

EMPLOYEE HANDBOOK

OVERVIEW

For those of you starting employment with Brooklyn United Methodist Church Home (referred to herein as “us,” “we”, or the “Home”), let us extend a warm and sincere welcome. For those of you, who have been with us over the years, please accept our “thank you” for your hard work.

Brooklyn United Methodist Church provides an integrated program of the highest quality of medical care for the aged and infirm. It is also the policy of the Home to provide the best possible wages and working conditions to its employees. We prepared this handbook to assist you in finding the answer to many of the most frequently asked questions regarding personnel policies, compensation and benefits. It is essential that all Administrative, Medical Staff, and Supervisors lend their support and cooperation in administering the policies and practices as outlined in this handbook. Should you have any questions regarding these policies or their interpretation, please do not hesitate to contact the Administrator.

The contents of this handbook are guidelines only and supersede any prior handbook. Neither this handbook nor any other company guidelines, policies or practices creates an employment contract or confers any contractual rights whatsoever. Subject to any limitations pursuant to any applicable collective bargaining agreement, the Home has the right, with or without notice, in an individual case or generally, to modify its interpretation of and/or change any of its guidelines, policies, practices, working conditions or benefits at any time. Nothing in this handbook should be construed as a promise of specific treatment in any specific situation upon which an employee should rely. Many matters covered by this handbook also are described in separate official documents. These official documents are controlling over any statement made in this handbook or by any supervisor or manager.

Subject to any limitations pursuant to any applicable collective bargaining agreement, employment with the Home is at-will and either the employee or the Home may terminate employment at any time, with or without cause or reason. No representative of the Home is authorized to provide any employee or employees with an employment contract or special arrangement concerning terms or conditions of employment unless the contract or agreement is in writing and signed by the Administrator.

To the extent that any provision of this handbook conflicts with any applicable collective bargaining agreement, the collective bargaining agreement shall govern over the language in this handbook.

This notice applies to all employees regardless of date of hire.

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I. PERSONNEL ADMINISTRATION

A. PURPOSE & OBJECTIVES

1. Establish a basis for impartial and uniform personnel administration, and;
2. Provide each employee with an in-depth review of our established policies.
3. The primary objectives of our personnel policies are to:
 - a. Provide a basis for impartial and uniform personnel administration for the facility and employee alike.
 - b. Provide a ready reference to established personnel policies to ensure that our mission of providing quality health care can be maintained without interruption.
 - c. Identify authority and responsibility for the administration of our personnel policies and procedures.
 - d. Standardize the handling of personnel matters.

B. APPLICABILITY

This Handbook applies both bargaining and non-bargaining unit employees.

C. RESPONSIBILITY

1. It shall be the responsibility of the Administrator, through the Department Heads, to inform all personnel of our policies and procedures and the responsibilities each has in following and implementing such rules.
2. Orientation programs and in-service training classes are conducted to assist employees in understanding our personnel policies and procedures, our facility expectations, and each employee's job expectations. A copy of our employee personnel policies may be obtained from:
 - a. Department Heads
 - b. Human Resources
 - c. Administrator

II. INTRODUCTION

A. EQUAL EMPLOYMENT OPPORTUNITY

We are an equal employment opportunity organization that does not discriminate on the basis of race, color, creed, religion, national origin, ancestry, alienage or citizenship status, age, disability or handicap, sex, marital status, veteran status, sexual orientation, arrest record or any other characteristic protected by applicable federal, state or local law. Our management team is dedicated to insuring the fulfillment of this policy with respect to our programs, activities, financial assistance programs, admission policies, training programs, recruitment, hiring, placement, promotion, transfer, compensation, benefits, employee activities and general treatment during employment.

The Home will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would impose an undue hardship on the operation of our business. If you believe you need assistance to perform your job duties because of a physical or mental condition, please let us know.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of Human Resources. The Home 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.

B. HARASSMENT AND SEXUAL HARASSMENT

It is our policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of race, color, creed, religion, national origin, ancestry, alienage or citizenship status, age, disability or handicap, sex, marital, veteran status, sexual orientation, arrest record or any other characteristic protected by applicable federal, state or local law.

The Home specifically prohibits sexual harassment of any employee during the course of his/her employment.. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually-related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life and/or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

Anyone who feels that he or she has been subjected to conduct which violates this policy should immediately report the matter to his/her Supervisor, Department Head, Human Resources and /or the Administrator. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action up

to and including discharge. Employees must cooperate in all investigations. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the Home will not allow any form of retaliation against individuals who report unwelcome conduct to management in good faith or who cooperate in the investigations of such reports in accordance with this policy in good faith. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge.

C. ALCOHOL AND DRUGS

To help ensure a safe, healthy and productive work environment for our employees, residents, visitors, to Home property, and to ensure efficient operations, the Home has adopted a policy of maintaining a workplace free of drugs and alcohol.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances, drug paraphernalia or alcohol by an individual anywhere on Home premises, while on Home business (whether or not on Home premises) or while representing the Home, is strictly prohibited. Employees and other individuals who work for the Home also are prohibited from reporting to work or working while they are using or under the influence of any drugs or controlled substances which may impact an employee's ability to perform their job or otherwise pose safety concerns, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. NOTE: In consideration of the safety of the employee and residents and staff of the Home, the Department Head may provide escort service to the employee's home by calling a taxi, his/her family, etc.. Documentation of all such incidents must be made by the Department Head, and a copy filed in the employee's personnel record. All incidents involving alcohol or drugs among our employees must be reported to the Administrator.

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

The Home maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation.

D. WORKPLACE VIOLENCE

We are strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees, residents and visitors and damage to Home and personal property.

We do not expect you to become an expert in psychology or to physically subdue a threatening or violent individual. Indeed, we specifically discourage you from engaging in any physical confrontation with a violent or potentially violent individual. However, we do expect and encourage you to exercise reasonable judgment in identifying potentially dangerous situations.

Threats, threatening language or any other acts of aggression or violence made toward or by any Home employee will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious and/or destructive action undertaken for the purpose of domination or intimidation. Weapons of any kind are prohibited on Home premises.

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom you feel comfortable. Reports of threats will be kept confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All threats will be promptly investigated. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If an investigation confirms that threat of a violent act or violence itself has occurred, the Home will take swift and appropriate corrective action. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge. If you have any questions about this policy, please speak with your supervisor, department head or the Administrator.

III. WORKING AT THE HOME

A. EMPLOYEE IDENTIFICATION & EMPLOYMENT ELIGIBILITY

It is the policy of this facility to require all employees hired to produce documents that will establish his/her identity and employment eligibility. As required by the Immigration Reform Act, all employees must complete an I-9 upon commencing employment and must produce supporting documentation within the first three (3) days of employment.

B. INTRODUCTORY PERIOD

Newly hired employees not covered by a collective bargaining agreement shall be considered "introductory" for a period of 90 days from their date of employment. Completion of the introductory period does not alter an employee's at-will status. The introductory period may be extended at the Home's sole discretion. Employees covered by a collective bargaining agreement should refer to the applicable agreement for information regarding any applicable introductory period.

C. ORIENTATION

It is the policy of the Home to conduct an orientation program for all newly hired employees. All newly hired personnel must attend an orientation program within their first five (5) days of employment. In addition to our general orientation, special training needs of individual employees will be addressed as needed

D. JOB DESCRIPTIONS

It is the policy of the Home to develop a written description for each position within our facility. Job descriptions are criteria based and reflect the skills required for each position. Each job description is divided into the following categories:

- Major Duties and Responsibilities;
- Working Conditions;
- Educational Requirements;
- Experience;
- Specific Requirements;
- Physical Requirements; and
- Acknowledgements

Department Heads typically will review the job description with the employee during the employee's orientation process, when changes are made in the job description, and during annual performance evaluations.

Employees will be required to read and sign a copy of his/her respective job description prior to commencing employment. The employee will receive a copy of his/her job description and the signed copy will be filed in the employee's personnel record.

Employees are expected and required to perform the duties outlined on their individual job description.

The omission of specific statements of duties does not exclude the duties from the position if the work is similar, related, or is a logical assignment to the position.

E. EMPLOYMENT CLASSIFICATIONS

All employees not covered by a collective bargaining agreement fall within one of the following classifications:

Full-time. Employees who regularly work at least 37.5 hours per week.

Part-Time. Employees who regularly works less than 37.5 hours per week or on an irregular basis as needed.

Temporary/Per-diem. Employees who are either hired for a specific purpose or time period, which generally does not exceed three months. A temporary employee may be full-time or part-time.

In addition to the above, employees are categorized as either “exempt” or “non-exempt.” Pursuant to federal and state wage hour laws, exempt employees do not receive overtime pay. Employees classified as exempt receive a salary which is intended to cover all hours worked.

Employees will be informed of their initial employment classification and status as exempt or non-exempt upon commencing employment. If an employee changes position during his/her employment as a result of a promotion, transfer or otherwise, management will inform him/her of any change in his/her job classification.

Employees covered by a collective bargaining agreement should refer to the applicable agreement for information regarding any applicable employment classifications.

F. CHANGE IN STATUS

It is the policy of this facility to maintain up-to-date personnel records. In order for our facility to maintain up-to-date personnel records and to ensure an employee receives all available insurance benefits, the employee must notify Human Resources in writing, when changes occur in the employee's:

- Name
- Address
- Telephone number
- Marital status
- Dependents
- Beneficiary
- Emergency information
- Other as necessary or appropriate

Changes in the above information must be submitted to Human Resources within fifteen (15) days of such change. It is the responsibility of the employee to report any change in his/her status to assure that appropriate federal and state records can be maintained accurately.

G. PERSONNEL RECORDS

It is the policy of this facility to maintain certain records on each employee which are directly related to his/her employment. Federal and State Regulations require that our facility maintain an individual personnel record for each employee. However, it shall be the employee's responsibility to provide us with the required data. Failure to provide requested or required data may result in disciplinary action.

Should it become necessary for an employee to furnish additional data, or records, the employee will be notified in writing, by the Administrator or designee, and such data must be completed and provided to Administrator or designee within the time frame specified on the written notice.

All requests from outside sources concerning an employee's personnel record will be referred to Human Resources. Only the following information will be released without the employee's written consent unless otherwise required by law:

- Dates of employment
- Position(s) held

A written record of all personnel information releases will be maintained and filed in the employee's personnel record.

Only those persons with a "need-to-know" (i.e. Administrator, Human Resources, etc.) will have access to an employee's personnel records.

Inquiries concerning the release of personnel information should be referred to Human Resources.

H. RELEASE OF INFORMATION

It is the policy of this facility to release information through the Administrator, or his/her designee. Only the Administrator, or his/her designee, is authorized to release information on behalf of the Home concerning the operation of our facility. Information concerning a resident's medical condition, medical treatment, etc., is CONFIDENTIAL, and MAY NOT be released without the written consent of the resident/representative (sponsor). All requests for information about our facility and its residents must be directed to the Department Head or Administrator. Failure of an employee to adhere to this policy can and will result in disciplinary action. HOURS OF THE DAY

It is the policy of this facility to establish hours of work in accordance with resident needs and current regulations governing our facility's staffing requirements. Our standard workweek consists of seven (7) consecutive days of twenty-four hours each. The standard workweek will begin on Sunday, at the time scheduled for each employee to begin his/her shift, and will end on Saturday, seven (7) days later, at the end of the employee's shift. Our standard workday consists of eight (8) consecutive hours, with a thirty (30) minute unpaid meal break. Given the nature of our business,

employees may be required to work beyond their regularly scheduled hours. Time worked in excess of 37 1/2 hours during our established workweek by non-exempt employees will be considered overtime, and the employee will be paid at the rate of one and one-half 1 1/2 times his/her regular rate of pay. Exempt employees may be given compensatory time off.

I. LACTATION

Employees who are nursing are provided with break time to express breast milk for up to 3 years after the birth of a child. Employees will not be discriminated against or retaliated against for exercising their rights under this policy and reasonable efforts will be made to provide a private room or location in close proximity to the work area for this purpose.

J. REST PERIODS

It is the policy of this facility to provide employees with rest periods (breaks) during the course of each shift worked.

Employees working a full seven and one half (7 1/2) hour shift eligible to receive a fifteen (15) minute break the first half of their shift and a fifteen (15) minute break the second half of their work shift. Rest periods (breaks) may not be taken with meal times or during the first or last hour of work without permission of the Department Head/Supervisor. Breaks are scheduled by Department Heads/Supervisors and must be followed as closely as possible. (NOTE: Department supervisors and/or charge nurses or RN supervisors MUST require employees to inform them when they are leaving for a break and when they return). Break periods are computed as time worked for pay purposes. Unless otherwise instructed by the Administrator, employees will not need to clock in and out on their time cards.

Resident care areas may not be left unattended during break periods.

Employees are responsible for keeping break areas clean and safe. Smoking is prohibited except in designated areas.

Employees on breaks may not interfere or socialize with other employees who are not on a break period.

Employees may not use a break to leave work before the shift normally ends. Breaks may not be taken by employees working on the unit

Prior to an employee leaving his/her assigned work area for a break, all equipment, tools, etc., must be properly stored or secured. **NURSING MUST CONFIRM PROCEDURES FOR PASSING THE NARCOTIC, MED CART AND MED ROOM KEYS.**

Employees violating or abusing our established rest break policies will be subject to disciplinary action.

K. RECORDING HOURS WORKED (FINGER SCANNING IN/OUT)

It is the policy of this facility to require all employees to Finger Scan in at the beginning and ending of their shift

Employees may not Finger Scan in prior to their scheduled starting time, nor clock out after their scheduled quitting time, unless approved by their department supervisor. Non-exempt employees may never work off the clock.

Since employee time records are vital for payroll purposes, employees must inform management if they fail or otherwise forget to Finger Scan in or out before or after any working time. An employee found in violation of the above rule will be subject to disciplinary action, including termination of employment. **IF AN EMPLOYEE FAILS TO NOTIFY MANAGEMENT OF A PROBLEM WITH THE FINGER SCAN DEVICE, HIS/HER PAY MAY BE IMPACTED.**

Department supervisors must initial all Hand Punch Reports when an employee fails to scan in/out, leaves work early, begins work early, scans out late, or for any other reason that will change the employee's scheduled work-time. Department supervisors must verify and sign their respective employee's weekly payroll sheet. Time for which an employee does not work but is to be paid (i.e., sick leave, holidays, vacations, etc.), must be entered on the time card and initialed by the department supervisor.

Authorized overtime must be identified and initialed by the department head

Paid benefit time and unpaid time off will not be considered as working time for pay purposes for non-exempt employees. Department supervisors must inform employees when they will not be compensated for hours not worked due to absences.

L. SHIFT DIFFERENTIAL

All non-exempt employees are eligible to receive a shift differential of ten percent (10%) of their base salary provided their normal work shift commences prior to 6:00 a.m. or ends after 7:00 p.m. Employees on the Day Shift are not eligible for Shift Differential if they are required to commence work prior to 6:00 a.m. or finish after 7:00 p.m. Shift Differential will be considered as part of an employee's "base salary" for purposes of computing Sick Pay, Vacation Pay, Holiday Pay and Overtime. Employees hired to fill a position on the Evening or Night Shift will not be eligible to receive Shift Differential for time when they work outside the time period when Shift Differential pay is made.

M. OVERTIME

Overtime is assigned to qualified employees on an equitable basis. All employees shall be required to work overtime when necessary for the proper operation of the Home. Overtime pay does not apply to exempt employees. Shift differential will be included in computing overtime pay. Overtime must be authorized by the department head with the approval of the Administrator. Overtime work must be initialed on the Hand Punch Report by the Department Head prior to submitting the Hand Punch Report to the Business Office.

N. COMPENSATORY TIME

From time to time, it may be necessary for exempt employees to work more than their assigned and scheduled hours. These exempt employees may, for authorized time worked, receive compensatory time off.

All compensatory time must be approved by the Administrator and/or the Department Head in advance. Those employees wishing to use compensatory time must notify the Administrator or the Department Head at least one week in advance. Compensatory time must be used within 30 days of accrual unless otherwise approved by the Administrator. Compensatory time will be scheduled in accordance with the Home's ability to excuse the employee for the period requested.

There shall be no payment of unused compensatory time upon separation from employment.

O. PAYCHECKS

Employees are paid weekly. It is the policy of the Home to issue paychecks on a timely basis. Paychecks are normally distributed on Thursday. If an employee is absent on payday and wishes someone to pick up his/her paycheck, a written, dated and signed authorization must be presented to Human Resources or designee before such request can be made. The facility will not give out a paycheck to anyone other than the employee without written authorization.

We offer direct deposit upon an employee's consent. We also have an ATM machine on our premises.

Should an employee lose his/her paycheck, it must be reported to Human Resources or designee so that a stop payment order can be issued to the bank. The Business Office will issue a new check.

Employee payroll stubs itemize deductions made from gross earnings. By law, the Home is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions include any court-ordered garnishments. Payroll stubs also itemize any voluntary deductions such as an employee's portion of health, dental or life insurance premiums and/or voluntary contributions to a 401(k) or pension plan, to the extent applicable. Payroll stubs will also differentiate between regular pay received and overtime pay received, to the extent applicable.

If you believe there is an error in your pay, bring the matter to the attention of Human Resources immediately so the Home can resolve the matter quickly and amicably.

P. SAFE HARBOR POLICY FOR EXEMPT EMPLOYEES

Exempt salaried employees receive a salary which is intended to compensate for all hours worked for the Home. This salary will be established at the time of hire. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under federal and state law, your salary is subject to certain deductions. Our salary can be reduced for the following reasons:

- Full day absences for personal reasons.
- Full day absences for sickness or disability.
- Full day disciplinary suspensions for infractions of our written policies and procedures.
- To offset amounts received as payment for jury and witness fees or military pay.
- The first or last week of employment in the event you work less than a full week.

Your salary may also be reduced for certain types of deductions such as your portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or, voluntary contributions to insurance programs.

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

- Partial day absences for personal reasons, sickness or disability.
- Your absence on the day before or after a paid holiday or because the facility is closed on a scheduled work day
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work.
- Any other deductions prohibited by state or federal law.

We may, however, require that you utilize accrued paid benefit time in these instances. If you believe you have been subject to any improper deductions, you should immediately report the matter to your supervisor. If your supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact Human Resources.

Every report of improper deductions will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee (s) who violates this policy. In addition, the Home will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the Home's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

Q. IN-SERVICE TRAINING PROGRAM

It is the policy of this facility that all personnel are required to participate in regularly scheduled in-service training classes. In-service training classes are conducted to provide employees with information concerning their position, methods and procedures to follow in implementing assigned duties, and to provide up-to-date information that will assist the employee, as well as the facility, in providing quality health care. Insofar as practical, notice of in-service training classes, their time, place, date, etc. will be posted on the employee bulletin board at least seven (7) days PRIOR to the scheduled class. Only the Department Head/Supervisor may excuse an employee for an in-service training class. Employees will be paid for time spent in in-service training.

R. ON-THE-JOB TRAINING

It is the policy of this facility to conduct on-the-job training programs when such is necessary to assist employees in performing their assigned tasks. On-the-job training is provided to train each employee in their respective job assignment and our methods of performing such tasks. Department Heads will be responsible for ensuring that our established training schedules are followed. Non-supervisory personnel may be assigned as on-the-job trainers. On-the-job training begins on the first day of employment and is completed when the Department Head is satisfied that the employee can perform his/her assigned duties within the time frame allotted for each particular function, without any further supervision. Insofar as practical, on-the-job training will be conducted during the employee's normal working hours. Each employee is required to assist in our on-the-job training program, unless otherwise excused by the Department Head. Employees will be paid for time spent in on-the-job training.

S. PERFORMANCE EVALUATIONS

It is the policy of this facility that the job performance of each employee be reviewed and evaluated at least annually. Performance Evaluations generally will be completed on all employees at the conclusion of their ninety (90) day introductory period, and generally at least annually thereafter. Special performance evaluations may be conducted when there has been an unusual improvement or decline in an employee's work performance. Performance evaluations will be used as a tool to improve the quality of his/her work performance. Performance evaluations will be completed by the employee's Department Head/Supervisor/Designee and reviewed by the Administrator/designee. Employees will be given the opportunity to review the evaluation with his/her Department Head/Supervisor. Performance evaluations will be conducted fairly and in no way be used to discriminate against an employee.

Should an employee disagree with his/her performance evaluation, he/she can discuss it with his/her Department Head/Supervisor. If satisfactory results cannot be reached, the employee should note any unresolved issues on the Performance Evaluation Form.

Completed performance evaluations will be placed in the employee's personnel file. A copy will be provided to the employee, if requested.

Inquiries concerning performance evaluations should be referred to Human Resources.

T. PROMOTIONS AND TRANSFERS

It is the policy of this facility to ensure that all employees be provided an opportunity to progress in our facility consistent with their skills and interest as vacancies arise.

It is our policy to transfer and promote from within whenever possible. Job descriptions for each position are on file in Human Resources. Should an employee wish to review a job description for a particular vacancy, he/she should contact his/her Department Head so that arrangements can be made to honor such requests.

When a position becomes available, typically a notice will be placed on the employee bulletin board for three (3) consecutive days. Any person desiring the position shall sign his/her name to the notice.

Applicants will be considered on the basis of qualifications, experience, knowledge, record of absenteeism, previous disciplinary action, length of service, etc. The final decision on such applications shall be at the sole discretion of the Home.

In the event no current employee who has applied for an available position is qualified for the vacancy, the Home will seek applicants from outside the Home. The facility may fill the vacancy either by transfer or promotion of an employee, or by hiring a new employee from outside the facility. The Home reserves the right to seek to fill open position solely from external sources or internally and externally simultaneously.

Should an employee on a leave of absence be the successful applicant for such vacancy, the employee must return and accept the job on the first day of the scheduled work period. Failure to do so will result in the employee losing all employment rights.

Employees promoted or transferred to another department or position will not lose any seniority or employee benefits.

IV. EMPLOYEE BENEFITS

A. BENEFITS OVERVIEW

In addition to good working conditions and competitive pay, it is the Home's policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully developed.

The next few pages contain a brief outline of the benefits programs the Home provides for eligible employees not covered by a collective bargaining agreement. This information is only a guideline.

Employees covered by a collective bargaining agreement should refer to the applicable agreement for benefits information.

The descriptions of the insurance benefits highlight certain aspects of the Home's plans for your general information only. The provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs"), which may be revised from time to time. Additionally, the official plan documents are available for your review upon request from Human Resources. In the determination of benefits or other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs.

Further, the Home (including the staff and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit eligibility and entitlement.

While the Home intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

Inquiries concerning our health insurance program should be referred to Human Resources.

B. HOLIDAYS

Full-time employees not covered by a collective bargaining agreement who have completed 90 days of service are entitled to the following paid holidays within each calendar year:

Legal Holidays:

New Year's Day
Rev. Dr. Martin Luther King's Birthday
Washington's Birthday
Memorial Day
Independence Day
Thanksgiving Day
Christmas Day

Other Holidays or Free Days: Four (4) free days (Personal Days)

Holidays will be paid at the employee's base rate of pay at the time of absence for the number of hours the employee otherwise would have worked that day. Recognizing that the Home is open every day of the year and that it is not possible for all eligible employees to be off on the same day, the Home shall have the right, at its sole discretion, to require any employee to work on any of the holidays herein specified. Full-time non-exempt employees not covered by a collective bargaining agreement required to work on a regularly scheduled Home holiday shall be paid one and one-half (1 1/2) times their regular rate of pay for all hours worked on a holiday, plus receive an additional day off.

Personal days may be used in minimum increments of one day per quarter. Personal day requests must be submitted as far in advance as possible. Every effort will be made to grant your personal day preference, consistent with our operating schedule. However, if too many people request the same period of time off, the individuals with the longest length of service will generally be given preference. Accrued, unused personal days may not be carried over from year to year and will not be paid upon separation.

Paid holidays off are not counted as hours worked for purposes of calculating overtime.

C. VACATIONS

It is the policy of the facility to grant all regular full and part time employees not covered by a collective bargaining agreement an annual vacation with pay. This is done so that employees may enjoy periods of rest away for the duties and responsibilities of their positions.

Full-time employees not covered by a collective bargaining agreement are eligible to accrue vacation time according to the following schedule:

<u>Years of Service</u>	<u>Max Annual Vacation</u>
0 - 6 Months	None
6 - 12 Months	2 Weeks
1 – 25 Year	4 Weeks
25+ Years	5 Weeks

Part-time employees will accrue vacation pro-rated to their scheduled hours of work. There is no vacation accrual for employees on leave of absence, during unpaid sick time or for temporary/per diem workers.

Vacation is accrued pro rata over the course of the year. A minimum of one (1) weeks' vacation is to be taken at one time. Vacation time should be taken during the year in which it is accrued. Employees are permitted to carry over a maximum of ten days accrued vacation time.

Employees will not be permitted to work for additional pay in lieu of taking their vacation. Exceptions to this rule may be considered upon written request to the Administrator.

Every effort shall be made to schedule vacations during periods requested by employees. However, departmental work requirements shall take precedence in such scheduling. Seniority will prevail in resolving vacation scheduling conflicts.

Should a regularly scheduled holiday fall within an employee's vacation period, his/her vacation may be extended for one (1) day or take another day off with pay at a later date within the calendar year. Vacations will not be interrupted for illness which occurs while an employee is on vacation. Vacation requests may be changed in the event of illness which occurs prior to the beginning of the schedule vacation period. Requests for advance vacation pay must be submitted to Human Resources four (4) weeks prior to the beginning of the employee's scheduled vacation.

Vacations will be paid at the employee's base rate of pay at the time of absence for the number of hours the employee otherwise would have worked that day. Paid vacation time off is not counted as hours worked for purposes of calculating overtime.

Accrued, unused vacation will not be paid upon separation, except for employees who resign by providing the requested amount of notice as set forth in this handbook.

D. PAID SICK DAYS

It is the policy of this facility to provide full-time and part-time employees not covered by a collective bargaining agreement with up to 12 sick days yearly subject to the accruals set forth below. Sick days are pro-rated for part time employees.

All full and part-time employees of the facility will be eligible to accrue paid sick days at the rate of one (1) day for each month worked during the first year of employment. After one or more years of employment, employees shall be entitled to receive a total of up to twelve (12) sick days as of the beginning of the second or each subsequent year of employment.

An employee who becomes sick while on duty and who is sent home by the Home will be paid for the whole day. Pay for this day is not to be deducted from sick day allowance.

If an employee becomes ill during vacation, he or she will continue on vacation status until the vacation period has expired. If at the end of the vacation period the employee is unable to return to work because of illness he or she will be eligible to use accrued sick days beginning on the first scheduled work day after the vacation period.

If an employee is on a Leave of Absence without pay and becomes ill during such leave, he or she will continue on a no-pay status until the period of leave has expired, but may apply for New York State Short-Term Disability Benefits through the Home.

In order to be eligible to use paid sick days, an employee who is absent due to illness or injury must notify his Supervisor at least one (1) hour before the start of his regularly scheduled work day on each day of his absence, unless a period of time longer than one day has been determined.

Employees may be required to provide medical documentation establishing the need to use a sick days and may be required to be examined by the Home's Medical Director and/or provide a medical certification authorizing the employee to return before being permitted to return to duty.

Sick days may be used in minimum increments of one day. Sick days will be paid at the employee's base rate of pay at the time of absence for the number of hours the employee otherwise would have worked that day. Paid sick time off is not counted as hours worked for purposes of calculating overtime.

Accrued, unused sick days cannot be carried over from year to year and will not be paid upon separation.

E. HEALTH INSURANCE

Effective the first of the month following ninety (90) days of employment, all full and part-time employees not covered by a collective bargaining agreement who work more than twenty two and a half (22 1/2) hours per week may participate in the Home's group health insurance program. In addition, the Home provides Dental and Life Insurance Coverage.

Dependents are eligible for medical coverage to the extent consistent with applicable law and facility policy. Employees are required to inform Human Resources of any changes that might affect their coverage status, i.e. marriage, divorce, etc., within sixty (60) days of such change.

A more detailed description of the plans, including eligibility requirements and costs are set forth in the applicable SPDs and questions can be directed to your supervisor or department head.

F. PENSION BENEFITS

Effective the first of the month following the first full year of employment, all full-time employees not covered by a collective bargaining agreement over 25 years of age will be eligible for the Home's Defined Benefit Pension Plan. The Pension Plan has a 3-7 year vesting period.

Consult the current SPD for specific information in the determination of benefits or other matters under each plan. Questions can be directed to your supervisor or department head.

G. ANNUITY - TAX SHELTERED

Under the Federal Technical Amendments Act of 1958, an employee of the Home not covered by a collective bargaining agreement may elect to receive a limited portion of their salary in the form of a "TAX SHELTERED ANNUITY." Coverage in this program is strictly voluntary. Interested employees should contact the Business Office for additional information.

H. WORKERS' COMPENSATION & SHORT-TERM DISABILITY BENEFITS

It is the policy of this facility to provide Worker's Compensation Insurance benefits for all of our employees. Our facility pays the cost of employee participation in our Worker's Compensation Insurance Program. This program provides compensation and medical benefits to employees for accidental injuries which occur during working hours or conditions caused by work activities.

Should an employee be injured during the performance of his/her duties, it must be reported to the Department Head/Supervisor, REGARDLESS of how minor the injury may be. Policies governing accidents are outlined in a separate section of this manual entitled "Accident/Incident

Reports." Failure to follow Home procedures may affect your ability to receive Workers' Compensation benefits.

Employees also may be entitled to receive statutory short-term disability payments for non-occupational injuries.

Workers' Compensation and Short-Term Disability are solely monetary benefits and not leaves of absence.

Inquiries concerning Workers' Compensation and Short-Term Disability Benefits should be referred to Human Resources.

I. INCOME REPLACEMENT

Full-time and part-time employees not covered by a collective bargaining agreement are eligible to receive income replacement while on an approved leave of absence in accordance with the following schedule:

- Marriage – up to 3 days
- Birth/Adoption of a child – up to 1 day
- Authorized attendance at a Professional Convention – duration of the convention

Income replacement is coordinated with any applicable disability and workers' compensation benefits so that a qualifying employee may not receive more than 100% of pre-disability/workers' compensation pay at any time.

Income replacement is solely a monetary benefit and not a leave of absence.

For full details regarding leave of absence, including eligibility, please refer to the leave of absence section of this Handbook. If you have any additional questions, please contact Human Resources.

J. EMPLOYEE ASSISTANCE PROGRAM

It is the policy of this facility to provide our employees not covered by a collective bargaining agreement with counseling and/or referral services which will aid them in resolving and/or coping with personal problems. Employees experiencing personal problems (i.e., financial, marital, family, medical, emotional, legal, alcohol, or drug abuse, etc.) can seek assistance from HUMAN RESOURCES. The employee will not be required to inform the Department Head/of the problem, unless it adversely affects the employee's job performance. All communication between an employee and the Administrator or designee concerning a personal problem is strictly confidential and will be released only to those persons with a "need-to-know" i.e. referral agency, etc. Should the employee's problem require professional counseling, the Administrator or HUMAN RESOURCES will endeavor to assist the employee in making an appointment with an appropriate referral agency. Department Heads should be alert to changes in an employee's attitude, work performance, behavior, excessive absenteeism, etc., and are encouraged to approach the employee to address such changes.

K. TUITION REIMBURSEMENT

It is the policy of this facility to reimburse full-time employees not covered by a collective bargaining agreement for tuition under certain circumstances. Tuition reimbursement currently will be a maximum of \$1,200 per year. The employee must be employed at the Home for at least six months as a full-time employee in order to qualify for tuition reimbursement. Tuition reimbursement will be on a calendar year basis, January 1 to December 31. Tuition reimbursement will be prorated based on date of hire for employees who meet the above criteria with less than one (1) year of full time service. Employees wishing tuition reimbursement must receive prior approval from the Administrator or designee before he/she register for courses.

The courses must be related to the employee's professional development. The courses must be for accredited courses toward a degree, (B.S., M.B.A., etc.) and not for adult education or continuing education programs. Employees must submit paid bills and documentation for successful completion of courses from the University or College before payment can be made. Employees must be actively employed at the time reimbursement is scheduled to be paid to be eligible for reimbursement.

Exceptions to the above are at the discretion of the Administrator, and must be in writing.

V. LEAVES OF ABSENCE

A. JURY DUTY LEAVE

It is the policy of the Home that employees be granted time off to serve on jury duty as required by applicable law. An employee receiving a notice to serve on a jury must provide his/her Department Head with a copy of such notice, within 48 hours of receipt, so that work schedules can be modified to accommodate the employee. If the required absence presents a serious conflict for management, you may be asked to try to postpone your jury duty. Full-time employees not covered by a collective bargaining agreement that are called for and selected to serve on a jury will receive their regular rate of pay, less any compensation received from the courts, not to exceed a total of 7 ½ hours pay in any day. An employee on jury duty is expected to work as much of his/her shift as possible. If an employee is released from jury duty before noon, the employee must report back to the facility for his/her work assignment. The facility reserves the right to verify the number of hours an employee spends on jury duty before paying for such time. Inquiries concerning jury duty should be referred to Human Resources.

B. COURT APPEARANCE LEAVE

It is the policy of this facility to provide employees with time off for appearance in court when a subpoena has been served as required by applicable law. Employees subpoenaed to appear in court, or who may be involved in litigations that require their appearance in court will be given time off, without pay, to attend to such matters. (Personal Days may be used for such purposes). Employees must provide the Home with as much advance notice as possible so that time and work schedules can be adequately planned. Should an officer appear on the facility's premises to serve a subpoena, the employee will be summoned to the Administrator's office.

C. BEREAVEMENT LEAVE

It is the policy of our facility to grant eligible employees time off when there has been a death in the employee's immediate family. (NOTE: Immediate family means: spouse/domestic partner, child, parents, brother, sister, grandparents, grandchild, or any relative residing with the employee). Full-time and part-time employees who regularly work twenty (20) or more hours per week, who are not covered by a collective bargaining agreement, will be granted up to three (3) days of leave time, with pay, should a death occur within the employee's immediate family.

Pay allowance is based on the employee's regular rate of pay and does not include any premium pay.

An employee will not be eligible for bereavement leave for scheduled days off, while on vacation, sick leave leaves of absence, or layoff. Bereavement leave may only be paid for actual workdays lost, but in no case may bereavement pay exceed three (3) days.

Should an employee need more time to make funeral arrangements, traveling time to and from the funeral because of distance, etc., the employee will be permitted to utilize vacation days or placed on unpaid leave of absence for the remaining time needed. (NOTE: Policies governing

Vacations and Leaves of Absence are outlined in separate sections of this manual entitled "Vacations" and "Leaves of Absence.")

Bereavement leave must be approved by the department head and may require proof of death, relation to the deceased and the employee's attendance at the funeral before such leave time is paid to the employee. (NOTE: Proof of death may include death certificate, newspaper clippings, etc.).

D. MILITARY LEAVE

If you are called into active military service or you enlist in the uniformed services, you will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, you must provide management with advance notice of your service obligations unless you are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable for you to provide such notice.

If you are required to attend yearly Reserves or National Guard duty, you can apply for an unpaid temporary military leave of absence not to exceed the number of days allowed by law (including travel). You should give management as much advance notice of your need for military leave as possible so that we can maintain proper coverage while you are away.

Provided your absence does not exceed applicable statutory limitations, you will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws.

Please ask management for further information about your eligibility for Military Leave.

E. BLOOD DONATION LEAVE

In accordance with New York Labor Law, the Home will provide employees that work in New York at least 20 hours per week up to 3 hours of unpaid leave in any 12-month period to donate blood.

Employees must provide their manager with reasonable notice that you intend to participate in a blood drive. If the blood drive is at an offsite location, employees must provide at least three (3) days advance notice. If the blood drive is onsite, employees must provide at least two (2) days advance notice.

The Home fully supports the use of this leave to make a blood donation. We will not tolerate any form of retaliation against an employee for requesting or using leave to donate blood.

F. FAMILY AND MEDICAL LEAVE ("FMLA")

Eligibility Requirements

Employees are eligible for FMLA if:

- At least 50 or more employees are employed within a 75-mile radius of the employee's work site;

- The employee has been employed for at least one year; and
- The employee has worked at least 1250 hours within the previous 12 months.

Basic Leave Entitlement

The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave in a 12 month period to eligible employees for certain family and medical reasons. The 12 month period is determined on a “rolling” 12 month period dating back from the time the employee requests leave. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent (but not in-law) who has a serious health condition; and/or
- For the employee’s own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee’s job.

Military Family Leave

Eligible employees with a spouse, son, daughter, or parent on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserve component of the Armed Forces for deployment to a foreign country in support of a contingency operation or Regular Armed Forces for deployment to a foreign country may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement which permits eligible employees to take up to 26 weeks of leave to care for a covered service member with a serious injury or illness during a single 12-month period (one time basis only). A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as “current members of the Armed Forces.” Covered service members also includes a veteran who is discharged or released from military services under condition other than dishonorable at any time during the five year period preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as “covered veterans.”

The FMLA definitions of a “serious injury or illness” for current Armed Forces members and covered veterans are distinct from the FMLA definition of “serious health condition” applicable to FMLA leave to care for a covered family member.

Job Benefits and Protection

If applicable, during FMLA leave, the Home must maintain health coverage under any “group health plan” on the same terms as if the employee had continued to work. If paid time off is

substituted for unpaid leave, the Home will deduct the employee's portion of any applicable health plan premium as a regular payroll deduction. If the employee's leave is unpaid, the employee must make arrangements with Human Resources prior to taking leave to pay their portion of any applicable health insurance premiums each month. If the employee's premium is more than thirty (30) days late, the applicable coverage may cease without further notice.

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

Upon returning from FMLA, employees are required to work 30 days from the date of return to ensure continued benefit coverage. If the employee fails to work the 30 days following, benefits will be cancelled retroactively to the last day worked.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Home's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees must use accrued vacation and sick/personal time while on unpaid FMLA leave. The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leaves and the paid time will run concurrently with an employee's FMLA entitlement.

Upon written request, the Home will allow employees to use accrued vacation and sick/personal time to supplement any paid disability or Workers' Compensation benefits. Receipt of disability benefits or Workers' Compensation benefits does not extend the maximum amount of leave time to which an employee is eligible under the FMLA.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Home's normal call-in procedures.

Employees must provide sufficient information for the Home to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Home if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may also be required to provide medical certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for the Home to:

- Interfere with, restrain, or deny the exercise of any right provided under the FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

If you believe that the Home has violated either of these obligations, please report your concerns to the Home's Human Resources Department.

Enforcement

Employees may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement, which provides greater family or medical leave rights.

G. PERSONAL LEAVE

If you are ineligible for any other Home leave of absence, the Home, under certain circumstances, may grant you a personal leave of absence without pay. A written request for a personal leave should be presented to Human Resources Department at least two (2) weeks before the requested

start of the leave, except in cases of emergency. Your request will be considered on the basis of staffing requirements and the reasons for the requested leave, as well as your performance and attendance records. This leave may be requested for medical reasons. If so, the Home may require submission of medical certifications at various times during the leave.

Normally, a leave of absence will be granted for a period of up to two weeks. This time period does not apply to leaves taken for medical reasons. Under unusual circumstances a personal leave may be extended if you submit a written request for an extension to management prior to the expiration of your leave and the request is granted. Employees are required to use all accrued paid time off available during a personal leave. During your leave, you will not earn vacation, holiday or sick days. We will continue your health insurance coverage during your leave if you submit your share of the monthly premium payments to the Home in a timely manner, to the extent permitted and in accordance with the applicable plans.

When you anticipate your return to work, please notify management of your expected return date. This notification should be made at least one week before the expiration of your leave.

Upon completion of your personal leave of absence, the Home will attempt to return you to your original job, or to a similar position, subject to prevailing business considerations. Reinstatement, however, is not guaranteed, unless required by law.

Failure to advise management of your availability to return to work, failure to return to work when notified, or your continued absence from work beyond the time approved by the Home will be considered a voluntary resignation of your employment.

VI. GENERAL POLICIES & PROCEDURES

A. DISCIPLINARY ACTION

It is the Home's policy that any employee who violates any of our facility's policies and procedures shall be subject to disciplinary action. It is not the intent of this facility to punish employees. However, to assure that our mission of providing continuous care is uninterrupted, we must implement certain disciplinary actions for violations of our established policies and procedures. Prompt and courteous attention to the needs of our residents, following established job descriptions, work assignments, etc., must be our common concern. Anything less is not only inappropriate, but is also a hindrance to the well-being of all concerned.

We expect all employees to observe common sense rules of good conduct and job safety. It is each employee's responsibility to report violations of our personnel policies, safety regulations, operational policies and procedures, resident abuse, etc., to his/her department supervisor.

SUBJECT TO ANY LIMITATIONS PURSUANT TO ANY APPLICABLE COLLECTIVE BARGAINING AGREEMENT, THE HOME RESERVES THE RIGHT TO IMPOSE THE LEVEL OF DISCIPLINE, UP TO AND INCLUDING TERMINATION, IT BELIEVES IS APPROPRIATE UNDER THE CIRCUMSTANCES NOTWITHSTANDING THE ABSENCE OF PRIOR DISCIPLINE

Below is a listing of offenses that may lead to discipline, up to and including termination, as determined in the Home's sole discretion subject to any limitations imposed by any applicable collective bargaining agreement. This list does not include every violation that may occur, nor is it intended to list every conceivable violation:

1. Resident abuse, either verbal or physical
2. Violation of the Alcohol and Drugs policy.
3. Immoral or indecent conduct on facility property.
4. Being absent for three (3) consecutive days without notifying your supervisor.
5. Falsifying payroll records, personnel records, resident records, or any other facility record.
6. Refusal to perform lawfully assigned duties.
7. Unexcused absences and/or tardiness.
8. False explanation for an absence or tardiness.
9. Deliberately damaging, or attempting to damage, facility property or equipment, or that of a resident, visitor or fellow employee.
10. Fighting on the premises.
11. Violation of safety practices that might cause injury or death to self, fellow workers, residents or visitors.
12. Violating the Home's confidential information policies.
13. Refusal to leave the premises upon the request of an authorized representative of the facility.
14. The giving or taking of a bribe, of any nature, as an inducement to obtain or retain a position.

15. Accepting any monies or gifts from residents, visitors or suppliers to perform a service or for personal gain.
16. Obtaining materials, instruments, tools, or foods from assigned places by fraudulent means or misrepresentations.
17. Leaving the premises during working hours without authorization.
18. Negligence resulting in injury to another employee, resident, visitor or damage to facility property.
19. Willful waste of materials or supplies.
20. Coercing, bribing, inciting or otherwise inducing employees to engage in any practices in violation of established policies, including horseplay of any kind.
21. Violation of the Harassment and Sexual Harassment policy.
22. Violation of the Workplace Violence policy.
23. Insubordination to a lawful management directive.
24. Failure to properly report an accident or injury.
25. Handling personal affairs during work time without authorization from your department supervisor.
26. Creating or contributing to unsanitary conditions.
27. Removal of facility property, parts, or any other material without permission.
28. Unauthorized operation of machines, instruments or equipment, or performing unauthorized repairs.
29. Defacing or misuse of facility property.
30. Stopping work or making preparation to stop work before specified times, including the end of a shift and meal and break periods.
31. Violation of current smoking regulations.
32. Not following all policies and procedures established by the Home.
33. Taking meal and break periods in undesignated locations.
34. Gambling in any form.
35. Sleeping while on duty.
36. Failure to attend mandatory meetings, training & orientation classes, etc.
37. Unsatisfactory job performance.
38. Failure to adhere to the requirements described in the Home's Corporate Compliance manual.
39. Any other violation of Home policy.

This list is not meant to be all inclusive, and violation of any Home rule or regulation will be considered just cause for dismissal or disciplinary action.

B. OPEN DOOR POLICY

We encourage healthy relationships between you and management and this means having open lines of communication. We're always interested in what you have to say. We want you to always feel that you know where you stand and be confident that you'll get an honest answer from management. You will work directly under your supervisor's guidance. We strongly urge you to communicate appropriately. Any problem arising in the work situation can be discussed directly with your supervisor. If matters are not resolved, or if you are uncomfortable speaking to your supervisor about a specific matter, an appointment can be made with the Administrator.

If any employee is experiencing a problem with his/her supervisor they may take the issue up with the Department Head or Administrator. If any employee is experiencing a problem with his/her Department Head they may take the issue up with the Administrator of the facility. If any employee is experiencing a problem with the Administrator they may take the issue up with the Corporate Compliance Officer.

C. COURTESY

It is the policy of this facility that all employees treat our residents, their family and visitors, and fellow workers with kindness, courtesy, respect and dignity.

Employees must address supervisors, residents, and visitors as Mr., Mrs., Ms., or Miss (as applicable) unless a resident requests that he be called by a given name.

Should a resident or visitor approach an employee with a complaint, the employee should give the matter his/her immediate attention. Should an employee be unable to resolve a complaint, and/or should a resident or visitor become abusive (including argumentative or the use of profanity), the employee should direct such person(s) to the Department Head.

Telephone courtesy is essential and employees must follow our established telephone procedures as outlined in a separate section of this manual entitled "Telephones."

D. ATTENDANCE AND PUNCTUALITY

Work attendance is vital to the functions of this facility. Therefore, employees are expected to report to work on time, and as scheduled. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on your fellow employees and your supervisors. Poor attendance, reporting late, quitting early, etc., will not be condoned. Excessive and/or unauthorized absenteeism or tardiness will result in disciplinary action up to and including discharge.

Non-exempt employees reporting late will be paid only for the time actually worked.

Our facility understands that emergencies do arise and will cause an occasional lateness or absences. However, the facility reserves the right to determine whether or not lateness or absences will be excused.

Department Heads are responsible for maintaining attendance and tardiness records.

Work attendance records are used in determining promotions, demotions, job transfers, wage increases, overtime requests, etc.

All employees are expected (and required) to report to work and be at their designated unit or work area and ready to work at the start of their scheduled shift.

The Home recognizes that circumstances beyond an employee's control may cause the employee to be late or absent from all or part of an assigned shift. In such cases, it is the responsibility of the

employee to notify his/her Department Head as far in advance as possible, but with at least a one (1) hour advance notice before the start of the employee's work day, except in cases of extreme emergency. If the Department Head is not available, the employee may leave a message with the Nurse Supervisor or person in charge at the time the call is made). Failure of an employee to call in to report an absence or lateness may result in disciplinary action. The employee must provide the reason(s) why he/she will not be able to report to work, as well as when he/she expects to return to duty. Should an employee fail to provide the reason(s) for his/her absence, an unauthorized absence will be recorded in the employee's personnel file. Unauthorized absences may result in disciplinary action. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Please call every day that you are absent unless you are specifically instructed otherwise.

Should an employee be absent for three (3) or more consecutive days, the employee must provide to his/her department supervisor a signed and dated document from a medical provider certifying that the employee is free from any communicable, contagious, and/or infectious disease(s), and that the employee is physically able to return to work and perform his/her assigned duties. The original copy of this certification will be filed in the employee's personnel record).

Employees absent for more than three (3) consecutive days without reporting in, will be considered as "voluntarily quitting" and his/her position filled. If the employee can provide an acceptable explanation, this rule may not apply. Such explanation may require substantiation and/or verification.

E. DRESS CODE

It is the policy of the Home that all employees dress and groom in a manner that is appropriate to their working conditions. Cleanliness and personal appearance are important. They are the first things that residents, visitors and co-workers observe.

Employees should bathe daily. Body odors may be offensive to the residents and co-workers. Department Heads experiencing such problems with staff should discuss these matters privately with the employee. Continued problems may result in disciplinary actions.

An employee's hair should be kept clean and arranged neatly so as not to interfere with the employee's assigned duties.

Male employees shall be clean shaven, or if a beard or mustache is worn, it must be kept neat and well groomed.

Depending on an employee's duty assignment or work area, employees with long hair and/or beards or mustaches may be required to wear a hair net.

All employees will be required to dress neatly, wear clean uniforms, (or street clothing), and such clothing must be wrinkle free and fitted properly.

Our facility furnishes a uniform allowance for the following departments. Department supervisors and administrative staff members may wear street clothing. However, lab coats must be worn by Department Heads when they are providing nursing care or support services:

- Nursing Services
- Dietary Services
- Housekeeping Services
- Maintenance

Specific Department Requirements are available from your supervisor or department head.

Shoes should be clean, in good repair, comfortable and safe. Employees may not wear open toe/sandal type shoes.

Should an employee report to work improperly dressed, or groomed, the department head must instruct the employee to return home to change. Employees will not be permitted to work when they are improperly dressed, nor will employees be compensated for the time they are away from work to correct their grooming/dress unless otherwise required by applicable law.

Excessive jewelry, that could get caught in equipment, that might scratch and otherwise harm residents, or that may be grabbed or pulled by a resident, should not be worn in the workplace. Expensive jewelry should not be worn or brought to the workplace. In the event of loss or damage the Home will not be responsible.

Continued violation of the dress code may be subject to disciplinary action.

F. UNIFORM ALLOWANCE

The uniform allowance is computed on the number of hours worked per pay period and is included in the employee's regular pay check quarterly.

Personnel required to wear a uniform must purchase their uniforms no later than the week following their first pay period of their employment.

Inquiries concerning uniform allowance should be referred to Human Resources.

G. IDENTIFICATION BADGES

It is the policy of this facility that all employees wear a name identification badge. All personnel are required to wear an identification badge during their work shift. Identification badges must be clearly visible and contain the employee's first name, last name and job title. The HR Department will be responsible for preparing the employee's identification badge. Department supervisors will issue newly assigned employees their identification badge upon reporting for work.

Employees will be responsible for maintaining their identification badges and wearing them to work. Employees who lose or forget their identification badges will be subject to disciplinary action. Lost identification badges must be reported to department supervisors so that a replacement may be issued.

H. CARE OF PROPERTY

It is the policy of this facility that all personnel properly use and care for the property, equipment and supplies which are assigned/necessary for use in their work. All employees are expected and required to exercise due care and safety in the use of all facility property, equipment, and supplies. Property, equipment, and supplies may be used only for the purpose for which it is intended.

Deliberate misuse, abuse, or damage to our facility's property, equipment, or supplies will be grounds for disciplinary action, including termination of employment.

The removal of facility property from the premises, or its conversion to personal use, is unauthorized. Violation of this policy may be grounds for disciplinary action including termination of employment.

The Home assumes no responsibility for the damage or loss of personal property of an employee. Use only the supplies that are necessary to complete a task. The wasting of supplies will be grounds for disciplinary action.

I. LOCKERS

Our facility provides lockers for non-exempt employees, at no cost to the employee, for his/her personal use. Lockers are assigned by Human Resources. Locks or Keys are not provided by the Home.. An employee will be permitted to use his/her own personal lock upon request. However, the Home retains the right to search such locker, and if necessary, remove such lock. The Home retains ownership of all employee lockers, and therefore, reserves the right to inspect employee lockers at any time with or without the permission of the employee. Lockers must be kept free from accumulation of food and trash. All foods left overnight must be kept in air-tight containers. Lockers must be kept locked when not in use and may not be used to store facility property or other items in violation of facility policies.

Policies governing search procedures are outlined in a separate section of this manual entitled "Inspection of Packages."

J. INSPECTION OF PACKAGES

It is the policy of this facility to spot check the contents of any package, i.e. boxes, bag, etc. brought onto or taken from the premises. Our facility reserves the right to inspect any and all lockers, desks, lunch boxes, bags, packages, or any other containers on or in the possession of anyone coming onto or leaving our premises. At least two persons will conduct the inspection and inspections may or may not be made in the presence of the employee. Refusal of an employee to permit inspection of such packages can result in disciplinary action.

K. PARKING

Every effort will be made to provide a parking place for employees on a first-come basis. However, should the demand exceed the number of available parking places, the facility will priority to car-pools, the home cannot guarantee an available parking space for every employee.

Designated parking spaces have been assigned for the handicapped and executives. Parking in entrances, blocking of exits, fire hydrants, and emergency exits are strictly prohibited.

All violations of this policy must be reported to the Environmental Services Director.

Our parking lot is part of our facility's premises and therefore all facility rules and regulations apply.

Our facility assumes no responsibility for any damage to, or theft of, any vehicle or any personal property that is left unattended while on our parking lot. Employees will be responsible for locking car doors and putting any valuables out of sight.

Employees must use caution while driving on our premises. Employees may not exceed 10 miles per hour while driving on our premises.

Violations of this policy can result in disciplinary action including the termination of employment.

L. PERSONAL VISITORS

Employees are not permitted to have friends or visitors during work times. Employees may not visit friends or relatives in other departments while on breaks. Should it become necessary to see a friend or relative, the employee must receive permission from his/her supervisor. Should such request be granted, the visit may not exceed five (5) minutes, AND MUST TAKE PLACE IN THE LOBBY. Any employee found violating this policy will be subject to disciplinary action.

M. TELEPHONES

It is the policy of this facility that all persons exercise thoughtfulness and courtesy in using our telephones. Telephones are normally answered from the Reception Area and/or the Nurses' Station. However, should it become necessary for an employee to answer our telephone, the following should be used:

- Identify the name of the facility
- Identify the name of the department
- Identify the name of the speaker
- If the person with whom the caller wishes to speak with is on another line, ask the caller if he/she would like to hold or leave a message.
- If the caller wishes to leave a message, write it down and give it to the person as soon as practical.
- Do not leave a caller on hold for more than 60 seconds. Let the caller know that the person has not arrived and perhaps they would like to leave a message.

A pay phone is available on all floors for making personal calls. However, personal calls may only be made while the employee is on authorized meal and break periods.

Employees are encouraged to inform friends, relatives, etc., not to call them while on duty. Employees will not be paged to the phone UNLESS it is a bona-fide emergency. The caller will

be asked to state the nature of the emergency. Use of cell phones while on duty is strictly prohibited.

N. COMMUNICATION AND COMPUTER SYSTEMS

The Home's communication and computer systems are intended primarily for business purposes and only may be used during working time. This includes the computers, related hardware, software and networks as well as telephone, voice mail, e-mail and Internet systems. Access is limited to approved purposes. Users have no legitimate expectation of privacy in regard to system usage.

The Home may access its computers, voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the Home deems it appropriate to do so. Further, the Home may review Internet usage to ensure that such use with Home property, or communications sent via the Internet with Home property, are primarily for approved business purposes. The reasons for which the Home may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Home operations continue appropriately during an employee's absence.

The Home may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The Home's policies including, but not limited to, those prohibiting harassment, in their entirety, apply to the use of the Home's communication and computer systems. Additionally, employees may not use the Home's communication and computer systems in violation of any law.

All employees, upon request, must inform management of any private access codes or passwords.

No employee may access, or attempt to obtain access to, another employee's communication or computer systems without appropriate authorization.

Employees may not install or remove software on the Home's computer systems without prior management approval. Personal computers and other electronic devices (cell phones, PDA's, etc.) may not be connected directly to the Home's computer systems without prior management approval.

Violators of this policy may be subject to disciplinary action, up to and including discharge.

O. SOCIAL MEDIA

The Home respects the right of any employee to maintain a blog or website or to participate in social networking on or through websites or services such as Twitter, Facebook, or similar

sites/services. However, to protect the Home's interests and ensure employees focus on their job duties, employees must adhere to the following rules:

- Employees may not post on a blog or website or participate in social networking on or through websites or services such as Twitter, Facebook, or similar sites/services during working time, unless specifically authorized to do so as part of their job duties.
- All rules regarding confidential and proprietary business information apply in full to blogs, websites and social networking on or through websites or services such as Twitter, Facebook, and similar sites/services. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog, website or social networking on or through websites or services such as Twitter, Facebook, or similar sites/services.
- Whether an employee is posting something on his/her own or someone else's blog, website, or social networking on or through websites or services such as Twitter, Facebook, or similar sites/services, if an employee mentions the Home and also expresses either a political opinion or an opinion regarding the Home's actions, the poster must specifically state that the opinion expressed is his/her personal opinion and not the Home's position. This is necessary to preserve the Home's goodwill in the marketplace.
- Be respectful of your potential readers and colleagues. Please do not use discriminatory comments, or engage in libel or slander when commenting about the Home, your superiors, residents, co-workers or our competitors.
- Employees may not use the Home's logos or trademarks for commercial purposes.
- Any conduct which is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, website, or social networking on or through websites or services such as, Twitter, Facebook, or similar sites/services. For example, posted material that is discriminatory, obscene, defamatory, libelous or threatening is forbidden.

All other Home policies apply equally to employee blogging. Employees should review this Handbook for further guidance.

The Home encourages all employees to keep in mind the speed and manner in which information posted on a blog, website, or social networking on or through websites or services such as, Twitter, Facebook, or similar sites/services can be relayed and often misunderstood by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their manager. When in doubt, don't post! Failure to follow these guidelines may result in discipline, up to and including termination. In enforcing this policy, the Home reserves the right to monitor social media activities of employees, whether or not such activities are conducted with Home resources, to the extent permitted and in accordance with applicable law.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment.

P. SOLICITATION

It is the policy of this facility that in order to prevent interruption of resident care/services and to avoid disruption of our facility's operation, certain rules will apply to solicitation and distribution of literature on our premises.

To avoid distractions, solicitation by an employee of another employee is prohibited while either employee is on working time. "Working time" is the time an employee is engaged, or should be engaged; in performing his/her work tasks for the Home but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working.

Employees also are prohibited from engaging in solicitation and distribution of residents or working employees at any time in resident care areas.

Distribution of advertising material, handbills, printed or written literature of any kind in working areas of the Home is prohibited at any time.

Solicitation and/or distribution of any kind by non-employees on Home premises is prohibited at all times.

Q. BULLETIN BOARDS

It is the policy of our facility to post all notices that affect our employees on the employee bulletin board. Our facility uses two (2) bulletin boards for posting notices. The bulletin board designated as the "Facility Bulletin Board" will be used solely for the posting of official government notices and changes in facility policy that affect employees. Only the Administrator, or his/her designee, may post or remove notices from the "Facility Bulletin Board." The bulletin board designated as the "Employee Bulletin Board" will be used to post general information such as Facility social/activity events, carpooling information, and policy changes. All notices to be posted on the "Employee Bulletin Board" must be approved by the Administrator.

RESIDENTS RIGHTS

It is the policy of this facility that employees treat all residents with kindness, courtesy, respect and dignity. Residents, like all people, are entitled to exercise their rights and privileges to the fullest extent possible. Our facility must make every effort to assist the resident in exercising his/her rights and to assure that the resident is always treated with respect, courtesy, kindness and dignity.

Copies of our Residents' Rights are posted throughout the facility. Violations of these rights can and will result in disciplinary action. Orientation and in-service training programs are conducted to assist our employees in understanding our Residents' Rights.

Inquiries concerning Residents Rights should be referred to the Social Services Director.

R. NEPOTISM

It is the policy of this facility to permit the hiring of relatives. A Department Head, or person with authority to hire or promote employees within a department, shall not hire or promote within her/his department any person living in her/his household or any of the following persons, whether

related by blood, adoption, or marriage: parent, grandparent, child, sibling or grandchild. Persons hired in violation of this policy shall be terminated, and persons promoted in violation of this policy shall be returned to their previous position, if vacant, or if the previous position is not vacant, he or she shall be terminated. To the extent any employee situations in violation of this policy exist on the effective date of this Handbook those situations may be permitted to continue as they exist at that time, provided they are disclosed in writing to the Administrator within two (2) weeks of the adoption of this policy. In the event employees enter into a relationship covered by this policy, the employees will be required to designate which one will voluntarily resign his or her employment or accept a suitable alternative assignment, provided one exists. If both employees refuse to voluntarily resign or accept reassignment, both shall be discharged.

S. GIFTS, GRATUITIES AND PAYMENTS

It is the policy of this facility to prohibit any employee from receiving or giving any gift, gratuity, or payment for services rendered, making of any promise(s) on behalf of the facility, or engaging in any activity, practice, or act which conflicts with the interest of the facility or its residents. No employee of this facility or member(s) of his/her immediate family may give or accept any cash, gifts, special accommodations, favors, or use of property or facilities to or from anyone with whom this facility does business or is negotiating business on behalf of the facility.

Such conduct may be criminal under certain laws.

This policy does not preclude gifts of items of nominal value (not to exceed \$50.00 per year). Gifts bearing a supplier logo, which are distributed generally and cost no more than \$5.00, may be excluded from the \$50.00 annual limitation.

Employees and members of their immediate families may not accept any discount on personal purchases of products from a supplier that does business with our facility. Discounts made available to all employees as a general practice may be accepted.

Any employee(s) who receives a gift which is prohibited by this policy must report it to the Administrator.

Inquiries concerning gifts, services, etc., should be referred to the Administrator.

T. USE OF EMPLOYEE SOCIAL SECURITY NUMBERS

Management and employees are permitted to access and use certain personal information, such as Social Security Numbers, only as necessary and appropriate for such persons to carry out their assigned tasks for the Home and in accordance with agency policy. Accessing and using such information without authorization by the Home or contrary to the Home's policies and procedures can result in discipline up to and including termination. If employees come into contact with Social Security Numbers or other sensitive personal information without authorization from the agency or under circumstances outside of their assigned tasks, employees may not use or disclose the information further, but must contact their supervisor and turn over to him or her all copies of the information. For more information about whether and under what circumstances employees may have access to this information, employees should review their job description or contact their supervisor.

U. PREVENTING HEALTH CARE FRAUD

The Home wants to ensure that all employees understand the process of reporting possible Medicaid or Medicare fraud. Under the Deficit Reduction Act of 2005, all employees must understand the laws regarding false claims, as well as their rights to report any attempts to defraud the government. Below is a discussion of the federal and New York laws on false claims, the Home's policy on detecting fraud, waste, and abuse, and the rights of employees as whistleblowers.

V. FEDERAL FALSE CLAIMS ACT

The False Claims Act allows any person who discovers that a government contractor or organization is fraudulently receiving funds from the government to report the fraud and possibly file a complaint on behalf of the government.

Any health care agency that seeks and receives reimbursement from the government for Medicare and Medicaid funds are considered government contractors, and are therefore subject to the False Claims Act. There are a number of ways that a health care provider can violate the False Claims Act, including:

- Knowingly billing for a service that was not rendered;
- Failing to provide adequate documentation to support billing;
- Misrepresenting the types of goods and services that were rendered; or
- Misrepresenting the nature of the recipient's illness or condition.

Filing a Complaint

When a private citizen brings a claim on behalf of the government, it is known as a *qui tam* lawsuit. The False Claims Act does not require a person to report the fraud to the government before filing a lawsuit. If the government or another private citizen already filed a *qui tam* lawsuit, then you are barred from filing a lawsuit.

If a private citizen chooses to file a *qui tam* complaint, it must be done in a federal district court, and a copy of the complaint must be sent to the Attorney General of the United States. The most important part of filing a *qui tam* complaint is that it must be done under seal. Confidentiality with false claims is extremely important. The complaint cannot be served on the defendant until the court grants permission to do so. Although the complaint remains under seal, the identity of the complainant is revealed to the government at the time that the complaint is filed. The identity of the complainant is not revealed to the defendant until the complaint is unsealed.

Once a *qui tam* lawsuit is filed, the case remains under seal for at least 60 days, and only the government can request an extension of this period. The government can choose not to proceed with the action, but even if this occurs, the private citizen can continue with his or her suit against the defendant.

An action under the False Claims Act must be filed within the later of two periods of time:

- No more than six years after the date that the violation occurred; or
- No more than three years after the government should have known about the violation.

The action cannot be filed more than ten years after the day that the violation occurred.

Penalties

If a provider violates the False Claims Act, it is required to pay three times the amount of damages that the government incurred and not less than \$5,000 and not more than \$10,000 in civil penalties. This amount is for each claim.

A whistleblower that brings a *qui tam* lawsuit for a False Claims Act violation may also collect a monetary award. He/she will only collect a monetary award if the government recovers money from the defendant. A whistleblower can receive between 15 and 30 percent of the total amount recovered from the defendant.

Administrative Remedies

In addition to the penalties imposed under the False Claims Act, there are additional administrative remedies for false claims and statements. If a person knowingly makes, presents, or submits a claim that he/she knows is false, they can be subject to an additional fine of not more than \$5,000 for each claim. The person can also be subject to an assessment of not more than twice the amount of each claim, if the government does not receive damages. If a person knowingly makes, presents, or submits a written statement that he/she knows is false, they can also be subject to a fine of not more than \$5,000.

W. NEW YORK STATE FALSE CLAIMS ACT

The New York State False Claims Law allows any private citizen to initiate a false claims action. Each false claim is subject to a civil penalty of up to \$12,000 and damages at triple the value of the actual fraud. A person who initiates a false claims action that is successfully prosecuted is entitled to between 15 and 30 percent of the monies recovered by the State of New York.

The New York City False Claims Law provides that any person or business that knowingly submits a false or fraudulent claim for payment to the City of New York is subject to a civil penalty and damages at triple the value of the actual fraud. The law allows the individual who reported and initiated the suit to recover between 15 and 30 percent of the damages if the case is successfully prosecuted.

X. POLICY FOR DETECTING FRAUD, WASTE AND ABUSE

The Home has a zero tolerance policy for fraud, waste, and abuse. Due to the severe legal and monetary consequences that can result from a violation of any false claims laws, the Home has implemented a strict policy that applies to all employees, including management. The purpose of this policy is to ensure that the Home is providing the government with truthful information regarding the services that we render. The Home will not allow its employees or agents to fraudulently misrepresent to the government about the services that we provide.

All employees are required to report to management concerns about any possible fraud, waste or abuse as soon as he/she becomes aware of it. Doing this will allow management to commence a full investigation into the matter. If you are unsure who you should contact to raise an issue of fraud, first speak with your direct supervisor and he or she will aid you in reporting the matter to the proper personnel. If you do not wish to report issues to your supervisor you may contact the Home's Corporate Compliance Officer at the number that is posted throughout the facility. All reports of fraud, waste or abuse will be handled as confidentially as possible. Reporting possible fraud, waste and abuse to the Home will not preclude the employee from directly reporting it to the government (See Whistleblower Policy below); however the Home would prefer to handle the matter internally before getting outside entities involved. An employee who reports possible fraud may be contacted during the Home's investigation for more information.

Every report of perceived fraud, waste or abuse will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including discharge of employees who violate this policy. In addition, the Home will not allow any form of retaliation against employees who report possible fraud or false claims to the Home's management, or who cooperate in the investigation of such reports. The Home will also take disciplinary action up to and including termination against any employee who deliberately makes a complaint that he/she knows is false.

If an employee discovers Medicaid or Medicare fraud occurring within the Home, he/she is encouraged to follow the Home's policy for detecting fraud, waste, and abuse. Should an employee choose to report the abuse directly to the government, they will not be discharged, demoted, suspended, threatened, harassed, or discriminated against in any way by the Home's management. If an employee feels he/she is subjected to retaliatory action by the Home for reporting the false claim, the False Claims Act provides for relief, including:

- Reinstatement with the same seniority status;
- Twice the amount of back pay for the time that the employee was not working or employed;
- Interest on that back pay; or,
- Compensation for any damages that the employee may incur, including any litigation costs and attorneys' fees, should the employee bring an action against the Home.

An employee who is retaliated against for reporting any fraudulent health care claims or being part of any proceedings related to false claims can bring an action in court to receive any of the relief that is listed above.

The Home will take disciplinary action up to and including termination against any employee who deliberately makes a complaint that he/she knows is false.

Under New York State law (NY Labor Law, Sections 740—741), an employer cannot take any retaliatory personnel action against an employee because the employee: (a) discloses, or threatens to disclose to a supervisor or a public body an employer's activity, policy or practice that violates a law, rule or regulation and either constitutes health care fraud or creates a danger to the public health or safety; or discloses or threatens to disclose to a supervisor, or a public body an activity, policy or practice of the employer that, in good faith, the employee reasonably believes qualifies as improper quality of patient care; (b) testifies before or provides information to a public body conducting an investigation or hearing regarding a violation of a law, rule or regulation by an

employer; or (c) objects to or refuses to participate in any activity, policy or practice that violates a law, rule or regulation; or objects to or refuses to participate in any employer activity, policy, or practice that, in good faith the employee reasonably believes constitutes improper quality of patient care.

To qualify for the protection in subpart (a) above, the employee must first bring the violating activity, policy or practice or the alleged improper quality of patient care, to the attention of the supervisor and allows the employer a reasonable opportunity to correct the activity, policy, or practice. However, in the health care industry, reporting to a supervisor is not a prerequisite to protection under this law if an allegation of improper quality of patient care presents an imminent threat to public health or safety or to the health of a particular patient and, in good faith, the employee reasonably believes that reporting the situation to a supervisor would not result in corrective action.

An employee who has been the subject of a retaliatory action can commence a civil lawsuit within two (2) years after the alleged retaliatory personnel action was taken. The lawsuit can be brought in the county where the employee resides, in the county where the alleged violation took place, or the county of the employer's principal place of business. The possible remedies available to an employee who successfully prosecutes such an action include an injunction to prevent continued violations of the law, reinstatement to the same or equivalent position to that held before the retaliatory action, reinstatement of full benefits and seniority, back pay, and reasonable costs, disbursements and attorneys' fees. In addition, the court may assess a civil fine not to exceed \$10,000 paid to the "improving quality of patient care" fund. You should also know that if the court determines that an action brought by an employee had no basis in fact or law, the court may award costs and reasonable attorney's fees to the Employer. In addition, The Home will also take disciplinary action up to and including termination against any employee who deliberately makes a complaint that he/she knows is false.

VII. SAFETY AND HEALTH

A. SAFETY

It is the policy of this facility to provide a safe and healthful environment to our employees, residents and visitors. While we make every reasonable effort to promote accident and fire prevention, these efforts will succeed only with each employee's full cooperation.

Safety Rules and Regulations are outlined in a separate section of this handbook and therefore are not included in this portion of our handbook. All personnel will be required to follow established safety rules and to carry out all procedures as instructed. All unsafe conditions/acts must be reported to the department head/supervisor at once.

Orientation Programs and Training Classes are conducted to familiarize each employee with our Safety Program.

Department heads are responsible for reviewing department safety precautions, rules, regulations and procedures with their assigned personnel upon assignment and periodically thereafter.

B. MEDICAL EXAMS

It is the policy of this facility that all employees undergo a physical examination upon employment and annually thereafter. Due to the nature of our work, each employee must have a pre-employment medical examination, which includes a chest X-ray (or 2 Step skin test-PPD), together with measles, mumps and rubella titers if born after January 1, 1957, to attest that the employee is in good health and free of any communicable, contagious, or infectious disease. An annual physical examination is a condition of continued employment.

Department supervisors will inform their respective employees thirty (30) days in advance of their annual physical due date. Failure to provide the Department Head with a copy of an annual medical examination on or before the expiration of the 30-day notice will result in removal from the work schedule and may result in disciplinary action.

C. ILLNESS

It is the policy of this facility that persons becoming ill on the job report to the department head or immediate supervisor for further instructions. To the extent practical, employees who become ill on the job must request permission from their department head/supervisor to leave their work area. Employees sent home must clock out before leaving the premises. Should the employee need assistance to get home, his/her next-of-kin will be notified to come to the facility, or the Department Head may assign an employee to take the ill person home. It shall be the employee's responsibility to notify the facility should he/she be out for an extended time. Time spent waiting for or receiving treatment will be considered work time.

D. COMMUNICABLE DISEASES

Due to the often impaired health condition of many of our residents and the risk of the spread of infectious diseases, it is the policy of this facility to restrict personnel with communicable or infectious disease(s) from providing direct nursing care or other direct services to our residents.

Any employee who may have or develop symptoms or signs of a communicable or infectious disease(s), or who may have infected skin lesions, must report such information to their department supervisor immediately. Failure to do so can result in disciplinary action, including termination of employment.

We will assess on an individual basis whether employees with communicable or infectious diseases and/or infected skin lesions must be placed on a leave of absence until such time a signed and dated physician's statement can be presented to the department head certifying that the employee is free of any contagious, communicable, or infectious disease(s), and that the employee is physically able to resume his/her assigned duties without restrictions or does not pose a risk to the health or safety of our residents or whether other options to minimize the spread of infection may be available.

The Home will provide immunization against influenza to all employees at a time determined by the New York State Department of Health and/or the Centers for Disease Control. In accord with New York State regulations, any employee who refuses or is unable to be immunized against influenza **MUST** wear a face mask at all times while on duty. Failure to adhere to this state regulation will result in disciplinary action up to and including termination.

E. ACCIDENTS/INCIDENTS

It is the policy of this facility to provide a safe and healthful work environment. Therefore, all accidents or incidents occurring on our premises must be reported to the Administrator.

Reporting of Accidents or Incidents

Regardless of how minor an accident or incident may be, it must be reported to the department head, and an "Accident/Incident Report" must be completed on the shift on which the accident or incident occurred.

Employees witnessing an accident or incident involving a resident, employee, or visitor, must report such occurrence to his/her immediate supervisor as soon as practical. Do not leave an accident victim unattended unless it is absolutely necessary to summon assistance.

The Nursing Supervisor must be informed of all accidents or incidents so that medical attention can be provided.

Assisting Accident/Incident Victims

Should you witness an accident, or you find it necessary to aid an accident victim, you should:

- Render immediate assistance. **DO NOT** move the victim until he/she has been examined for possible injuries.

- If possible, if it is a resident, move him/her to his/her bed.
- If assistance is needed, summon help. If you cannot leave the victim, ask someone to report to the Nurses' Station that you need help, or if possible, use the call system located in the resident's room to summon help.

Medical Attention

The Nursing Supervisor shall examine all accident/incident victims.

Investigative Action

The Nursing Supervisor and/or Department Head shall conduct an immediate investigation of the accident or incident. The following data, as it may apply, must be included in the investigation:

- The date and time the accident/incident took place.
- The circumstances surrounding the accident/incident.
- Where the accident/incident took place.
- Name of witnesses and their written account of the accident/incident.
- The injured person's account of the accident/incident.
- The date and time the injured person's next-of-kin was notified and by whom.
- The condition of the injured person, to include his/her vital signs.
- Disposition of the injured (i.e., transferred to hospital, put to bed, sent home, returned to work, etc.).
- Corrective action taken.
- Other pertinent data as necessary or required.
- Signature and title of person completing the report.

When requested, employees must provide a written statement regarding an accident/incident prior to the end of his/her shift. Staff will not be released from duty until written statements have been completed.

The report must be submitted to the Director of Nursing as soon as possible after the occurrence of the accident/incident. A supply of accident/incident report forms are maintained at each Nurses Station, and Department Head's office.

F. EMERGENCY/DISASTER JOB ASSIGNMENTS

It is the policy of this facility to pre-assign all personnel specific tasks to perform during emergency situations.

Department heads are responsible for assigning their respective employees to such positions.

All newly hired personnel will be required to attend orientation and classes concerning our fire safety and disaster preparedness plans and all staff will be required to attend fire safety and disaster preparedness plans at least yearly

Periodic in-service training classes will be conducted to keep all personnel informed of changes in our fire safety and disaster preparedness plans, as well as any changes in job assignments.

In addition to orientation and in-service training classes, periodic drills will be conducted to assist personnel in performing their assigned tasks.

Policies governing our fire safety and disaster preparedness plans, as well as evacuation routes, job assignments, etc., are outlined in a separate manual entitled "Fire Safety and Disaster Preparedness." A copy of such manual is located at each nurse's station and Department Heads' Office.

G. FIRE PREVENTION

It is the policy of this facility that all personnel be actively involved in fire prevention. Fire prevention is the responsibility of all personnel, residents, visitors, and the general public alike.

Should a fire hazard be discovered, it must be reported to the Environmental Services Director immediately.

All employees should be alert for:

- Accumulation of trash and rubbish;
- Strange odors or conditions;
- Smoking in UNAUTHORIZED AREAS;
- Frayed or worn electrical cords;
- Malfunctioning equipment and supplies;
- Any unusual incidents;
- Sounding of false alarms;
- Violation of fire safety rules.

Fire Drills are conducted as per regulatory requirements. It shall be each employee's responsibility to participate in all drills in a professional and safe manner. Failure to do so can result in disciplinary action.

Policies governing our fire safety procedures are outlined in a separate manual entitled "Fire Safety and Disaster Preparedness." A copy of such manual is located at each nurses' station.

H. FIRST AID

It is the policy of this facility to maintain a first aid kit for use in treating minor injuries. Each nurse's station shall be equipped with first aid supplies which shall contain, as a minimum, the following supplies:

- An assortment of bandages and gauze pads;
- Adhesive tape;
- Scissors;
- Antiseptic ointment;
- Tweezers;
- Cotton swabs;
- Tissues;
- Other supplies as approved by Medical Director.

The Director of Nursing Services shall be responsible for ensuring that first aid kits are inspected quarterly and that adequate supplies are on-hand at all times. First aid kits may not be removed

from their assigned locations except for treatment of the injured, drill exercises, and/or the replenishment of supplies.

I. HAZARDOUS AND TOXIC SUBSTANCES

All employees will be informed of any hazardous or toxic substance that they may be exposed to, required to handle, and/or that may be in the work place. All hazardous/toxic substances used in our facility will be identified and labeled prior to being used. Labels will contain, as a minimum, the following data:

- Name of the substance;
- First-Aid/emergency treatment;
- Antidotes;
- Proper and safe handling/disposal of the substance;
- Health effects (short/long term when applicable);
- Potential for fire/explosion/spill; and
- Chemical reaction.

A "material safety data sheet/listing" is maintained in the offices of the Food Service Director and the Director of Environmental Services. Should an employee be allergic to toxic substances, he/she must notify his/her department supervisor.

Failure of any employee to follow our safety/hazardous waste requirements will result in disciplinary action. Report all violations IMMEDIATELY.

Inquiries concerning hazardous and toxic substances should be referred to the Environmental Services Director

J. INJURIES (WORK-RELATED)

It is the policy of this facility that all injuries occurring on-the-job, no matter how minor, be reported to the employee's department head/supervisor. Injuries must be reported on the shift during which the injury occurred. Any employee failing to report an injury during the shift in which the injury occurred will be subject to disciplinary action.

Policies governing accident reporting are outlined in a separate section of this manual entitled "Accident/Incident Reports."

K. SMOKING

It shall be the policy of this facility to provide our employees/residents with as near a smoke-free environment as possible.

Smoking is prohibited at all times in all areas of our facilities, including private offices. Compliance with this policy is mandatory for all employees and persons visiting the Home, with no exceptions. residents may smoke only in the "Smoking Room" located in the third floor day room.

Visitors may not provide matches or lighters to residents and visitors may not smoke in the 3rd floor smoking room.

It is the responsibility of all personnel to report smoking violations. Violations should be reported to the department head/supervisor as soon as practical. Visitors should be politely informed of our smoking regulations. If the visitor continues to violate our smoking policies, report such action to the Department Head/Supervisor.

Employees who violate this policy are subject to disciplinary action. Inquiries concerning smoking regulations should be referred to the Administrator. Any employee can voice complaints if they observe smoking in the facility without fear of retaliation to their department head or the Administrator.

VIII. LEAVING THE HOME

A. IF YOU MUST LEAVE US

We request that voluntary resignations from the Home be made in writing to the department head or supervisor, indicating the date and reasons for leaving. The Home requests that any employee in an administrative or supervisory position give at least one (1) months' notice of his/her impending resignation. All other employees are requested to give notice equal to the amount of vacation accrual for his/her job classification (i.e., if you accrue 4 weeks of vacation per year, you must provide 4 weeks' notice of resignation). Employees who do not give the required notice of resignation will not receive accrued, unused vacation pay upon separation. Only regular full time and part time employees who have completed their introductory period are eligible for the payment of unused accrued vacation pay provided they have given sufficient notice.

Terminal pay will be provided employees on their last day of work provided they have given sufficient notice as indicated above. Employees are required to return all Home property at the time of termination or as otherwise requested by the Home.

Upon termination, employees may leave their forwarding address with human resources for mailing of their final pay check, or may pick up their pay check at the facility.

RECEIPT OF EMPLOYEE HANDBOOK

This Employee Handbook is an important document intended to help you become acquainted with the Home. This document contains management guidelines only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the Home's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Employee Handbook.

I have received and read a copy of the Home's Employee Handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the Home at any time.

I further understand that, subject to any limitations pursuant to any applicable collective bargaining agreement, my employment is terminable at will, either by myself or the Home, regardless of the length of my employment or the granting of benefits of any kind.

I understand that, subject to any limitations pursuant to any applicable collective bargaining agreement, no contract of employment other than "at will" has been expressed or implied, and that no representative of the Home other than the Administrator is authorized to provide any employee or employees with an employment contract or special arrangement concerning terms or conditions of employment and that any such arrangement must be in writing and signed by the Administrator.

I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the Home's Employee Handbook.

Employee's Printed Name _____ Position _____

Employee's Signature _____ Date _____

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

RECEIPT OF NON-HARASSMENT AND SEXUAL HARASSMENT POLICIES

It is our policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of race, color, creed, religion, national origin, ancestry, alienage or citizenship status, age, disability or handicap, sex, marital, veteran status, sexual orientation, arrest record or any other characteristic protected by applicable federal, state or local law.

It is also our policy to specifically prohibit sexual harassment of any employee. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually-related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life and/or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

Anyone who feels that he or she has been subjected to conduct which violates this policy should immediately report the matter to their Supervisor, Department Head, Human Resources and /or Administrator. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including discharge. Employees must cooperate in all investigations. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the Home will not allow any form of retaliation against individuals who report unwelcome conduct to management in good faith or who cooperate in the investigations of such reports in accordance with this policy in good faith. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge.

I have read and understood the Home's Non-Harassment and Sexual Harassment Policies.

Employee's Printed Name _____ Position _____

Employee's Signature _____ Date _____

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.