Chief Operating Officer or any member of the Board of Directors. The Foundation will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Violation of this policy will lead to discipline, up to and including discharge. All employees must cooperate with all investigations.

POLICY AGAINST DISCRIMINATION & HARASSMENT

Commitment to a Discrimination- and Harassment-Free Workplace

It is the Foundation's policy to prohibit intentional and unintentional discrimination and harassment of any individual by another person on the basis of any Protected Characteristic (as defined in the Equal Employment Opportunity policy in this Manual). Unlawful discrimination/harassment, including sexual harassment, will not be tolerated. The Foundation does not tolerate and prohibits discrimination and harassment, including sexual harassment, by or against employees of the Foundation, as well as non-employees including clients, contractors, subcontractors, vendors, consultants, temporary employees, persons providing equipment repair or cleaning services on Foundation premises, or anyone providing services at the Foundation. Additionally, harassment, sexual or otherwise, is prohibited both at the workplace and at work-related off-site meetings and events.

Prohibited Discrimination & Harassment

Harassment and discrimination prohibited by this policy includes any verbal, nonverbal, visual or physical conduct based on a Protected Characteristic that is designed to threaten, intimidate, or coerce, or that has the purpose or effect of unreasonably interfering with that individual's work performance and/or creating an intimidating, hostile or offensive work environment.

Harassing conduct includes but is not limited to treating an employee differently on the basis of a Protected Characteristic or conduct that denigrates or shows hostility or aversion toward an individual or group because of a Protected Characteristic in the workplace including:

- Verbal conduct, including epithets, derogatory statements, use of ethnic or derogatory slurs, negative stereotyping, derogatory comments, or jokes;
- Physical conduct, including assault or inappropriate physical contact;
- Visual conduct, including displaying cartoons, drawings, or derogatory posters, or making derogatory gestures;
- Online conduct, including postings or dissemination of statements or items similar to those described above in any social media platform including Facebook, Twitter, Instagram, Snapchat, etc. or using Foundation-provided electronic devices (including computers, laptops, iPads, iPhones, or Androids), or systems (including the Internet or the email system); and
- Other employment decisions based on a Protected Characteristic or conduct based on a Protected Characteristic that has the purpose or effect of unreasonably interfering with an individual's work performance.

Harassment does not require intent to offend. Thus, inappropriate conduct meant as a joke, a prank, or even a compliment can lead or contribute to harassment. This policy applies to all Foundation activities including, but not limited to, recruitment, hiring, compensation, assignment, training, promotion, discipline, and discharge.

Prohibited Sexual Harassment

The Foundation is also committed to a workplace free of sexual harassment.

Sexual harassment is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship and is strictly prohibited. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender, including sexual orientation and gender nonconformity, identity, presentation or expression) as well as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct 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.

Each employee must exercise the employee's own good judgment to avoid engaging in conduct that may be perceived by others as harassment.

Conduct that may be considered sexual harassment includes, but is not limited to:

- Verbal: using sexually pejorative or sexual innuendos, expressing sexual epithets, derogatory statements or slurs based on sex/gender (including gender nonconformity, identity, expression or presentation); making sexually-related comments or jokes; bullying based on gender; probing an individual's sexual experiences or preferences; commenting about an individual's physical appearance; conversation about your own or another individual's sex life; unwelcome sexual advances, propositions or requesting sexual favors in exchange for favorable reviews, assignments, promotions, continued employment or promises of continued employment; insisting on dates when the individual is not interested and has declined previous offers; threats; sex stereotyping, suggestive sexual sounds.
- Visual/Non-Verbal: showing or distributing sexually-related derogatory or explicit posters, cartoons or drawings, suggestive objects, pictures, or graphic commentaries; leering in a sexually-suggestive manner; making sexually-obscene gestures or body movements; sending inappropriate adult-themed texts, emails, other communications, or gifts.

- Physical: inappropriate and/or unwanted physical contact, including touching, of an individual's body, clothing or hair, massaging an individual's neck or shoulders, invading an individual's personal space, kissing or caressing an individual, interference with an individual's normal work movement or assault or any other inappropriate physical contact.
- Online: accessing in the workplace, or displaying or distributing sexually suggestive objects, pictures, messages or images; accessing, downloading, displaying or distributing electronically such image from or via the internet; or engaging in any of the conduct prohibited by this policy by email, instant or text message, or on the Internet, including via social media platforms such as Facebook, Twitter, Instagram, Snapchat, and LinkedIn.
- Other: employment decisions based on gender/sex or other conduct based on gender/sex that has the purpose or effect of unreasonably interfering with an individual's work performance, such as making or threatening reprisals as a result of a negative response to harassment.

Additional rules apply to individuals with supervisory or managerial authority at the Foundation. No one with a supervisory or managerial role may at any time: (1) threaten or imply that an individual's submission to or rejection of a sexual advance will in any way influence any decision regarding their employment, performance evaluation, advancement, compensation, assignments, discipline, discharge, or any other term or condition of employment; or (2) make any employment decision concerning an individual on such basis.

Complaint Procedure

Individuals who have experienced or witnessed conduct that they believe may constitute discrimination, harassment or retaliation, or is otherwise contrary to the Foundation's Policy Against Discrimination & Harassment, or who have concerns about such matters are encouraged to report their concerns to the Foundation. Employees should bring their complaints or concerns to the attention of the Chief Operating Officer or any member of the Board of Directors. A complaint form is available in the "Office Docs" subfolder in the Foundation's shared "G" drive (G:\Office Docs\Forms\) for employees' use in this regard. A copy is also available from the Office Manager. The Chief Operating Officer or the Board of Directors will handle the matter in a timely and confidential manner. Any employee who encounters, witnesses or experiences sexual or other harassment or other violation of this policy is also encouraged to notify the offender directly that such behavior is unwelcome. The Foundation strongly urges the prompt reporting of all incidents of regardless of the offender's identity or position, and should also report the conduct even if the offender is not employed at the Foundation (for example, a client or vendor).

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the Foundation strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

Confidentiality will be respected and the Foundation will strive to keep the identity of individuals making reports as confidential as possible, consistent with the need to fully investigate all complaints. Identities and facts will be shared only on a strict need-to-know basis necessary for resolution.

Investigation of Complaints

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly by the Foundation.

In conducting the investigation into any report or act of discrimination, harassment or retaliation, the assigned investigator will do the following, as appropriate, to ensure due process for all parties:

- Review the complaint, whether verbal or written;
- Institute immediate interim actions, as appropriate;
- To the extent known and accessible, collect and preserve relevant documents and records;
- Interview the accuser, the accused, and witnesses;
- Notify the accuser and the accused of the final determination; and/or
- Take corrective action, as appropriate.

It is the duty of all Foundation employees to cooperate and provide information during a complaint investigation. Refusal to cooperate in the process will result in discipline, up to and including termination from employment.

While every effort will be made to conduct the investigation in a manner designed to protect the privacy of the persons involved, in order to conduct a thorough investigation confidentiality can only be maintained to the extent consistent with adequate investigation and appropriate corrective action.

Discrimination and harassment, including sexual harassment, is considered a form of employee misconduct. If, after investigation, it is determined that discrimination, harassment or other inappropriate conduct has occurred, the complainant will be notified and appropriate action will be taken to remedy the problem. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or

termination, as the Foundation in its discretion and in accordance with the law determines to be appropriate under the circumstances. The Foundation will take action appropriate to ensure a safe and respectful working environment for all parties.

In addition, disciplinary action, up to and including termination from employment, will be taken where it is determined that a manager or other supervisory personnel either engaged in conduct prohibited by this policy, failed to report violations of this policy or employee complaints of workplace discrimination or harassment to the Foundation, or allowed such behavior to continue. If the offending person(s) is not an employee, prompt and remedial action will be taken as is appropriate under the circumstances.

Alternative Remedies

Discrimination and harassment, including sexual harassment, is prohibited by federal and state law, including Title VII of the Civil Rights Act of 1964, the New York State Executive Law (a/k/a New York State Human Rights Law) and the New York City Administrative Code (a/k/a New York City Human Rights Law). In order for the Foundation to promptly and effectively address instances of harassment, and take appropriate corrective action, the Foundation strongly encourages individuals to utilize the complaint procedure set forth in this policy if they believe they have been subjected to conduct that violates this Policy Against Discrimination & Harassment.

However, in addition to utilizing the complaint procedure set forth herein, individuals who believe they have been subjected to harassment may also file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), New York State Division of Human Rights (DHR) or New York City Commission on Human Rights (CCHR). Contact information for these agencies is as follows:

- U.S. Equal Employment Opportunity Commission: 1-800-669-4000 (1-800-669-6820 (TTY)), www.eeoc.gov or info@eeoc.gov.
- New York State Division of Human Rights: (1-888) -392-3644 or dhr.ny.gov/complaint.
- New York City Commission on Human Rights: 1-718-722-3131 or www.nyc.gov/humanrights. You can file a complaint anonymously.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. The DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines. The CCHR can assess civil penalties of up to \$250,000 in the case of a willful violation, as well as emotional distress damages and other remedies to the victim, can require the

violation to undergo training, and can mandate other remedies such as community service.

Employees may also file a lawsuit in federal or state court, unless the employee's claims are subject to a mandatory arbitration agreement, in which case the employee's claims must be filed in accordance with the terms of that agreement, not in court (though arbitration of sexual harassment and sexual assault claims is not mandatory, but rather optional at the employee's election).

In addition, individuals may contact the local police department in cases where the conduct may constitute a crime, including harassment that involves physical touching, coerced physical confinement or coerced sex acts.

No Retaliation

The Foundation prohibits and will not tolerate any threats or acts of retaliation against any employee for reporting a potential violation of the Foundation's Policy Against Discrimination & Harassment or making an external complaint of discrimination or harassment, or for assisting in an investigation or other proceeding under this policy. No adverse action will be taken against any person for reporting conduct that they believe may constitute a violation of this policy, or for assisting in any investigation or proceeding involving a violation of the policy.

False Allegations

The Foundation takes this policy very seriously and you are expected to report instances of discrimination/harassment truthfully and responsibly. Any employee who makes a knowingly false accusation of having experienced or witnessed discrimination or harassment will be subject to disciplinary action, up to and including termination of employment.

Additional information can be found in the Sexual Harassment and Discrimination Prevention Policy attached to this manual.

REPRODUCTIVE HEALTH DECISIONS

The Foundation prohibits discrimination and retaliation based on an employee's or an employee's dependent's reproductive health decision making, including, but not limited to an employee's decision to use or access a particular drug, device or medical service. The Foundation and its employees, including supervisors and managers, must obtain an employee's prior, informed written consent before accessing an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making. No employee will be required to sign a waiver of their right to make their own reproductive health care decisions. Employees who believe that the Foundation has violated this policy should bring their concerns immediately to Chief Operating Officer. Although the Foundation encourages its employees to utilize the complaint procedures set out in the Foundation's Policy Against Discrimination and Harassment to address any concerns regarding this policy, employees may bring a civil action against the

Foundation in court, unless the employee is subject to a mandatory arbitration agreement, in which case the employee's claims must be filed in accordance with the terms of that agreement, not in court. The court or arbitrator, as applicable, may award damages, fees, costs, injunctive relief, and/or reinstatement.

REASONABLE ACCOMMODATIONS

The Foundation is committed to providing reasonable accommodations as necessary and where required by law, unless doing so would impose an undue hardship on the Foundation.

Procedures

Any employee who requires a reasonable accommodation as provided for below should contact the Chief Operating Officer or Office Manager. If an employee would feel more comfortable doing so, the employee may instead contact any Board member to request a reasonable accommodation.

The Foundation will engage in an interactive process and cooperative dialogue to address any request for accommodation in good faith, including discussing the employee's accommodation needs and potential accommodations, including alternatives to a requested accommodation as may be warranted. The interactive process and cooperative dialogue may take place in person, by telephone or by electronic means. As part of the interactive process cooperative dialogue, the Foundation will communicate openly and in good faith with the employee in a timely manner in order to determine whether and how the Foundation may be able to provide a reasonable accommodation. Employees must participate in this interactive process and cooperative dialogue.

To the extent necessary and appropriate based on the request, the Foundation will attempt to explore the existence and feasibility of alternative accommodations as well as alternative positions for the employee. The Foundation is not required to provide the specific accommodation sought by an employee, provided the alternatives are reasonable and either meet the specific needs of the employee or specifically address the employee's limitation.

After the parties have engaged in this interactive process and cooperative dialogue, the Foundation will provide the employee with a written determination that identifies whether the requested accommodation will be granted or denied and states the reasons for the decision.

Employees will not be retaliated against for requesting or utilizing reasonable accommodations for the reasons set forth below.

Disability Accommodations

The Foundation will not discriminate against any otherwise qualified employee or applicant with regard to any terms or conditions of employment because of such

individual's disability or perceived disability so long as the individual can perform the essential functions of the job.

The Foundation will also provide reasonable accommodations to employees with a mental or physical disability to allow the employee to perform the essential functions of the job, unless doing so poses undue hardship on the Foundation. Reasonable accommodation may be, depending on all the circumstances, modification or adjustment to the work environment, the way things are usually done, or to remove non-essential functions of the position, that enables an employee with a disability to perform the essential functions of the job, and to enjoy equal benefits and privileges of employment.

The Foundation may request a health care provider's statement documenting the need for the requested accommodation and other pertinent information. The Foundation will not seek genetic information in connection with requests for accommodation. All medical information received by the Foundation in connection with a request for accommodation will be treated as confidential.

Religious Accommodations

Notwithstanding the other policies contained in this Manual, The Foundation will make reasonable accommodation for applicants and employees whose work requirements interfere with a sincerely-held religious belief or observance, including religious dress and grooming practices, if the accommodation would resolve a conflict between the individual's religious beliefs or practices and the work requirement, unless doing so poses undue hardship on the Foundation.

Accommodations for Pregnancy, Childbirth and Related Medical Conditions

The Foundation also prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions. Consistent with this policy of nondiscrimination and applicable law, the Foundation will reasonably accommodate the needs of an employee for her pregnancy, childbirth, or related medical condition, provided that such employee's pregnancy, childbirth, or related medical condition is known by the Foundation and the proposed accommodations would not impose an undue hardship on the Foundation while allowing such employee to perform the essential duties of their job.

Under this policy, if you are pregnant and request a reasonable accommodation for the duration of or any part of your pregnancy, or for childbirth, or any pregnancy or childbirth-related medical condition, we will explore all possible means of providing reasonable accommodations, which may include, but not limited to, the following:

- More frequent or longer bathroom breaks;
- Breaks for increased water intake;
- Breaks for periodic rest;
- Seating;
- Assistance with manual labor;

- Light duty;
- Temporary transfer to a less strenuous or less hazardous position;
- Acquisition or modification of equipment;
- Changing the employee's job duties;
- Changing the employee's work hours;
- Relocating the employee's work area; or
- Providing leave necessitated by pregnancy, childbirth, or a medical condition relating to pregnancy or childbirth.

Accommodations depend upon the employee's job qualifications, the essential functions of the employee's job, and other specific facts and circumstances of each individual situation.

Lactation Accommodations

Employees who are nursing are provided with reasonable break time to express breast milk during the workday.

The Foundation will make reasonable efforts to provide a room or other location, other than a restroom, that can be used to express breast milk shielded from view and free from intrusion and that includes at a minimum an electrical outlet, a chair, a surface on which to place a breast pump and other personal items, and nearby access to running water.

The conference room is available for use for lactation.

- The Samuels Foundation has designated the large conference room as a lactation room when employees are using the room to express breast milk. The Samuels Foundation will notify other employees that the room will be prioritized as a lactation room and may only be used for expressing breast milk during the time[s] when employees need the space and will post proper signage to ensure that it is free from intrusion and shielded from view of others while being used as a lactation room.
- The employees who need the room for pumping will be given priority use of the room and their pumping needs will determine the availability of the room for other purposes.
- When more than one employee needs to use the small conference room to express breast milk, The Samuels Foundation will discuss alternative options with all employees who use the shared space to determine what arrangement addresses their needs. Options may include: finding an alternative space; sharing the space among multiple users with screens, curtains, or other privacy measures; or creating a schedule for use.

- If the conference room is unavailable for use as a lactation room when an employee needs it, the Samuels Foundation will provide another room for temporary use as a lactation room.
- Even if the small conference room is available, an employee who wishes to pump at their usual workspace will be permitted to do so.

If a lactation room ultimately cannot be provided due to an undue hardship to the Foundation, the Foundation will engage in a cooperative dialogue with the requesting employee to determine what arrangements can reasonably be made.

Employees needing to express breast milk will also be provided with access to a refrigerator suitable for breast milk storage. Please speak with the Chief Operating Officer or the Office Manager should arrangements for a refrigerator to store breast milk be required. Employees are required to store all expressed milk in closed containers, and regardless of the method of storage, bring such milk home with them each evening.

Any employee that needs time to express breast milk must provide advance, written notice to their supervisor of their intent to express breast milk in the workplace, preferably at least two (2) weeks prior to the need for such an accommodation, in order to give the Foundation sufficient time to comply with applicable legal requirements. The Foundation will respond to a request for a lactation room within five (5) business days.

Reasonable Accommodations for Victims of Domestic Violence, Sex Offenses or Stalking

Employees may be eligible for unpaid leave or other reasonable accommodations if the employee or the employee's family member is the victim of domestic violence or abuse, or sexual violence, in order to seek medical attention, counseling, victim services or legal assistance, to secure housing, to appear in court including custody proceedings, to meet with the District Attorney or other member of law enforcement or to otherwise perform the essential functions of their job in light of being the victim of such conduct. Employees must use any available paid time off, such as Safe/Sick Time or vacation time, while out of work due to a reasonable accommodation provided under this policy.

Accommodations for Gender Affirming Medical Care

The Foundation will also provide reasonable accommodations to employees who are undergoing gender transition, including medical leave for medical and counseling appointments, surgery, and recovery from gender affirming procedures, surgeries, and treatments as they would for any other medical condition.

EMPLOYMENT CLASSIFICATIONS

EXEMPT VS. NON-EXEMPT

New employees will be advised at the time of their initial employment whether they are classified as exempt or non-exempt; any employee may request a review of their classification by the Chief Operating Officer. The difference between exempt and nonexempt is as follows:

EXEMPT EMPLOYEES: Employees whose job assignments meet the federal and state requirements for overtime exemption, are compensated on a salary basis, and are not eligible for overtime pay for hours worked over 40 within a single workweek. Such individuals receive the same salary from week to week regardless of how many hours they work. The salary paid to exempt employees meets the applicable salary threshold for exemption, and will not be increased or reduced due to fluctuations in the quality or quantity of work. Generally, these employees are executive, administrative or professional employees.

NONEXEMPT EMPLOYEES: Employees who are paid on an hourly basis and are entitled to overtime pay at the rate of 1.5 times their regular rate of pay for all hours worked over 40 in a single workweek (or are otherwise paid a salary, but entitled to overtime if their hours exceed 40 in a single workweek). Support staff, including receptionists, secretaries, and administrative assistants, are generally classified as nonexempt employees.

EMPLOYEE CATEGORIES

In addition, the availability of certain benefits and other policies set forth in this Manual may depend upon the amount of time worked by an employee:

FULL-TIME EMPLOYEES: Employees whose normal workweek is 35 hours or more, excluding lunch breaks.

PART-TIME EMPLOYEES: Employees whose normal work week is less than 35 hours, unless considered full-time employees by written agreement of the Chief Operating Officer.

TEMPORARY EMPLOYEES: Employees hired for a limited period of time, including interns.

OFFICE ADMINISTRATION

OFFICE HOURS

Each employee is important for the effective operation of the Foundation, and is expected to be at work on time every day the employee is scheduled to work.

Regular office hours are 9:00 a.m. to 5:00 p.m. on Monday through Friday.

Nonexempt employees are expected to complete their work during regular office hours unless other hours have been approved in advance by their supervisor(s).

Exempt employees are expected to use good judgment in arranging their workday to accommodate both regular office hours and work responsibilities that take them outside the office.

PUNCTUALITY AND ATTENDANCE

Punctuality and regular attendance are essential for effective operations and are conditions of employment.

Repeated tardiness and substandard attendance will not be tolerated. Employees who are repeatedly tardy or absent from work (other than due to use of Safe/Sick Time as provided for in this Manual) will be subject to disciplinary action, up to and including termination.

All employees who are unable to come in or are delayed getting to work are required to notify the office.

TIMEKEEPING FOR NON-EXEMPT EMPLOYEES

It is the responsibility of each non-exempt employee to accurately record, on a daily basis, their time worked. This includes any work performed remotely or outside of the employee's regularly-scheduled hours, though non-exempt employees must have prior authorization to perform any work, including checking emails and voicemails or using a cell phone for business purposes, outside of the employee's regularly-scheduled hours.

Unless otherwise instructed in writing, non-exempt employees are generally required to record the times when they actually start and stop work during each work day, and any breaks longer than 20 minutes throughout the workday. Time should be recorded for the day on which the employee actually worked the time.

Employees are not to work "off the clock" and are required to ensure that all time worked is properly recorded. If a non-exempt employee is given directions to perform work "off the clock" or not to properly record all hours worked, notify the Chief Operating Officer. Employees will not be penalized in any way for making such a report.

If there is an error in the recording of an employee's time, the employee must contact the Office Manager immediately so that it can be corrected. The Foundation will not edit any time records without the express written consent of the employee whose records are to be edited.

Any falsification of time records or misuse of a time-keeping system is strictly prohibited. Violations of this policy may result in corrective action, up to and including termination of employment.

LUNCH BREAKS

Nonexempt employees have a one-hour unpaid lunch break. These lunch breaks should be arranged between the hours of 12:00 p.m. and 2:00 p.m., to assure office and telephone coverage throughout the day.

OVERTIME

Since effective operations occasionally require additional hours of work, full-time, non-exempt employees may be required to work overtime, report before or remain at work after scheduled hours, or work on a regularly scheduled day off.

For non-exempt employees, authorization to work overtime in excess of scheduled hours must be obtained in writing in advance from the Office Manager.

Non-exempt employees who work more than 40 hours during a single workweek will be paid overtime for all hours worked over 40 at a rate of time and a half the employee's regular hourly rate.

Overtime compensation is not available to exempt employees.

PAYMENT FOR DAYS NOT WORKED

Payment for vacation days, personal days, and sick days are made on the regular paydays for the period in which these days are taken.

TEMPORARY SCHEDULE CHANGE

The Foundation recognizes that employees occasionally have a need to change their schedule on a temporary basis to attend to personal events as defined below. In order to support our employees during these times, the Foundation allows employees who work 80 or more hours per calendar year and who have been employed 120 days or more to temporarily change their schedule one (1) or two (2) times each year for a total of two (2) business days. Employees can request additional changes to their schedule, but the Foundation is not required to grant additional requests.

A "personal event" includes an employee's need to provide care for a minor child or a person with a disability who is a family/household member and relies on the employee for medical care or to meet the needs of daily living, to attend a legal proceeding or hearing for public benefits that the employee, a member of the employee's family, or the employee's care recipient receives, or any circumstance covered under the Safe/Sick Time policy set forth in this Manual.

A "schedule change" includes a limited change in the hours or times that an employee is scheduled to work, and a limited change to the location where an employee is expected to work. Employees may request to use paid time off, work remotely, swap or shift working hours or use short-term unpaid leave.

A request for a temporary change should be made as soon as it is known that one is needed. While a request may be made verbally, an employee must provide a written request no later than the second business day following the completion of the temporary schedule change. The written request must include the date(s) for which the temporary change is requested and note that it is due to the employee's personal event.

The Foundation will not punish, penalize, retaliate, or take any action against employees that might stop or deter them from exercising their rights under this policy.

PAYROLL

Paychecks are distributed bi-weekly on Wednesdays. If a holiday falls on a payday, checks will be distributed the last working day before the holiday. Employees may request that their compensation be directly deposited into their personal bank accounts.

The Foundation is required by law to make certain mandatory deductions from each employee's paycheck each pay period. Standard deductions include federal, state, city taxes. The paycheck may also reflect other mandatory deductions such as Short-Term Disability and Paid Family Leave insurance contributions and voluntary deductions such as medical insurance premium contributions. Deductions from employees' gross pay are itemized on the stub attached to the check.

PERFORMANCE REVIEWS

The Foundation is committed to staff development and takes seriously the responsibility for employee development and training.

The primary purpose of performance reviews is to monitor and guide an employee's development on the job and is most effective as a continuing process throughout the year. Informal meetings should take place often between employees and supervisors to convey expectations, priorities, goals and job objectives.

In addition, the Foundation endeavors to conduct a formal performance evaluation annually. This annual process is designed to improve job understanding, to recognize and promote outstanding and improved performance and to identify areas needing improvement. The most important part of the annual evaluation is the information sharing and counseling conference which offers an opportunity for communication between employees and their supervisor(s).

For employees who have more than one supervisor, the evaluation process will generally consider individual evaluations made by each supervisor and combine them for the purposes of the overall evaluation.

SALARY LEVELS AND ADJUSTMENTS

Staff compensation is reviewed and adjusted as appropriate as of August 1st of each year. However, compensation increases are not guaranteed, and all compensation adjustments require the written approval of the Chief Operating Officer.

BENEFITS

The following is a summary of the benefits presently provided to eligible Foundation employees. Summary Plan Descriptions (SPDs), which explain your benefits coverage in detail, are available. The actual plan documents, which are available by making a written request to the Office Manager, are the final authority in all matters relating to benefits described in this Manual or in the SPDs and will govern in the event of any conflict. If there are any conflicts among the terms of this Manual, any Certificate of Insurance, or any Master Insurance Policy, the terms of the relevant Master Insurance Policy or Certificate of Insurance shall control.

The Foundation reserves the right to terminate, suspend or modify these benefit programs and/or withdraw, discontinue or reduce any or all benefits provided: (1) in whole or in part; (2) at any time; (3) prospectively or retroactively; (4) for any or all categories or classifications of employees and/or participants; and, (5) in the Foundation's sole discretion. This specifically includes any benefits now or hereafter provided to retirees. Periodically, updates regarding changes in benefits will be distributed to all employees.

However, no employee has the authority to modify the terms of an individual benefit policy without the express written consent of the Chief Operating Officer.

HEALTH INSURANCE PLANS

Insurance benefits are key components in the total competitive compensation package and demonstrate to employees that the Foundation is concerned about employee welfare. In order to maintain a competitive compensation and benefits package, the Foundation will evaluate its plans from time to time.

Coverage under the Foundation's medical insurance plan is available to full-time employees (regular and temporary) and regular part-time employees who are scheduled to work 20 hours or more per week. The specifics of this coverage are available through the Office Manager.

On a case-by-case basis, the Foundation offers a "cash-out" option from health coverage for those employees who are covered under another plan.

DENTAL INSURANCE

The Foundation maintains a self-insured Dental Plan under which each employee may be reimbursed up to \$1,000 per annum for dental or orthodontic care provided to the employee or their dependents.

FLEXIBLE SPENDING ACCOUNT (FSA)

The Foundation provides a Flexible Spending Account (FSA) program that allows employees to have pre-tax dollars deducted from their salaries to pay for eligible out-of-pocket expenses. The pre-tax contribution made to the FSA can be used to pay for certain non-reimbursed health care expenses and dependent care expenses, if applicable, during the plan year. Through the FSA program, employees can reduce taxable income without reducing real income and keep more of the money earned.

Participation in the FSA program is optional and determined on an annual basis for the plan year. Enrollment is required each plan year. Once an election is made for each plan year with respect to health care and dependent care expenses, it cannot normally be changed until the following plan year. The employee may determine how much to contribute to the account, up to a specified maximum, based on anticipated expenses during the plan year. Any funds that remain in the medical care or dependent care FSA's on March 15th of the year following each plan year are forfeited.

TRANSITCHEKS

The Foundation's current policy is to distribute TransitCheks as a way to reduce employee commuting expenses, and to encourage the use of mass transportation, which supports a healthier, cleaner environment.

TransitCheks are exempt from federal taxes and New York and Connecticut State taxes.

WORKERS' COMPENSATION INSURANCE

All employees are covered by New York State Workers Compensation Insurance. This provides wage compensation payment and medical expenses in case of a work-related injury. It is each employee's responsibility to make a prompt report of any work-related injury or illness, including any dangerous conditions.

Workers' Compensation is solely a monetary benefit and not leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence in accordance with the Disability Accommodations policy and/or Family & Medical Leave policy set forth in this Manual.

SHORT-TERM DISABILITY INSURANCE

The Foundation recognizes that on rare occasions, an employee may be stricken with a non-job-related injury, illness or other disability that renders the employee unable to come to work for a period in excess of five consecutive days.

An employee may be eligible for benefits under the Foundation's short-term disability insurance plan. Short-term disability is an income-replacement benefit available to employees who are unable to perform their responsibilities due to illness or disability, other than a Workers' Compensation-qualifying illness or injury, for a period greater than seven (7) days and up to twenty-six (26) weeks at partial salary compensation.

To qualify for short-term disability, the employee must be under the care of a medical professional as defined by the New York Disability Benefits Law.

Short-term disability is a monetary benefit, and receipt of short-term disability benefits is not a guarantee of leave. Employees who need to miss work due to a disability must also formally request a leave of absence in accordance with the Disability Accommodations policy and/or Family & Medical Leave policy set forth in this Manual.

LONG-TERM DISABILITY INSURANCE

The Foundation currently pays the cost of individual coverage under the Foundation's long-term accident and disability insurance plan for all full-time employees (regular and temporary) and all regular part-time employees who are scheduled to work 20 hours or more per week. An employee becomes eligible on the first day of the month following date of hire. The plan pays benefits after an eligible employee has been disabled for more than 180 days. Eligibility for long-term disability benefits is governed by the Plan Document, and decisions regarding eligibility rest solely with the insurance company, not with the Foundation.

Long-term disability is a monetary benefit, and receipt of long-term disability benefits is not a guarantee of leave. Employees who need to miss work due to a disability must also formally request a leave of absence in accordance with the Disability Accommodations policy and/or Family & Medical Leave policy set forth in this Manual.

RETIREMENT PLAN

The Foundation currently makes contributions to its retirement plan(s) on behalf of all employees who are eligible pursuant to the terms of the plan. Details are available from the Office Manager.

CHARITABLE GIFT MATCHING POLICY

In accordance with the terms of the charitable gift matching policy adopted by the Board, the Foundation will match up to \$3,000 in certain charitable contributions of employees. Limitations and restrictions apply.

TIME OFF FROM WORK & LEAVES OF ABSENCE

HOLIDAYS

The Foundation provides its full-time employees (regular or temporary) with twelve (12) paid holidays per year. A list of the holidays is distributed at the beginning of each calendar year. If a holiday occurs on Sunday, it will be observed on the following Monday; if a holiday occurs on Saturday, it will be observed on the previous Friday.

Part-time employees (regular or temporary) who are scheduled to work 20 hours or more per week are paid for any holiday that falls on a day of the week on which they are normally scheduled to work. Part-time employees (regular or temporary) who are scheduled to work less than 20 hours per week are not required to work on holidays which fall on a day of the week on which they are normally scheduled to work, but no compensation is received for this day.

Employees on a leave of absence will not be paid for holidays that fall during their absence.

VACATION

Eligibility for Vacation Days

All full-time employees (regular or temporary) will be eligible for annual paid vacations based on their length of continuous service. Regular part-time employees who are scheduled to work 20 hours or more per week receive paid vacation on a pro-rata basis. Part-time employees (regular or temporary) who are scheduled to work less than 20 hours per week do not receive paid vacation.

Vacation Terminology

VACATION DAY means a working day. Thus 5 working days of vacation constitute 1 week of vacation; 10 working days, 2 weeks. Paid holidays occurring during an employees' vacation are not considered a vacation day.

MONTH OF SERVICE means any calendar month in which an employee received credit as having worked at least five working days, except:

- The last month worked by a terminating employee is not counted unless the employee is working and on the active payroll after the 16th day of the month.
- The first month of employment is not counted unless the employee is working on or before the 15th day of the month.
- Vacation days are not earned during unpaid leaves of absence, regardless of the reason for the leave.

A vacation YEAR means January 1 to December 31.

Eligibility Date

New employees begin to earn vacation days as of the first day of employment but are not eligible to take any vacation days during the first three (3) months of employment.

Vacation Earned

The number of vacation days to which an employee is entitled depends on their length of service.

FULL-TIME NONEXEMPT EMPLOYEES WITH 24 MONTHS OR LESS of continuous service as of will be provided with 10 vacation days per year on each January 1.

FULL-TIME NONEXEMPT EMPLOYEES WITH MORE THAN 24 MONTHS BUT LESS THAN 49 MONTHS of continuous service will be provided with 15 vacation days per year.

FULL-TIME NONEXEMPT EMPLOYEES WITH 49 OR MORE MONTHS of continuous service will be provided with 20 vacation days per year.

FULL-TIME EXEMPT EMPLOYEES will be provided with 15 vacation days per year or 20 vacation days per year, as set forth in their employment letter of confirmation.

New hires will be provided with a prorated number of vacation days on the 91st day of employment. Employees who hit a years-of-service milestone based on their anniversary date in the middle of a calendar year will be provided with a prorated number of additional vacation days before the end of the calendar year, and on the next January 1 will be provided with the full complement of vacation days.

Vacation Scheduling

Vacation schedules must be approved at least two (2) weeks in advance by the Office Manager or Chief Operating Officer as appropriate. While consideration shall be given to an employee's preferences, vacations must be scheduled to avoid interruption of Foundation operations and ensure office coverage.

Carryover of Vacation

In the first year of employment, employees hired on or after August 1 can carry over unused vacation days into the next calendar year. Otherwise, vacation days may not be carried over from one calendar year to the next. However, if the Foundation requires an employee to work in lieu of taking a planned or requested vacation in December, the employee may carry over time intended to be used in December into the next calendar year, to be used by March 1. Carried over vacation days that are not used by March 1 will be forfeited.

Payment of Vacation Days

Vacation days are compensated at the base hourly rate or the base salary the employees would have received if working during the vacation period, exclusive of any overtime or other premium pay. For a non-exempt employee, a vacation "day" is equivalent to eight (8) hours.

Vacation days are treated as regular workdays for the purpose of earning additional vacation days, sick days, and other benefits.

Vacation must be taken in full-day or half-day increments.

Payment of Unused Vacation to Terminating Employees

The following employees will be paid accrued but unused vacation pay upon separation of employment:

- Full-time employees who retire or voluntarily resign with proper notice as set forth in the "Resignation" section of this Manual.
- Full-time employees who are involuntarily terminated by the Foundation.

If an employee is entitled to payout of vacation days upon separation in accordance with the above, the Foundation will calculate how many vacation days would have accrued as of the separation date if vacation days accrued ratably over the year and will only pay out that amount of accrued vacation time upon separation.

The following employees will *not* be paid for accrued but unused vacation pay upon separation of employment:

- Part-time employees.
- Employees who retire or voluntarily resign without proper notice.
- Employees who resign or are terminated by the Foundation within the first three (3) months of employment.

Payment for accrued vacation, where applicable, is made on the Foundation's second regular payday following the employee's last day of employment.

PERSONAL DAYS

All regular full-time employees are entitled to two (2) paid personal days during the year: one (1) personal day may be taken during the period from January through June, and one (1) personal day may be taken during the period from July through December. Personal days not used by December 31st each year are forfeited.

Personal days may be used for personal business, or as extra Vacation or Safe/Sick Time.

Personal days must be taken in half day or whole day increments.

SAFE/SICK TIME POLICY

Eligibility

All employees of the Foundation are eligible for safe and sick time ("Safe/Sick Time") in accordance with the terms of this policy.

Amount of Safe/Sick Time

Upon commencement of employment, and on each January 1 thereafter, full-time employees will be provided with eighty (80) hours of Safe/Sick Time and part-time employees will be provided with forty (40) hours of Safe/Sick Time.

The maximum amount of Safe/Sick Time that may be used in a calendar year by full-time employees is eighty (80) hours. The maximum amount of Safe/Sick Time that may be used in a calendar year by part-time employees is forty (40) hours.

Usage

An employee may use Safe/Sick Time for the following reasons:

- For a mental or physical illness, injury or health condition of the employee or the employee's family member, regardless of whether such illness, injury or health condition has been diagnosed or requires medical care at the time that the employee requests to use Safe/Sick Time, including to attend medical appointments;
- To obtain medical diagnosis, care or treatment for themselves or a family member who is suffering from a physical or mental illness, injury, or medical condition, including preventative medical care;
- Due to the closure of our place of business or their child's school or place of care due to a public health emergency (which does not include as state of emergency due to inclement weather);
- If the employee or a family member is a victim of domestic violence, sexual offenses, family offenses, stalking, or human trafficking:
 - to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program;

- to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or family member;
- to meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in, any criminal or civil proceeding, including but not limited to matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
- to file a complaint or domestic incident report with law enforcement
- to meet with a district attorney's office;
- to enroll children in a new school; or
- to take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or family member or to protect those who associate or work with the employee.

The Foundation recognizes the following as an employee's "family member":

- child (regardless of age or dependency, and including biological, adopted, foster, stepchild, legal ward or in loco parentis),
- spouse (under the laws of any state),
- registered domestic partner,
- parent (with the same relationship as a child),
- spouse's or domestic partner's parent,
- grandparent or spouse of a grandparent,
- grandchild,
- sibling or spouse of a sibling (including biological, adopted or foster sibling),
- any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Employees must use Safe/Sick Time in a minimum of 4 hours for the first use of Safe/Sick Time on a single day (or a one-half day increment for employees regularly scheduled less than eight (8) hours in a day) and then in a minimum increment of 30 minutes for subsequent use of Safe/Sick Time on that day.

Notice

If the need to use Safe/Sick Time is foreseeable, such as due to a scheduled medical appointment, employees are requested to provide notice of intent to use Safe/Sick Time at least seven (7) days in advance of the first day they intend to take Safe/Sick Time, or otherwise as soon as practicable. If the need to use Safe/Sick Time is not foreseeable, the employee is required to personally call the office prior to the start of their regularly scheduled work day (absent exigent circumstances, no later than 9:30 a.m.) to report that they are unable to work; if the employee is unable to make the call, the employee should have someone else call at or before the start of the workday on the employee's behalf.

Documentation

Employees who are absent for more than three (3) consecutive workdays may be required to provide documentation supporting their use of Safe/Sick Time. Employees or their health care or other service providers are not required to disclose personal health information (or the nature of the illness, injury or health condition), or the details of the need for time off due to domestic violence, sexual offense, family offense, stalking, or human trafficking, but rather must simply confirm that the Safe/Sick Time was taken for a reason specified under this policy. The Foundation will maintain confidentiality of information obtained, unless the employee consents in writing or disclosure is required by law. If there is a cost associated with the procurement of required documentation, the Foundation will reimburse the employee for reasonable costs of obtaining such documentation.

Compensation

Employees will be compensated at their regular rate of pay for Safe/Sick Time. Exempt employees will be presumed to work eight (8) hours a day, and if using Safe/Sick Time for a full day will be charged for eight (8) hours of Safe/Sick Time.

Separation

Unused Safe/Sick Time is not payable upon separation of employment, regardless of the reason for such separation.

No Retaliation for Use of Safe/Sick Time

Employees have a right to be free from retaliation for using Safe/Sick Time. Employees will not be retaliated against for requesting and using Safe/Sick Time or for filing a complaint for alleged violations of the law. Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in your hours, or

any other adverse employment action against the Foundation for exercising or attempting to exercise any right guaranteed under the law.

However, the Foundation may take disciplinary action, up to and including termination, against employees who use Safe/Sick Time for purposes other than described in this policy (or otherwise provided for by applicable state or local law if not explicitly stated above) or who otherwise abuse Safe/Sick Time.

PERSONAL ADMINISTRATIVE LEAVE

In special circumstances, personal administrative leaves of absence may be arranged with prior written approval of the Chief Operating Officer. Such leaves will be without pay, credit for vacation and other paid non-workdays, or Foundation contributions to the retirement plan.

The maximum unpaid administrative leave granted for all causes in any 12-month period will be 3 months unless otherwise required by law.

FAMILY & MEDICAL LEAVE

The Foundation will provide employees who have worked for the Foundation for at least twelve-months and have worked at least 1,250 hours during the preceding twelve-month period with up to 12 weeks in a twelve-month period for certain family and medical reasons ("Family & Medical Leave"). Eligible employees may be granted unpaid family and medical leave for the following reasons:

- To provide care for the employee's child or child of the employee's spouse or domestic partner within one (1) year following the child's birth, adoption, or foster care placement ("Parental Leave");
- To provide care for a family member who has a serious health condition ("Family Care Leave");
- For the employee's own serious health condition that makes the employee unable to perform the functions of their position ("Medical Leave").

For purposes of this policy:

- "Family member" is defined as spouse or domestic partner, child (including stepchild, adopted child or foster child), parent (including parent-in-law and step-parent) siblings, grandparents, grandchildren, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- "Serious health condition" is defined as a diagnosable physical or mental condition that requires overnight hospitalization and/or continuing

treatment under the care or supervision of a health care provider for a chronic or long-term condition.

Requesting Family & Medical Leave

An employee requesting leave should submit written requests for Family & Medical Leave to the Chief Operating Officer 30 days in advance of the beginning of the leave when leave is foreseeable and await written approval from the Chief Operating Officer before taking such leave. At the Foundation's discretion, leave may be taken on an intermittent, reduced workday or reduced workweek basis.

The Foundation will require medical certification (and re-certification) to support a request for leave because of the employee's own or a family member's serious health condition in a form acceptable to the Foundation.

Family & Medical Leave will run concurrently with any other leave of absence available under Foundation policy and/or applicable law for the same reason the employee is using Family & Medical Leave. For example, an employee using Foundation Parental Leave will have that leave run concurrently with leave under the New York Paid Family Leave policy in this Manual.

If an employee is eligible for insurance benefits, such as under the Foundation's short-term disability or Paid Family Leave insurance policy, during Family & Medical Leave, the employee must apply for such benefits in order to be entitled to Family & Medical Leave, including the salary continuation benefits described below.

Salary & Benefits Continuation – Parental Leave

Though Family & Medical Leave under this policy is generally unpaid, the Foundation will grant up to six (6) weeks of paid parental leave; any additional parental leave is unpaid. Employees may apply any accrued, unused paid vacation and sick days towards unpaid parental leave.

During Parental Leave, the Foundation will continue to pay its share of health insurance, long-term and short-term disability insurance coverage.

Employees do not earn vacation credits or sick leave while on unpaid parental leave, nor do they receive pay for holidays falling during the unpaid portion of the leave period.

The Foundation will not continue contributing to the retirement plan for employees on unpaid parental leave. However, retirement benefits will accrue for portions of parental leave for which paid vacation or sick days are utilized.

Benefits Continuation –Family Care Leave & Medical Leave

Family Care Leave and Medical Leave are unpaid by the Foundation. Employees may be entitled to pay from the Foundation's short-term disability, long-term disability and/or Paid Family Leave insurance policy. Employees may apply any

accrued, unused paid vacation and sick days towards Family Care Leave and Medical Leave.

During Family Care Leave and Medical Leave, the Foundation will continue to pay its share of the premiums for health insurance, long-term and short-term disability insurance coverage and the Foundation may require the employee to reimburse the Foundation for their share, if any, of such premiums.

Employees do not earn vacation credits or sick leave while on unpaid medical leave, nor do they receive pay for holidays falling during the leave period.

The Foundation will not continue contributing to the retirement plan for employees on unpaid medical leave. However, retirement benefits will accrue for portions of medical leave for which paid vacation or sick days are utilized.

Reinstatement after Leave

Employees are expected to apprise their supervisors of the date they anticipate returning to work. The Foundation will endeavor to place employees returning from their approved leaves of absence in their former position or an equivalent position in status and pay, provided the employee has complied with all terms and conditions of the leave. However, the grant of approved Family & Medical Leave does not alter the Foundation's right to restructure, reorganize, or eliminate any position at the Foundation at any time and for any reason.

Before returning to work after leave for their own serious health condition, employees may be required to submit medical certification verifying that the employee is able to return to work.

If an employee fails to return to work at the end of the authorized Family & Medical Leave, including any approved extension thereto (such as because the employee remains unable to work due to their own medical condition), employment will be terminated, effective the day the employee was expected to return, and the termination will be considered to be a voluntary resignation.

PAID FAMILY LEAVE

Eligible employees are entitled to take a certain amount of paid family leave per calendar year in accordance with the New York's Paid Family Leave Law ("NYPFLL"), as follows.

Eligibility

Employees who have been employed by the Foundation for at least 20 hours a week in at least 26 consecutive weeks, or for at least 175 days if working less than 20 hours per week, are eligible for paid leave under the NYPFLL ("Paid Family Leave").

Employees whose regular work schedule is less than either 26 weeks or 175 days in a consecutive 52-week period will be provided the option to file a waiver exempting them from paying contributions and exempting them from receiving benefits.

Reasons to Use Paid Family Leave

Eligible employees may use Paid Family Leave (1) to provide care, including physical or psychological care, for the employee's family member who suffers from a serious health condition; (2) to bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of the child for adoption or foster care with the employee; or (3) because of any qualifying exigency arising out of the fact that the spouse, domestic partner, child or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the armed forces of the United States.

For purposes of Paid Family Leave, (a) a "child" means an employee's biological, adopted, foster, or stepchild, legal ward, a child of the employee's domestic partner, or a child to whom the employee will stand in loco parentis; (b) "family members" include the employee's child, parent, grandparent, grandchild, spouse, or domestic partner; and (c) "parent" includes an employee's biological, foster or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or another person who stood in loco parentis to the employee when the employee was a child.

Employees may not take Paid Family Leave for their own serious health condition. Paid Family Leave with regard to pregnancy only begins after birth of a child. It is not available for pre-natal conditions. Once the period of disability due to pregnancy or childbirth has ended, an employee may use Paid Family Leave to care for her newborn child.

Amount of Leave & Benefits

Eligible employees are entitled to Paid Family Leave for a maximum of 12 weeks in a 52-week period and will receive 67% of their wages or 67% of the statewide average weekly wage, whichever is less.

Pay During Leave

Paid Family Leave is generally employee funded, with deductions will be taken from employees' paychecks each pay period and remitted to the Foundation's Paid Family Leave insurance carrier to finance Paid Family Leave. However, the Foundation may elect to voluntarily pay employees' Paid Family Leave premium contributions on the employee's behalf. If an employee takes Paid Family Leave, the employee will receive a portion of the employee's weekly earnings from the Foundation's Paid Family Leave insurance carrier during the leave.

Employees may elect to use available paid time off, such as Safe/Sick Time, Personal Days or Vacation Days, and receive full salary for a period of time. If an employee does so, the employee must reimburse the Foundation for any Paid Family Leave benefits received by the employee during that period. Employees are

not entitled to extend the leave under NYPFLL beyond the annual maximum number of weeks available simply because they have unpaid Paid Family Leave monetary benefits remaining after their leave time is exhausted.

Medical Insurance Coverage During Leave

During any period an employee is on Paid Family Leave, the Foundation will maintain the employee's insurance coverage under the same terms and conditions which applied prior to the leave, just as if the employee had continued to work. While on Paid Family Leave, the employee will remain responsible for paying whatever portion of their health insurance premium the employee pays when actively at work, though the Foundation may offer to pay the employee's portion of the health insurance premium while the employee is on leave and the employee would then be responsible for repaying the Foundation upon their return from leave.

An employee will not accrue seniority or other employment benefits during leave, but use of Paid Family Leave will not result in the loss of any employment benefit that accrued before the start of the leave and that was not used during the leave.

If the employee fails to return to work at the conclusion of their approved Paid Family Leave and their Paid Family Leave benefits have been exhausted, their employment may be terminated, and the employee will be eligible for continuation of medical benefits at their own expense pursuant to COBRA.

Interaction with FMLA and Other Leaves

Because of its size, the Foundation is not required to comply with provisions of the Family and Medical Leave Act (FMLA) of 1993. However, the Foundation has chosen to offer family and medical leave that is similar to that provided under federal law.

If an employee is eligible for leave under both the Foundation's FMLA policy and the NYPFLL, such as because the employee is caring for their parent with a serious health condition, the Foundation's FMLA leave and Paid Family Leave will run concurrently, *i.e.*, the leave simultaneously counts against the employee's entitlement under both policies. Because Paid Family Leave is not available for the employee's own serious health condition, FMLA leave taken for that purpose would *not* run concurrently with Paid Family Leave.

Notice of Leave

If an employee wishes to take Paid Family Leave and the need for the leave is foreseeable, the employee must give The Foundation at least 30 days' written notice before the date Paid Family Leave is expected to begin. If the leave is foreseeable but must begin in less than 30 days, the employee must provide notice to The Foundation as soon as is practicable. If the need for Paid Family Leave is not foreseeable, the employee must provide written notice to The Foundation within 30 days after the period of disability begins.

The Foundation will provide employees with a form for providing this notice upon request.

Applying for Benefits

An employee wishing to make a claim for paid family leave must complete a Request for Paid Family Leave form (Form PFL-1) and any other forms required by the Foundation's insurance carrier. Employees may obtain the required forms from the Office Manager.

Certification

An employee must provide The Foundation proof of the need for Paid Family Leave within 30 days after the leave commences. The Foundation will provide employees with forms for this purpose. The Foundation may require additional proof from time to time but not more often than once a week.

For leave to bond with a child, the birth mother must provide a birth certificate or documentation of pregnancy or birth from a health care provider including the mother's name and birth or due date. A second parent must provide a birth certificate, documentation from a health care provider, voluntary acknowledgment of paternity or court order of filiation, or a copy of documentation of pregnancy or birth from a health care provider (includes mother's name and due/birth dates) and a second document verifying the parent's relationship with the birth mother or child. An adoptive parent must submit documentation showing an adoption is in process, or documentation illustrating the leave is to further the adoption. A foster parent must submit a letter from the county or city department of social services or local volunteer agency.

An employee's request for leave because of the serious health condition of a family member must be supported by medical certification from a health care provider.

An employee's request for leave for any qualifying exigency must be supported by a certification from the employee that sets forth sufficient information to support the existence of a qualifying exigency, and if the qualifying exigency involves rest and recuperation leave, a copy of the military member's rest and recuperation orders, or other documentation issued by the military which indicates that the military member has been granted rest and recuperation leave, and the dates of the military member's rest and recuperation leave.

Returning to Work

When an employee returns from leave, the Foundation will reinstate the employee to the employee's original position, or, if no longer available, an equivalent position with equivalent terms and conditions of employment, including pay and employment benefits.

No Retaliation

Employees are protected from retaliation for requesting or utilizing Paid Family Leave.

ADOPTIVE PARENTS LEAVE

The Foundation will provide employees who adopt a child the same leave benefits given to employees for the birth of a child, if the adopted child is either younger than school age (currently, five years old) or hard-to-place or handicapped and under 18 years old. Employees will not be retaliated against for requesting this type of leave.

MILITARY LEAVE

The Foundation supports employees who serve in the US military and National or State Guards' reserve training programs.

Leaves of absence will be granted to employees to serve in the U.S. military (Army, Navy, Marine Corps, Air Force, Coast Guard, Space Force and Public Health Service commissioned corps, including the reserve component of these services.) For a period not exceeding two (2) weeks in any twelve (12) month period, the Foundation will reimburse the difference between the employee's regular base salary/wages and the total service pay earned. An employee is entitled to apply any accrued and unused vacation, sick, annual or similar paid leave towards military leave. Otherwise, military leave will be unpaid.

Employees who serve in a United States military reserve corps or state military reserve may also take up to fifteen (15) calendar days of unpaid leave per year for annual training purposes.

An employee should notify their supervisor as soon as the need for leave becomes known so that adjustments can be made to job assignments. The employee should present the appropriate documents to the Office Manager in order to facilitate the processing of the salary/wage differential.

Any employee who is absent from work by reason of service in the military is entitled, under specific circumstances, to certain rights and benefits; provided that the employee's cumulative length of the absence and of all previous absences for this purpose does not exceed five years. An employee who has been on a military leave of absence will be returned to their position, or one of like status and pay, provided the employee remains qualified for the employee's position and satisfies any other requirements that may be imposed by applicable federal, state or local law or regulation.

If applicable state law provides for greater reinstatement benefits, the Foundation will follow the more generous provision.

BEREAVEMENT LEAVE

If there is a death in the employee's immediate family, a paid leave of absence not to exceed five (5) days will be granted, as required by the individual circumstances after notification to the Office Manager or Chief Operating Officer.

For purposes of this policy, immediate family includes an employee's spouse or domestic partner, children (including stepchildren and adopted or foster children), parents (including parents-in-law or step parents), siblings, grandparents and grandchildren. Bereavement leave is also available for the death of other relatives or dependents who had been residing in the employee's household.

Unpaid time off to attend the service and burial of any loved one, outside the immediate family, may be available. If the employee prefers, accrued and unused vacation time or personal days may be used for this purpose.

TIME OFF TO VOTE

The Foundation encourages all employees to vote. Employees are expected to take advantage of polling hours prior to the beginning or following the end of their workday. However, employees will be granted leave if they are unable to vote during nonworking hours because they do not have four (4) consecutive hours either between the opening of the polls and the beginning of their working shift or between the end of their working shift and the closing of the polls.

Employees may take off enough working time as will enable them to vote when added to their voting time outside of their working hours and will be paid for up to two (2) hours of that time off. Unless otherwise agreed, the Foundation will designate whether the leave can be taken at the beginning or end of the employee's workday.

To be eligible for the leave, an employee must provide the Foundation with at least two (2) but not more than ten (10) days' advance notice of the need for time off to vote.

Violations of this policy, including fraudulent requests for time off, may result in disciplinary action up to and including termination.

JURY DUTY

In support of the employee's fulfillment of their civic duties, the Foundation encourages employees to serve on juries.

As soon as a jury duty summons is received, the employee should deliver a copy of the summons/notice to the Office Manager or Chief Operating Officer.

Employees are encouraged to serve on juries when called; however, if their supervisor determines that their absence at a specific time would cause great

inconvenience to the Foundation, the Foundation may ask the employee to seek a postponement of jury duty. Base wages or salary will be paid for up to six (6) weeks during jury duty.

An employee serving on a jury must keep in touch with their manager a daily basis so that arrangements can be made to cover the employee's job responsibilities during the period of jury service. An employee on "standby" duty is expected to work until being called to the court. When excused from jury duty before 12:00 noon, employees are expected to come to work.

Employees must obtain a Certificate of Proof of Jury Service from the court and turn it in to their manager upon returning to work.

VOLUNTEER EMERGENCY RESPONDER LEAVE

Employees engaged in performing their duties as volunteer firefighters or volunteer emergency services personnel during a declared state of emergency are eligible for an unpaid leave except a leave will not be granted if the leave would cause an undue hardship on the conduct of the Foundation's business. If an employee intends to take this leave, the employee must provide written notice from the head of the employee's volunteer fire department or volunteer emergency service, advising the Foundation of the employee's status as a volunteer firefighter or member of a volunteer emergency services provider. On the employee's return to work, the Foundation may request a notarized statement from the head of the employee's volunteer fire department or volunteer emergency services provider certifying the period of time, or times, the employee responded to a declared emergency. During this leave, an employee may choose to use other accrued paid leave to which the employee is entitled.

CRIME VICTIM/WITNESS LEAVE

The Foundation will grant reasonable and necessary leave from work, without pay, to employees who are victims of a crime or who are subpoenaed as a witness in a criminal proceeding for any of the following reasons:

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

Victims include:

- The aggrieved party

- The aggrieved party's next of kin, if the aggrieved party died because of the crime
- The victim's representative (for example, an attorney, guardian or parent of a minor)
- Good Samaritans
- Any person applying for or seeking to enforce an order of protection under the criminal procedure law or the Family Court Act

Perpetrators of a crime are not eligible for this leave.

Affected employees must give the Foundation reasonable notice that leave under this policy is required. In addition, the employee must provide the Foundation with verification of their service upon request.

PRENATAL LEAVE

New York State recently became the first state to mandate paid leave for prenatal care, requiring the Foundation to provide eligible employees with paid time off for prenatal medical appointments. A copy of the Foundation's Prenatal Leave policy is attached to this manual

OTHER LEAVE

The Foundation will comply with all other federal, state and local leave laws. In that regard, employees will be granted any other leave of absence as required by law even if not specifically detailed in this Manual. Employees should contact the Office Manager or Chief Operating Officer regarding any questions about leaves of absence.

EXPENSES

REIMBURSEMENT POLICY

Authorized expenses will not be reimbursed without appropriate receipts or other documentation. An expense report with original receipts or other documentation must be submitted within 60 days of the expense. Credit cards provided by the Foundation may be used only for work-related expenses. Proper receipts or other documentation must be provided for all such expenses.

OVERTIME TRANSPORTATION AND MEAL ALLOWANCES

The Foundation is concerned with the safety and well-being of its employees. If working late makes public transportation unsafe for an employee, the Foundation will provide transportation or reimbursement for transportation.

If an employee regularly uses public transportation to get to and from work and the employee works longer than the regularly scheduled workday, the employee may be eligible for Foundation-paid taxi or car service

When the workday extends beyond 7:30pm, the Foundation will reimburse employees for cab fare within New York City; for employees living outside New York City, the Foundation will reimburse cab fare to and from the nearest train or bus station and train or bus fare.

When the workday extends beyond 7:30pm, a dinner allowance of up to \$25.00 will be provided. On weekends and those holidays when the office is officially closed, a luncheon allowance of up to \$15.00 will be provided for those working at least 4 hours. Receipts are required for meal reimbursements.

It is anticipated that this benefit will be infrequently used because it is expected that employees will complete their work assignments within the regularly scheduled workday.

TRAVEL AND MEAL EXPENSES

Reasonable expenses incurred by staff in the course of their work (for travel, meal, telephone, etc.) are reimbursed by the Foundation. To be reimbursed for such expenses the employee must submit an expense report within 60 days of the expenses with proper documentation for each expense. "Proper documentation" shall mean an original receipt indicating when and where the expense was incurred, such as a cash register receipt, ticket stub, or boarding pass, for any reimbursable expense. Questions about whether certain expenses will be reimbursed should be directed in advance to the Chief Operating Officer.

WORKPLACE CONDUCT

CONFIDENTIALITY

During the course of their employment and after leaving the Foundation, employees are expected to keep strictly confidential Foundation business and practice and not use outside the Foundation or disclose any confidential information relating to the Foundation or its grantees.

BOARD MEMBERSHIPS

At the time of employment, new employees are asked to present a list of governing boards (e.g. Boards of Directors or Trustees) on which they or members of their immediate family serve in order to identify potential conflicts with the Foundation's work. Employees may be asked, at the discretion of the Chief Operating Officer, to resign from those boards where there is a conflict or the appearance of conflict. Employees may not accept a new board position without approval in writing from the Chief Operating Officer.

CONFLICTS OF INTEREST

Foundation employees are expected to conduct themselves in accordance with the highest standards of integrity, honesty and fair dealing. Each employee is expected to conduct activities so as to avoid any effects adverse to the interests or reputation of the Foundation, directly or indirectly. Employees will not use their position to solicit or obtain any personal benefit and will avoid situations which create even the appearance that their judgment might be influenced by questionable motives. Any questions about what kind of activity may represent a conflict of interest should be directed to the Chief Operating Officer.

OFFICE DEMEANOR AND ATTIRE

The way our employees present themselves reflects on the Foundation as a professional organization and on the quality of work performed here.

The Foundation office staff enjoys a collegial and informal atmosphere in the workplace. However, this informality must not be mistaken for any lessening of the high standards required in matters of professionalism and courtesy in dealing with people on behalf of the Foundation.

All employees are expected to use good judgment in dressing for work and should dress in appropriate attire during regular office hours. Questions about what kind of behavior or clothing is considered inappropriate should be directed to the Chief Operating Officer. If in doubt, don't wear it.

WORKPLACE HEALTH AND SAFETY

Employees injured in the course of performing their job during the normal working hours are covered under Workers' Compensation Insurance.

The Foundation is committed to providing a safe and healthy work environment for its employees. Employees are encouraged to bring their concerns on this matter to the attention of the Office Manager or Chief Operating Officer.

Reporting Office Accidents

Safety is everyone's responsibility. If there is an accident or injury involving an employee or a visitor, or any unsafe condition in the office, it must be reported to the Office Manager or Chief Operating Officer immediately, no matter how minor the incident may seem.

NEW YORK HERO ACT PREVENTION PLAN

The Foundation has adopted a NY HERO Act Airborne Infectious Disease Prevention Plan ("Prevention Plan") as required under New York State law. The purpose of the NY HERO Act is to protect employees against exposure and disease during a future airborne infectious disease outbreak. The Prevention Plan will go into effect when

an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public. A copy of the Foundation's Prevention Plan is attached to this Manual and is posted in the workplace.

PROHIBITION OF WEAPONS AND WORKPLACE VIOLENCE

The Foundation is committed to providing a safe workplace for employees, vendors, volunteers, independent contractors and others with whom we encounter in our business. The Foundation has zero tolerance for violent acts or threats of violence, including intimidation, fighting and horseplay.

Employees are expected to conduct themselves in a non-threatening, non-abusive manner at all times. Any direct, conditional or veiled threat of harm to any employee, guest or Foundation property will be considered unacceptable behavior. Threats or acts of violence, intimidation or bullying of others will not be tolerated.

The Foundation strictly prohibits employees or any person providing services to the Foundation or located on Foundation premises from possessing weapons of any kind on the Foundation's premises. The prohibition explicitly includes guns, rifles and firearms of any type, including those for which the holder has a legal permit, as well as similar devices that by their design or intended use are capable of inflicting serious bodily injury or lethal force. This policy prohibits the possession of concealed weapons as well as weapons carried openly.

The Foundation will take disciplinary action, up to and including termination, and/or legal action as appropriate, against any employee who commits or threatens to commit a violent act against any person or possesses a weapon while on Foundation premises or while engaged in Foundation business off the premises.

Please note: threats or assaults that require immediate attention by security or police should be reported first to emergency service workers at 911.

DRUG/ALCOHOL FREE WORKPLACE

The Foundation is committed to the health and safety of its employees, and has a responsibility to provide a safe and productive environment to its employees, guests and visitors. Employees under the influence of drugs and/or alcohol at work are a hazard to themselves and to the health and wellbeing of others, and reduce productivity and efficiency. Employees must report to work free from any influence of alcohol and unlawful, controlled substances (as well as medical or recreational marijuana, even if legal and/or the employee has a valid prescription) and must remain free from such influence while on Foundation premises or while performing work for the Foundation. Violation of this policy will result in disciplinary action, up to and including termination.

Employees who are taking medication prescribed by their doctor that impairs their ability to work safely and productively must advise the Foundation of such impairment.

SMOKE-FREE ENVIRONMENT

For the health, safety, and protection of all employees, guests and property of the Foundation, smoking is not permitted anywhere, including in private offices. "Smoking" refers to the use of traditional tobacco products as well as vaping (including the use of electronic nicotine delivery systems or electronic smoking devices, commonly referred to as e-cigarettes, e-pipes, e-hookahs and e-cigars). No adverse personnel action may be taken against employees or applicants who report a violation of this smoking policy.

PARTICIPATION IN PUBLIC AFFAIRS

Foundation employees are encouraged to participate in community and public affairs to the fullest extent possible. Involvement in community and public activities enriches the experiences which employees bring to their jobs, makes employees more sensitive to the needs of the Foundation's constituents, and adds to employees' understanding of the problems facing the communities we serve. In order to protect the Foundation's status as a private foundation under federal tax law, employees' individual activities must conform to the following requirements:

- Employees must insure that the views they express on political, legislative and other issues are attributed to them as individuals and not to the Foundation. Ordinarily this means that employees should not be identified with the Foundation when participating in outside activities; Foundation letterhead should never be used in connection with outside activities;
- Employees must engage in outside activities on their own time; and
- Employees may not use Foundation equipment, facilities, staff, or other resources in connection with their outside activities.

POLICY REGARDING USE OF THE FOUNDATION'S COMPUTER HARDWARE AND SOFTWARE SYSTEMS

The Foundation's telephone, voicemail, facsimile, copying, electronic mail and computer systems, including software programs and Internet access (the "System") are provided for the use of its employees as well as selected other persons (such as members of the Board of Directors and consultants) (collectively "Users") solely in and for the performance of their Foundation job duties and related activities. The System and the all information stored in, transmitted or received through or processed by the Foundation's System is the property of the Foundation, and is to be used primarily for job-related purposes.

System access codes must be disclosed to the Office Manager. Users may not use access codes that are unknown to the Foundation. Users are prohibited from the unauthorized use of another User's access code and from unauthorized access or attempted access of confidential areas of the System, such as personnel files and accounting information. Users should not reveal their individual access codes to anyone outside the Foundation. Use of a password or code does not in any way restrict the Foundation's right or ability to access its System.

Computer software installed on our network is to be used in strict conformity with applicable licenses. Users are strictly forbidden from the unauthorized (i) reproduction of software programs for use either at the Foundation or elsewhere, and (ii) the installation or downloading of software from the Internet onto the Foundation's network or any single computer drive at the Foundation without the express authorization of the Office Manager.

No User should expect that the files, messages, documents or other information stored, created, retrieved or transmitted by him or her will necessarily remain private. The Foundation reserves the right to access, review, read, disclose and use for any purpose any and all messages, information, or material stored in or processed by the System. The Foundation also reserves the right to monitor the System, as well as any Internet, electronic, telephone, or other communications, conversations or transmissions, or internet access or usage by a User by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems, at any and all times and by any lawful means, and to disclose such information to others unless prohibited by law. The Foundation may exercise its right, despite the use of access codes or other security measures.

Use of the System to access the Internet or Email is limited to performance of the Foundation's official business only, except where specifically noted in this document. Users using the Foundation's Internet access are acting as representatives of the Foundation and must act accordingly. Users must ensure that: (i) trade secrets, or confidential information of the Foundation or members of the Board are neither transmitted electronically nor are placed on any publicly accessible Internet computer site without the express prior authorization of the Foundation; (ii) external connections to the Foundation's internal network are not permitted except by authorized Foundation personnel who are conducting the Foundation's official business; (iii) files downloaded from the Internet are scanned with virus detection software before installation; and (iv) software on the Internet is neither downloaded nor modified without the permission of the copyright holder.

The Foundation asks that Users limit personal use of the System to occasional use during non-working hours such as before and after work and during lunch. Do not use Foundation e-mail addresses to register on social networks, blogs or other online tools utilized for personal use.

Users are prohibited from using the System to contact, or urge others to contact, members of a legislative body for the purpose of proposing, supporting or opposing legislation, or to advocate the adoption or rejection of legislation.

Users are prohibited from using the System to participate or intervene in any political campaign on behalf of any candidate for public office. This includes the publishing or distributing of statements by the candidate or statements by the User on behalf of or in support of the candidate or a candidate's political party's platform.

Users are prohibited from using the System in a way that may be disruptive or offensive to others, including but not limited to, the transmission of sexually explicit messages, cartoons, ethnic or racial slurs, comments which may offend on the basis of age, national origin, sexual orientation, or religious or political beliefs, chain letters or anything that may be construed as harassment or disparagement of others. Use of the System is subject to the Foundation's EEO Policy and Policy Against Discrimination & Harassment.

Any violation of this policy will result in discipline, including without limitation termination of employment and/or restrictions on using the System at any time.

SOCIAL MEDIA

The following policy statements set out the responsibilities of all Foundation employees when participating in any social media forum or platform:

- **Personal Responsibility:** Every employee is personally responsible for any content the employee posts on blogs, chats, social networks, forums and other user-generated content sites. Remember that whatever is published online is public and will remain public (and searchable) for a very long time.
- **Promotion of Foundation on Outside Websites or Social Media Outlets:** When publishing content to a website outside of the Foundation or on any social network, it is very important that employees identify themselves whenever you discuss Foundation or matters related to the Foundation. However, employees must be clear that they are speaking on behalf of themselves and not the Foundation (unless it is part of your job duties to do so and you have advance authorization).
- If an employee publishes content to a website outside of the Foundation or on any social network, that has something to do with subjects associated with the Foundation, the employee should include a disclaimer such as: "The postings on this site are my own and do not represent the Foundation's positions, strategies or opinions."

- **Be Respectful.** Always be fair and courteous to fellow employees, customers, clients, members, suppliers or people who work on behalf of the Foundation. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as threatening, intimidating, obscene, that disparage customers, members, employee or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of any Protected Characteristic (as defined in our Equal Employment Opportunity policy) or Foundation policy.
- **Be Honest and Accurate:** Never post any information or rumors that you know to be false about the Foundation, fellow employees, people working on behalf of the Foundation, or any of the Foundation's business contacts.
- **Obeying the Law:** Always respect the legal rights of trademark, copyright and fair use laws. Employees must make sure they have the right to something before publishing it and always give proper credit for other people's work. If you have questions about legality, rights or attribution, consult with the Office Manager.
- **Maintain the Confidentiality of Foundation Trade Secrets and Private or Confidential Information:** Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- **Using Social Media at Work:** Refrain from using social media while on work time or on equipment we provide, unless it is work-related and authorized by the employee's supervisor. Do not use the Foundation's email addresses to register on social networks, blogs or other online tools utilized for personal use.

The Foundation will investigate and respond to all reports of violations of this Social Media Policy and other related policies. Violation of the Foundation's Social Media Policy will result in disciplinary action up to and including immediate termination. Discipline or termination will be determined based on the nature and factors of any blog or social networking post. The Foundation reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

Nothing in this policy prohibits an employee from discussing the terms and conditions of their employment to the extent permitted by law or restricts any rights an employee has under Section 7 of the National Labor Relations Act.

PROHIBITED CONDUCT

It is important for all employees to be aware of standards of acceptable and unacceptable conduct in our workplace. In order to work together as a team and maintain an orderly, productive and positive working environment, everyone must conform to standards of reasonable conduct and Foundation policies. The following is a list of conduct that is prohibited and will not be tolerated by the Foundation.

- Falsification of employment records, employment information, or other Foundation records.
- Recording the work time of another employee or allowing any other employee to record another's work time, or allowing falsification of any clock in or clock out, either the employee's own or another's.
- Theft or deliberate or careless damage of any Foundation property or the property of any employee or customer.
- Theft of Foundation time.
- Giving confidential or proprietary information to competitors or otherwise disclosing information required to be kept confidential.
- Carrying firearms or any other dangerous weapons on Foundation premises at any time.
- Consuming, possessing, or being under the influence of drugs or alcohol during working hours or at any time on Foundation property.
- Insubordination, including but not limited to, failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management.
- Unreported absences.
- Unauthorized use of Foundation equipment, time, materials, facilities, or the Foundation's name.
- Sleeping or malingering on the job.
- Failure of a non-exempt employee to obtain permission to leave work for any reason during normal working hours.
- Abuse of paid or unpaid leave.
- Removing or borrowing Foundation property without prior authorization.
- Using profane or abusive language at any time on Foundation premises.
- Violation of any safety, health, or security rules or procedures.
- Working overtime without authorization or refusing to work assigned overtime.
- Threatening, committing or encouraging any act of violence in the workplace or against any employee or client of the Foundation.
- Unproductive activities during work time.

- Engaging in fighting, horseplay, disorderly or indecent conduct.
- Violating any Foundation policy, including but not limited to the Foundation's policies prohibiting discrimination, harassment or retaliation.

The above described conduct is prohibited and any violators will be subject to appropriate disciplinary action including, but not limited to, verbal reprimand, written notice, suspension from work without pay, disciplinary probation and/or termination of employment. The list of prohibited conduct is meant as a guideline only and is not all-inclusive. The Foundation reserves the right in its sole discretion to terminate or discipline any employee as considered necessary on a case-by-case basis.

WHISTLEBLOWER POLICY

The Foundation is committed to lawful and ethical behavior in all of its activities, and requires that all persons acting on its behalf conduct themselves in a manner that complies with all applicable laws and policies. Set forth below is the Foundation's policy on reporting good faith concerns about the legality or propriety of actions and plans of the Foundation's directors, officers, consultants, and employees ("Foundation Persons").

An employee who has a good faith concern regarding the legality or propriety of any action contemplated to be taken or taken by the Foundation or a Foundation Person, or a good faith belief that action needs to be taken for the Foundation to be in compliance with laws, policies, or ethical standards, should promptly advise the Chief Operating Officer. If management is unresponsive, the employee should report the concern or belief to any member of the Board of Directors. Reports can be made verbally or in writing, in person or anonymously.

The following is a non-exhaustive list of the kinds of improprieties that should be reported:

- Supplying false or misleading information on the Foundation's financial, tax, or other public documents,
- Providing false information to or withholding material information from the Foundation's officers, directors, or auditors,
- Embezzlement or self dealing,
- Payment for services that are not delivered, and
- Facilitating or concealing (including the destruction of records) any of the above or similar actions.

The Foundation will investigate these reports with care. The Foundation's interest in being thorough in its investigation means that it cannot promise complete confidentiality, but it will act as discretely as is reasonably possible. The

Foundation will take such action in the matter as the results of its investigation warrant.

The Foundation will not discharge, threaten, discriminate against or otherwise take retaliatory adverse action an employee in any manner for disclosing or threatening to disclose a perceived wrongdoing, violation of law or policy, or other unethical or illegal conduct, or an activity, policy or practice of the Foundation ("Employment Practice") that the employee reasonably believes is in violation of a law, rule or regulation or poses a substantial and specific danger to the public health or safety, or who makes a good faith effort to notify the Foundation of such a violation. Further, the Foundation will not take any retaliatory adverse action against an employee because the employee provides information to, or testifies before, any public body conducting an investigation or inquiry into an Employment Practice, or objects to or refuses to participate in an Employment Practice.

The Foundation will impose disciplinary measures, up to and including termination, against anyone who threatens or retaliates against an employee who makes a good faith report.

ROMANTIC AND SEXUAL RELATIONSHIPS

The Foundation understand that consensual romantic or sexual relationships sometimes develop between employees. However, such relationships tend to create compromising conflicts of interest or the appearance of such conflicts – especially when they involve a supervisor and the employee's staff members. Therefore, the Foundation strongly discourages romantic or sexual relationships between a manager or other supervisory employee and a staff member.

We have no desire to interfere with the private lives of our employees. However, we do reserve the right to take whatever action is necessary to protect the Foundation's interest and those of its employees. If a romantic or sexual relationship between a supervisor and a subordinate should develop, it shall be the responsibility and mandatory obligation of the supervisor promptly to disclose the existence of the relationship to the Chief Operating Officer. The subordinate may make the disclosure as well, but the burden of doing so shall be upon the supervisor. Upon being informed or learning of the existence of such a relationship, the Foundation may take appropriate action.

If a relationship exists between a supervisor and a subordinate, the Foundation may need to take action may be taken to remove any potential conflicts of interest or potential violation of our Equal Employment Opportunity policy and Policy Against Discrimination & Harassment. Employees are encouraged to advise management in the early stages of such a relationship. Upon review of the circumstances, management will take any necessary steps to see that a pre-existing supervisory relationship is changed or, if necessary, to take steps to protect both parties and the overall work environment of the Foundation.

Relationships between non-management employees and between management-level employees are not addressed by this policy. However, if a relationship between employees disrupts the workplace or performance, the matter will be addressed as may be appropriate.

SEPARATION OF EMPLOYMENT

RELEASE OF INFORMATION

Only the employee's name, length of employment and last salary earned will be provided in response to queries about employment from outside parties. Requests for references will be referred to the Office Manager.

RESIGNATION

Employees who resign from Foundation employment on their own initiative and give proper notice will receive considerations as outlined below:

- Exempt employees are requested to give at least 30 days' notice.
- Nonexempt employees are requested to give at least 2 weeks' notice.

The Foundation reserves the right to accept an employee's resignation immediately, or before the end of the intended notice period.

CONTINUATION OF HEALTH BENEFIT COVERAGE

Existing health benefits will continue through the last day of employment. Thereafter, an employee may continue coverage at their own cost.

Under New York State law, some employees and their qualified dependents may be eligible to continue health insurance coverage at their own expense under the Foundation's health plan.

Further information on continuation of benefits may be obtained from the Office Manager.

NY HERO ACT AIRBORNE INFECTIOUS DISEASE EXPOSURE PREVENTION PLAN

The purpose of this plan is to protect employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards.

Employees should report any questions or concerns with the implementation this plan to the designated contact.

This plan applies to all “employees” as defined by the New York State HERO Act, which means any person providing labor or services for remuneration for a private entity or business within the state, without regard to an individual’s immigration status, and shall include part-time workers, independent contractors, domestic workers, home care and personal care workers, day laborers, farmworkers and other temporary and seasonal workers. The term also includes individuals working for digital applications or platforms, staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, regardless of whether delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter. The term does not include employees or independent contractors of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

As of the date of the publication of this document, while the State continues to deal with COVID-19 and a risk still exists, no designation is in effect at this time. Please check the websites of Departments of Health and Labor for up to date information on whether a designation has been put into effect, as any such designation will be prominently displayed. No employer is required to put a plan into effect absent such a designation by the Commissioner of Health.

I. RESPONSIBILITIES

This plan applies to all employees of the Fan Fox and Leslie R Samuels Foundation, Inc., and the following work site:

275 Madison Avenue, 31st Floor
New York NY 10016

This plan requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease. The following supervisory employee(s) are designated to enforce compliance with the plan. Additionally, these

supervisory employees will act as the designated contacts unless otherwise noted in this plan:

Julio Urbina, Vice-President / Chief Operating Officer (DESIGNATED CONTACT)
(c) 914.573.9475
275 Madison Avenue 31st Floor
New York NY 10016
212.239.3030

II. EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK

A. MINIMUM CONTROLS DURING AN OUTBREAK

During an airborne infectious disease outbreak, the following minimum controls will be used in all areas of the worksite:

1. General Awareness: Individuals may not be aware that they have the infectious disease and can spread it to others. Employees should remember to:

- Maintain physical distancing;
- Exercise coughing/sneezing etiquette;
- Wear face coverings, gloves, and personal protective equipment (PPE), as appropriate;
- Individuals limit what they touch;
- Stop social etiquette behaviors such as hugging and hand shaking, and
- Wash hands properly and often.

2. "Stay at Home Policy": If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform the designated contact and follow New York State Department of Health (NYSDOH) and Centers for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.

3. Health Screening: Employees will be screened for symptoms of the infectious disease including but not limited to temperature checks at the beginning of their shift. Employees are to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease should be removed from the workplace and should contact a healthcare professional for instructions. The health screening elements will follow guidance from NYSDOH and CDC guidance, if available.

4. Face Coverings: To protect your coworkers, employees will wear face coverings throughout the workday to the greatest extent possible. Face coverings and physical distancing should be used together whenever possible. The face covering must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard, e.g. have features could get

caught in machinery or cause severe fogging of eyewear. The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.

5. **Physical Distancing:** Physical distancing will be followed as much as feasible. Avoid unnecessary gatherings and maintain a distance of at least six feet (or as recommended by the NYSDOH/CDC for the infectious agent) from each other. Use a face covering when physical distance cannot be maintained.

In situations where prolonged close contact with other individuals is likely, use the following control methods:

- restricting or limiting visitor entry;
- limiting occupancy;
- allowing only one person at a time inside small enclosed spaces with poor ventilation;
- reconfiguring workspaces;
- physical barriers;
- signage;
- floor markings;
- telecommuting;
- remote meetings;
- preventing gatherings;
- restricting travel;
- creating new work shifts and/or staggering work hours;
- adjusting break times and lunch periods;

6. **Hand Hygiene:** To prevent the spread of infection, employees should wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:

- Touching your eyes, nose, or mouth;
- Touching your mask;
- Entering and leaving a public place; and
- Touching an item or surface that may be frequently touched by other people, such as door handles, tables, gas pumps, shopping carts, or electronic cashier registers/screens.
-

Because hand sanitizers are less effective on soiled hands, wash hands rather than using hand sanitizer when your hands are soiled.

7. **Cleaning and Disinfection:** See Section V of this plan.

8. **“Respiratory Etiquette”:** Because infectious diseases can be spread by droplets expelled from the mouth and nose, employees should exercise appropriate respiratory etiquette by covering nose and mouth when sneezing, coughing or yawning.

9. Special Accommodations for Individuals with Added Risk Factors: Some employees, due to age, underlying health condition, or other factors, may be at increased risk of severe illness if infected. Please inform your designated contact if you fall within this group and need an accommodation.

10. Consideration of office closure with employees working remotely until it is declared safe to return to the office with or without the use of PPE.

B. ADVANCED CONTROLS DURING AN OUTBREAK

For activities where the Minimum Controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Employers should determine if the following are necessary:

1. Elimination: Employers should consider the temporary suspension or elimination of risky activities where adequate controls could not provide sufficient protection for employees. Examples include:

- Reduction or elimination of activities that require close proximate contact and require the removal of face covers (meals, meetings, etc).

2. Engineering Controls: Employers should consider appropriate controls to contain and/or remove the infectious agent, prevent the agent from being spread, or isolate the worker from the infectious agent. Engineering controls include:

a. General Ventilation, for example:

- Increasing the percentage of fresh air introduced into air handling systems;
- Avoiding air recirculation;
- Utilize air filters with rating of Minimum Efficiency Reporting Value (MERV) 13 or higher, if compatible with the HVAC system(s). If MERV-13 or higher filters are not compatible with the HVAC system(s), use filters with the highest compatible filtering efficiency for the HVAC system(s);
- If fans are used in the facility, arrange them so that air does not blow directly from one worker to another. Remove personal fans as necessary but keep heat hazards in mind and address in other methods if appropriate; and
- Air purifiers.

i. Natural Ventilation, for example:

- Opening outside windows and doors to create natural ventilation; and
- Opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors. (Note: This method is appropriate only if air will not blow from one person to another.)

- ii. Automatic disinfection systems such as ultraviolet light disinfection systems;
- iii. Install cleanable barriers such as partitions and clear plastic sneeze/cough guards;
- iv. Install additional timeclocks to avoid overcrowding. Consider touch free options;
- v. Modify the alignment of workstations, so that workers are at separated in all directions. Use markings and signs to remind workers to remain at their designated stations; and
- vi. Install hand washing or sanitizing stations throughout facility

Subject to changes based on operations and circumstances surrounding the infectious disease, engineering controls that are anticipated to be used are listed below:

- Improved ventilation as noted above
- Office doors closed when occupied
- Reception area partitions

3. "Administrative Controls" are policies and work rules used to prevent exposure. Examples include:

- Disinfecting procedures;
- Employee training;
- Identify and prioritize job functions that are essential for continuous operations;
- Cross-train employees to ensure critical operations can continue during worker absence;
- Limit the use of shared workstations;
- Post signs reminding of respiratory etiquette, masks, handwashing;
- Rearrange traffic flow to allow for one-way walking paths;
- Provide clearly designated entrance and exits;
- Provide additional short breaks for handwashing and cleaning;
- Establishing pods or cohorts working on same shift;
- Prohibit eating and drinking in the work area;

- Do not handle cash;
- Require appointments and do not accept walk-ins;
- Clean equipment after use;
- Limit attendance of in-person meetings. Host the meetings outdoors when possible;
- Develop, communicate, and enforce a protocol for visitors to wear face coverings;
- Conduct visitor health screening upon their arrival or over the phone before their arrival including temperature checks and exposure reports/affidavits.

Subject to changes based on operations and circumstances surrounding the infectious disease, the following specific administrative controls are anticipated to be used:

4. Personal Protective Equipment (PPE) are devices like eye protection, face shields, respirators, and gloves that protect the wearer from infection. PPE will be provided, used and maintained in a sanitary and reliable condition at no cost to the employee. The PPE provided to an employee will be based on a hazard assessment for the workplace. The following PPE that are anticipated to be used include:

- N95 Respirators
- face masks

C. EXPOSURE CONTROL READINESS, MAINTENANCE AND STORAGE:

The controls we have selected will be obtained, properly stored, and maintained so that they are ready for immediate use in the event of an infectious disease outbreak and any applicable expiration dates will be properly considered.

III. HOUSEKEEPING DURING A DESIGNATED OUTBREAK

A. Disinfection Methods and Schedules

Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control buttons/levers, dials, levers, water faucet handles, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection. The disinfection methods and schedules selected are based on specific workplace conditions.

The New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) have compiled lists of approved

disinfectants that are effective against many infectious agents (see dec.ny.gov and epa.gov/pesticide-registration/selected-epa-registered-disinfectants). Select disinfectants based on NYSDOH and CDC guidance and follow manufacturer guidance for methods, dilution, use, and contact time.

B. Adjustments to Normal Housekeeping Procedures

Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in effect at the time. However, routine procedures may need to be adjusted and additional cleaning and disinfecting may be required.

Housekeeping staff may be at increased risk because they may be cleaning many potentially contaminated surfaces. Some housekeeping activities, like dry sweeping, vacuuming, and dusting, can resuspend into the air particles that are contaminated with the infectious agent. For that reason, alternative methods and/or increased levels of protection may be needed.

Rather than dusting, for example, the CDC recommends cleaning surfaces with soap and water before disinfecting them. Conducting housekeeping during “off” hours may also reduce other workers’ exposures to the infectious agent. Best practice dictates that housekeepers should wear respiratory protection. See cdc.gov for more guidance.

C. If an employee develops symptoms of the infectious disease at work, it is ideal to isolate the area in accordance with guidance issued by NYSDOH or the CDC, before cleaning and disinfecting the sick employee’s work area. This delay will allow contaminated droplets to settle out of the air and the space to be ventilated.

D. As feasible, liners should be used in trash containers. Empty the containers often enough to prevent overfilling. Do not forcefully squeeze the air out of the trash bags before tying them closed. Trash containers may contain soiled tissue or face coverings.

IV. INFECTION RESPONSE DURING A DESIGNATED OUTBREAK

If an actual, or suspected, infectious disease case occurs at work, take the following actions:

- Instruct the sick individual to wear a face covering and leave the worksite and follow NYSDOH/CDC guidance.
- Follow local and state authority guidance to inform impacted individuals.

V. TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK

A. The designated contact will verbally inform all employees of the existence and location of this Plan, the circumstances it can be activated, the infectious disease

standard, employer policies, and employee rights under the HERO Act. (Note: training need not be provided to the following individuals: any individuals working for staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, where delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter)

B. When this plan is activated, all personnel will receive training which will cover all elements of this plan and the following topics:

1. The infectious agent and the disease(s) it can cause;
2. The signs and symptoms of the disease;
3. How the disease can be spread;
4. An explanation of this Exposure Prevention Plan;
5. The activities and locations at our worksite that may involve exposure to the infectious agent;
6. The use and limitations of exposure controls
7. A review of the standard, including employee rights provided under Labor Law, Section 218-B.

C. The training will be:

1. Provided at no cost to employees and take place during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off);
2. Appropriate in content and vocabulary to your educational level, literacy, and preferred language; and
3. Verbally provided in person or through telephonic, electronic, or other means.

VI. PLAN EVALUATIONS DURING A DESIGNATED OUTBREAK

The employer will review and revise the plan periodically, upon activation of the plan, and as often as needed to keep up-to-date with current requirements. Document the plan revisions below:

PLAN REVISION HISTORY

DATE	PARTICIPANTS	MAJOR CHANGES	APPROVED BY

VII. RETALIATION PROTECTIONS AND REPORTING OF ANY VIOLATIONS

No employer, or his or her agent, or person, , acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, retaliate against, or take adverse action against any employee for exercising their rights under this plan, including reporting conduct the employee reasonably believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials or for refusing to work where an employee reasonably believes in good faith that such work exposes him or her, other workers, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer's failure to cure or if the employer knew or should have known of the consistent working conditions.

Notification of a violation by an employee may be made verbally or in writing, and without limitation to format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high risk disease from the Commissioner of Health, or two years after the conclusion of the Governor's emergency declaration of a high risk disease. Employer should include contact information to report violations of this plan and retaliation during regular business hours and for weekends/other non-regular business hours when employees may be working.

PRENATAL LEAVE POLICY

Starting January 1, 2025, the New York State Paid Prenatal Leave Law (NYS Labor Law Section 196-b) requires all private-sector employers in New York State to provide their employees with 20 hours of Paid Prenatal Leave each year. All private sector employees, including those employed by The Fan Fox & Leslie R Samuels Foundation ("Samuels" or "the Foundation") are entitled to Paid Prenatal Leave including those that work part-time or are overtime exempt.

COVERED PRENATAL HEALTH CARE SERVICES

Employees are entitled to take Paid Prenatal Leave for prenatal health care appointments during or related to their pregnancy. Pregnancy-related health care appointments include:

- physical examinations
- medical procedures
- monitoring
- testing
- discussions with a health care provider needed to ensure a healthy pregnancy •
- end of pregnancy care
- fertility treatment

Only the employee directly receiving prenatal health care may use Paid Prenatal Leave. A spouse, partner, or another support person attending prenatal appointments with a pregnant person is not entitled to Paid Prenatal Leave. Health care appointments after pregnancy are not covered by Paid Prenatal Leave.

EXISTING LEAVE POLICIES

Paid Prenatal Leave is a separate, stand-alone benefit from other leave laws and policies, such as the New York State Sick Leave. The Samuels Foundation will provide 20 hours of Paid Prenatal Leave to its employees annually in addition to any other leave options available to them.

An employee has the option to use NYS Sick Leave, Paid Prenatal Leave, or an existing employer leave policy to attend prenatal health care appointments. However, Samuels cannot require an employee to use one leave type over another.

NO MINIMUM WORK REQUIREMENT

An employee does not need to work a minimum number of hours to accrue Paid Prenatal Leave. All employees working for the Samuels Foundation, including newly hired employees, are automatically entitled to 20 hours of Paid Prenatal Leave, each year.

TRIGGER DATE AND RECORD KEEPING

Paid Prenatal Leave is measured in 52-week periods. An employee is entitled to 20 hours beginning on the date they first utilize the leave and ending 52 weeks later. For example, if an employee uses Paid Prenatal Leave for the first time on June 1st, 2025, they are entitled to 20 hours of Paid Prenatal Leave between June 1st, 2025, and May 31st, 2026. If after May 31st, 2026, that same employee next needs to use Paid Prenatal Leave on August 2nd, 2026, that date would trigger the start of 52 weeks for which the employee is entitled to 20 hours Paid Prenatal Leave.

Unused benefit hours do not carry over to the following 52-week period and all employees, regardless how long they have been with the employer, are entitled to 20 hours of leave.

While the law does not specifically require recordkeeping on paystubs, Samuels will maintain clear records of available types of leave and amounts of types of leave used in a manner accessible to both the employer and employee.

COMPENSATION FOR PAID PRENATAL LEAVE

The Foundation will pay employees using Paid Prenatal Leave at their regular rate of pay, or at the appropriate minimum wage for their occupation, whichever is greater.

If an employee stops working for Samuels without using all of their Paid Prenatal Leave, Samuels is not required to pay an employee for any unused Paid Prenatal Leave hours.

DISCLOSURE OF HEALTH DETAILS PROHIBITED

The Foundation cannot ask an employee for personal or confidential information about their health or the nature of their prenatal visit as a condition of using Paid Prenatal Leave. The Foundation will not request that an employee submit medical records to use Paid Prenatal Leave.

TIME-OFF NOTIFICATION PROCEDURES

Employees should request or notify the Foundation that they are using Paid Prenatal Leave in the same way they would request or notify the Foundation of other types of time off at their workplace. The New York State Department of Labor encourages employers to communicate to their employees what notification or request procedures they should follow when requesting time off. The Foundation allow employees to use Paid Prenatal Leave when they request it, until all 20 hours of leave they are entitled to each year have been used.

PAID PRENATAL LEAVE HOURS

The Foundation will permit employees to take Paid Prenatal Leave in hourly increments. For example, if an employee only needs 1 hour of Paid Prenatal Leave

to attend a prenatal health care appointment, but is available to work the remaining hours in the work day, they must be permitted to do so.

RETALIATION AND DISCRIMINATION PROHIBITED

It is against the law for the Foundation to retaliate or discriminate against employees for requesting and using Paid Prenatal Leave. Examples of employer retaliation may include:

- Reducing the number of hours of sick leave, vacation leave, or other leave an employee is entitled to because an employee uses Paid Prenatal Leave.
- Changing an employee's work location or hours after an employee requests to use Paid Prenatal Leave.
- Firing or demoting an employee after they request to use Paid Prenatal Leave.

To learn more about employer retaliation visit [dol. ny.gov/retaliation](https://dol.ny.gov/retaliation). To learn more about employers responsibilities toward pregnant employees visit: [ny.gov/ working-while-pregnant-know-your-rights/guidanceemployers-pregnant-or-breastfeeding-employees](https://ny.gov/working-while-pregnant-know-your-rights/guidanceemployers-pregnant-or-breastfeeding-employees). For more information about Paid Prenatal Leave, including frequently asked questions, visit: ny.gov/programs/newyork-state-paid-prenatal-leave.

ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL MANUAL

I acknowledge that I have received a copy of the Fan Fox and Leslie R. Samuels Foundation (the "Foundation") Personnel Manual dated April 2022 (the "Manual"). I understand that the Manual contains information about the employment policies and practices of the Foundation, and that the policies contained in the Manual supersede all prior Foundation policies. I agree to read and comply with the Manual.

I understand that the policies in the Manual may require changes from time to time. I understand that the Foundation retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Foundation, and that the Foundation reserves the right to revise, delete and add to the provisions of this Manual at any time without further notice.

I understand that this Manual is not intended to create contractual obligations with respect to any matters it covers and that nothing contained in the Manual creates a contract guaranteeing that I will be employed for any specific time period.

I ACKNOWLEDGE THAT MY EMPLOYMENT WITH THE FOUNDATION IS AT-WILL, MEANING THAT THE FOUNDATION OR I MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE OR NOTICE. NOTHING IN THIS EMPLOYEE MANUAL OR IN ANY DOCUMENT OR STATEMENT, WRITTEN OR ORAL, SHALL LIMIT THE RIGHT TO TERMINATE EMPLOYMENT AT-WILL. NO OFFICER, EMPLOYEE OR REPRESENTATIVE OF THE FOUNDATION IS AUTHORIZED TO ENTER INTO AN AGREEMENT—EXPRESS OR IMPLIED—WITH ME OR ANY EMPLOYEE FOR EMPLOYMENT FOR A SPECIFIED PERIOD OF TIME. ANY AGREEMENT TO EMPLOYMENT FOR A SPECIFIED PERIOD OF TIME WILL BE PUT INTO WRITING AND SIGNED BY THE CHIEF OPERATING OFFICER.

If I have questions regarding the content or interpretation of this Manual, I will ask my supervisor, the Chief Operating Officer or the Office Manager.

Accepted and Agreed:

Print Name

Signature

Date