

# **Fort Hudson Health System**

***Fort Hudson Nursing Center  
Fort Hudson Licensed Home Care Service Agency  
Fort Hudson Certified Home Health Agency  
Fort Hudson Care Management  
Medical & Social Adult Day Services***



## **EMPLOYEE HANDBOOK**

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**[www.forthudson.com](http://www.forthudson.com)**



Dear Employee,

Welcome to Fort Hudson Health System! As a new employee you will be anxious to know about the outstanding organization you have just joined. This handbook is intended to acquaint you with general information on benefits, policies and practices that are of direct interest to all our employees. Read it carefully and keep it for future reference. If you have any further questions you should talk with your department manager or our human resources manager who will be pleased to help you.

At Fort Hudson, our employment philosophy is a simple one. We believe in the people who work for us. We believe in each person's right to individual dignity and respect, as well as to their right to work in an atmosphere of mutual trust and confidence. Within this environment, employees are able to perform at their highest level for the individuals in our care. Our reputation is the result of hard work, dedication and compassion of people like you.

Again, welcome to Fort Hudson! As a leader in providing services to individuals in our surrounding communities, we are confident that you will find your employment here a stimulating, challenging and enjoyable experience.

Sincerely,

*Andrew Cruikshank*

Andrew Cruikshank  
Chief Executive Officer

Fort Hudson Health System, Inc.  
Employee Handbook

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**FORT HUDSON HEALTH SYSTEM, INC.**  
Fort Edward, New York

**EMPLOYEE HANDBOOK**

**Chapter 1 - Introduction**

This Handbook has been prepared to help answer some questions that may arise for an employee of Fort Hudson Health System (Fort Hudson). Please read it carefully and keep it for future use. It is your responsibility to become familiar with the Handbook and other applicable organizational and employee policies. If you have additional questions pertaining to this information or other issues not covered within, please see your department/program manager or the Human Resources manager.

Each employee shall receive a copy of this Handbook, or have one offered to them electronically, and acknowledge that they are required to read it by signing the attached Acknowledgement, returning it to the Human Resources Office.

Although we hope that your employment relationship with us will be long term, you are an at-will employee, and Fort Hudson may terminate your employment at any time, for any reason, with or without notice. Similarly, you may terminate your employment at any time, for any reason, with or without cause.

None of Fort Hudson's policies or benefit plans, including this Handbook, constitutes, or is intended to constitute, an express or implied contract guaranteeing continued employment for any employee. No manager has the authority to enter into a contract of employment – express or implied – that changes or alters the at-will employment relationship. Only the Chief Executive Officer has the authority to enter into an employment agreement that alters the at-will employment relationship, and any such agreement must be in writing.

This Handbook is written to comply with applicable federal and state law. To the extent that the Handbook is inconsistent with applicable law or regulations, the law or regulations will govern. Nothing in this Handbook is intended to infringe upon the rights afforded in Section 7 of the NLRA. This Handbook supersedes all previously issued handbooks and inconsistent verbal statements. However, this Handbook is an overview only, and is not intended to replace existing Fort Hudson written policy statements. Fort Hudson reserves the right to amend, change, replace, revoke, or discontinue facility policy and any of the terms and provisions of this Handbook at any time and in its sole discretion, with or without notice. Such changes may not be reflected in this Handbook.

To the extent any of the policies and procedures contained in this Handbook conflict with any provisions contained in an applicable collective bargaining agreement, the collective bargaining agreement controls.

**Chapter 2 - Welcome to Fort Hudson**

Welcome to Fort Hudson! We're excited to have you as part of our team. We hope that your employment here will be a most rewarding experience and that you will help us maintain our reputation for excellence in client care and service.

Being part of a dynamic and integrated health care provider cannot be compared to any other kind of working experience. We do not sell a product; we give of ourselves and provide a valuable service.

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**OUR VISION**

To be the community's first choice provider in comprehensive and integrated services for adults.

**OUR MISSION**

To provide compassionate care and services to the adult community, which support personal independence, meaningful quality of life and individual dignity.

**ORGANIZATION**

Fort Hudson Health System is a non-profit community-based health care and senior service provider. From our inception in 1969 as an eighty bed skilled nursing facility, we are proud to now offer an array of services including:

*skilled nursing facility  
special care dementia unit  
scheduled short term stay  
medical adult day care program  
social adult day services  
independent senior housing (62 units)  
licensed home care services agency  
certified home health agency  
care management*

In addition to our programs noted above, Fort Hudson encompasses the following related corporate entities:

*Fort Hudson Health System (parent corporation)  
Fort Hudson Nursing Center  
Fort Hudson Residences (d.b.a. The Oaks)  
Fort Hudson Home Care  
Fort Hudson Care Management  
Fort Hudson Certified Home Health Agency  
Fort Hudson Foundation*

The Board of Directors is comprised of civic-minded representatives who volunteer their time and efforts to define the Corporation's objectives and to develop and approve policy.

The Board of Directors assigns responsibilities to the Administration of the Corporation and they, in turn, carry out the day-to-day operation of the facility, which includes all personnel issues, and also directs the department heads/supervisors. Any concerns brought to the attention of any Board Members will be immediately redirected to the CEO for review. The continual cooperation of each team member of the corporate family is essential, for it cannot operate effectively and efficiently unless all employees work well together.

**EQUAL EMPLOYMENT OPPORTUNITY**

Fort Hudson is an Equal Opportunity Employer. Fort Hudson does not unlawfully discriminate against individuals on the basis of age, race, ethnicity, national origin, ancestry, citizenship or immigration status, color, creed, religion, gender, sex, sexual orientation, gender identity and expression, status of being transgender, marital or familial status, pregnancy, military status, veteran status, socioeconomic status, disability, status as a victim of domestic violence, predisposing genetic characteristics or carrier status, reproductive health decision making, known relationship or association with any member of a protected class, and any other characteristic protected by applicable law. This policy applies to all terms and conditions of employment including, but not limited to, recruitment, hiring, placement, training, promotion, demotion, pay

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rate or other forms of compensation, benefits, transfer, leaves of absence, disciplinary action, layoff, recall and termination.

### **NON-DISCRIMINATION AGAINST RESIDENTS/CLIENTS**

Fort Hudson does not discriminate and does not permit discrimination, including, but not limited to, bullying, abuse, harassment, or differential treatment on the basis of actual or perceived sexual orientation, gender identity or expression, or HIV status, or based on association with another individual on account of that individual's actual or perceived sexual orientation, gender identity or expression, or HIV status. You may file a complaint with the office of the New York State Long-Term Care Ombudsman program (518-372-5667) if you believe that you have experienced this kind of discrimination.

Additionally, Fort Hudson does not discriminate and prohibits discrimination against residents/clients on the basis of race, ethnicity, national origin, ancestry, citizenship or immigration status, color, creed, religion, sex, status of being transgender, marital or familial status, pregnancy, military status, veteran status, socioeconomic status, disability, status as a victim of domestic violence, predisposing genetic characteristics or carrier status, sponsorship, source of payment, service need intensity or location of patient's residence in the service area, reproductive health decision making, known relationship or association with any member of a protected class, and any other characteristic protected by applicable law.

You should report every instance of unlawful discrimination to your supervisor or the Human Resources Department, regardless of whether you or someone else is the subject of the discrimination. All complaints will be afforded prompt and thorough consideration, which may include an investigation. If Fort Hudson determines that prohibited discrimination or other conduct violative of Fort Hudson policy has occurred, Fort Hudson will take disciplinary action, up to and including termination of employment, against those who engaged in the misconduct. Fort Hudson prohibits all retaliation for opposing a discriminatory practice, making a good faith report of unlawful discrimination or participating or cooperating in any investigation related thereto. *See Anti-Retaliation Policy.*

### **EMPLOYEE RELATIONS & COMMUNICATIONS** **A WORD ABOUT EMPLOYEE RELATIONS**

We are committed to providing the best possible climate for maximum development and achievable goals for all employees. Our practice has always been to treat each employee as an individual. We have always sought to develop a spirit of teamwork: individuals working together to attain a common goal.

In order to maintain an atmosphere where these goals can be accomplished, we have provided a workplace that is comfortable and progressive with competitive wages and benefits. Most importantly, we have a workplace where communications are open and problems can be discussed and resolved in an atmosphere of mutual respect, considering individual circumstances and the individual employee.

## **Chapter 3 – Nature of Services**

Fort Hudson Health System is a multi-level, not-for-profit provider of healthcare, housing and home and community based services. Each program within this umbrella of services addresses the client's needs in the manner most appropriate to the scope of services and licensure of that program. You will be provided with specific instruction on the unique nature of the program which you will work with.

## **Chapter 4 – Your Employment**

### **Selection Process**

The selection of employees is based on the qualifications of applicants as they apply to the requirements of each position. Steps in the selection process include but not limited to recruitment, completion of an application, a personal interview, and criminal background and reference checks from prior employers. Any

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incomplete, false, or misleading information submitted by you during this process may constitute grounds for immediate dismissal.

**Introductory Period**

The first three months of employment will be considered a trial period to learn job duties and responsibilities, get acquainted with manager(s) and fellow employees, and familiarize yourself with Fort Hudson in general. Your introductory period with Fort Hudson can be shortened or lengthened as deemed appropriate by your Department Director, Program Administrator and in consultation with the Director of Human Resources. Completion of the introductory period does not guarantee continued employment and does not change the at-will nature of the employment relationship, except where an employee's employment is subject to a collective bargaining agreement.

**Promotions & Transfers**

Attendance, attitude, efficiency, educational preparation, work performance and responsibility will contribute toward consideration for promotion. Job openings will be posted on Fort Hudson's web site or at the time clock bulletin board (for Nursing Center employees).

Requests for either a transfer to another program, department or shift should be made in writing to your Department Manager or Administrator. Transfers are based upon several factors, including but not limited to, qualifications, work record, reason for the request, and the requirements of the department and/or shift involved.

**Performance Appraisal**

The purpose of periodic performance appraisals is to communicate to you your overall contribution to our team effort of providing the best possible resident care.

New employees' performance will be reviewed after 90 days' continuous employment prior to the completion of the introductory period and, thereafter, annually in the month of the employee's anniversary date. Performance reviews will be conducted by the employee's supervisor. Such factors as job performance, cooperation, reliability, and other pertinent factors will be considered. Job descriptions will be reviewed at this time and goals will be mutually agreed upon by employee and supervisor.

Your performance will be carefully reviewed by your supervisor and/or department or program manager. A performance appraisal interview will then be held with you. Your performance will be discussed; you may make written comments on your evaluation forms, which then will become a permanent part of your personnel file. The performance review will also be used to evaluate your potential for promotion. A copy of your written appraisal will be given to you, upon request.

The performance review interview is an excellent time to raise any questions or concerns that you may not have discussed previously with your supervisor. However, please understand that a positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment.

**Personnel Records**

We maintain complete records for each employee. If any change occurs in your status, report it immediately to your department head and Human Resources office so that records can be kept up to date. This would involve such information as a change in name, address, telephone number, person to notify in case of emergency, and number of dependents for income tax purposes.

Only authorized supervisors and management personnel will have access to your personnel file. However, Fort Hudson will cooperate with, and provide access to your personnel file to, law enforcement officials, or local, state, or federal agencies. Current employees may review their personnel file upon request to Human Resources. Requests for former employee's personnel files must be accompanied by a subpoena. Confidential health and medical records are maintained in confidential files separate from your personnel file. Personnel files are the property of Fort Hudson.

As a condition of your employment, certain forms will require your signature prior to being filed.

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### **References**

People or companies from outside Fort Hudson that request information on a former or current employee should be referred to the Human Resources Department. In response to such reference requests, Human Resources will verify only dates of employment and positions held. Only Human Resources associates are authorized to provide employment references.

### **Job Classification**

To adequately staff Fort Hudson it is necessary to distinguish certain job classifications. If you are not sure of your classification, please consult your supervisor.

#### Regular Full Time Employee

An employee who has satisfactorily completed the introductory period and regularly works at least thirty-seven and one-half (37.5) hours per week or seventy-five (75) hours per pay period. (1.0 FTE)

#### Regular Part Time Employee

An employee who has satisfactorily completed the introductory period and regularly works less than 37.5 hours per week (or 75 hours per pay period) but at least 15 hours per week (or 30 hours per pay period). (0.4 FTE to 0.9 FTE).

#### Per Diem Employee

An employee who is not regularly scheduled but works periodically on an as-needed basis. Per Diem employees are not eligible for any benefits afforded to regular full and part time employees, except as required by applicable law. Per Diem employees are assigned to various work areas, units or shifts within the scope of their position, and not limited to a defined schedule or assignment. See your department/program manager or human resources for additional details.

#### Temporary Employee

An employee who is employed for short-term assignments. Temporary employees are not eligible for any benefits afforded to regular full and part time employees, except as required by applicable law.

### **Position Categories**

There are two position categories:

- Non-exempt - Pay is based upon an hourly rate and the number of hours worked. Employees in these positions are eligible to receive overtime compensation for working more than 40 hours in a week. Some Nursing Center employees receive overtime over 7.5 hours in a day or 37.5 in a week. All overtime work must be authorized in advance by your supervisor or department head. Working overtime without prior authorization may result in disciplinary action.
- Exempt - Employees in these positions perform work that meets the federal and state requirements for overtime exemption and may be executive, administrative, or professional employees. Pay is based on an annual salary, which is intended to pay for all hours worked during each work week, regardless of the employee's actual hours worked or schedule. (Refer to policy for specific guidelines).

### **Hours of Work**

The standard work week is 37.5 hours. Since our need to deliver support services spans 24 hours, 7 days per week, your starting time and days of work will be determined by the department or program you work in. Fort Hudson retains the right to change your work schedule as necessary.

### **Breaks**

There are two 15-minute break periods during a full (7.5 or 8 hours) shift which is considered worked time and included in your pay. You may not leave the premises during these times without specific authorization from your supervisor (unless your position is ordinarily not confined to a single location). Breaks cannot be added to a lunch period or taken at the beginning/ending of a shift. Extending a rest period beyond 15 minutes is a violation of this policy that will result in disciplinary action. In addition, unauthorized extensions of rest periods will not be counted as hours worked and will therefore be unpaid.



### **Lunch**

If you work 6 or more consecutive hours, you are entitled to a 30-minute unpaid lunch period. **YOU MUST TAKE YOUR MEAL PERIODS.** If an employee wishes to take an unpaid meal period and is not provided one as detailed above, they shall notify Human Resources or their program supervisor at their earliest convenience but no later than 24 hours after the end of their shift to assure proper compensation for worked time.

Your department supervisor will schedule this break; and you are required to punch out at the start, and punch back in at the end of the break period (unless exempt status). This is necessary to comply with federal and state laws and to ensure that employees are properly compensated. Failure to comply with this policy may result in disciplinary action. If you realize you inadvertently forgot to record your meal period in the timekeeping system, you are expected to promptly notify your supervisor so that appropriate time entries may be made.

If leaving the premises at a time other than approved break time, you are to punch out and use benefit time for the period of time of absence.

### **Job Description/Training/In-service/Meetings**

A description of your position and its critical tasks will be reviewed with you prior to employment. Your job description may change in accordance with Fort Hudson's mission, philosophy and regulatory directives. Your supervisor will be available to answer any questions you may have.

You will receive supervised on-the-job training during and after your orientation period. You will also be required to participate in the ongoing scheduled mandatory in-service education programs that are designed to increase your knowledge and improve your performance.

At the time of employment, each employee should understand that they are required to attend annual mandatory in-services. Which in-services you are required to attend will depend on the nature of your assigned job duties.

Each department or program may have additional mandatory in-services specific to the needs or requirements of that program. A mandatory in-service requires you to give prior notification if unable to attend, and your excuse for not attending must be approved by your immediate supervisor. You must then attend a re-scheduled in-service; the time will be mutually agreed upon by you and Staff Development. If you have not obtained an approved excuse, or if you otherwise fail to comply with in-service requirements, you will be subject to disciplinary action, up to and including termination. Most of the ongoing education is provided via on-line learning. Employees unable to access educational programs should notify Staff Development for alternative options.

## **Chapter 5 – Time Clock, Electronic Verification, Time Record**

The principal purpose of the time clock or Electronic Visit Verification (EVV) or other method to record worked time is to maintain an accurate record of hours worked for payroll preparation.

Time clock/EVV printouts are the official records of each employee's actual hours worked. Therefore:

- No one may enter another's payroll ID number for any reason.
- No one is to enter their payroll ID number until ready to go on duty.
- Employees must record all time worked.
- Without prior approval of their supervisor/manager, non-exempt employees should not begin work before their scheduled start of their shift or continue working after the scheduled end of their shift. Any employee who routinely fails to begin and end work in accordance with their schedule will be subject to disciplinary action, up to and including termination of employment.
- Employees must punch in and out for their lunch period. After reporting for work, each employee is expected to remain at the work site until their normal shift is completed and they are released by the shift or department supervisor.

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If an error is made in entering your payroll ID number let your supervisor know immediately for correction.

Altering, falsifying and tampering with time records, or recording time under another employee's payroll ID number is prohibited.

It is your responsibility to ensure the accuracy of all time recorded. Any errors in your time record should be reported to your supervisor or department head, who will attempt to correct legitimate errors. This includes failing to punch in/out at designated times.

Employees who are permitted to work virtually or are otherwise in the community setting will have specific methods for time keeping procedures.

## **Chapter 6 - Employee Health**

Your health and well-being are important to us!

Every Fort Hudson employee must be free from any health impairment that would present a risk to a resident that cannot be accommodated, or that might interfere with their job performance, including the habituation or addiction to depressants, stimulants, narcotics, alcohol or other drugs or substances that may alter behavior.

In accordance with New York State Department of Health regulations and OSHA regulations:

- All new employees are subject to a physical examination and documentation of rubella and measles immunization status, post-offer and prior to commencing employment.
- All current employees are subject to a health reassessment not less than annually, as a condition of continued employment.
- All employees, except for those who have no clinical or patient care responsibilities and who are located in a building where no patient care services are performed, are required to undergo a tuberculin skin test or an FDA-approved blood assay for detection of tuberculosis, post-offer and prior to commencing employment. If TB test findings are positive, appropriate clinical follow-up is required. If findings are negative, screening must be repeated at least once a year.
- All employees for whom skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials may reasonably be anticipated to result from the performance of assigned duties, Hepatitis B vaccine will be offered within 10 days of assignment to tasks where occupational exposure may occur.
- The influenza vaccination is offered to all employees annually. Employees who are not immunized are subject to stringent requirements as defined by NYS regulation and will be asked to sign a declination form.

### **Employee Illness and Injury**

Any employee known to have a communicable disease or infected skin lesions are prohibited from direct contact with residents or their food, if direct contact will transmit the disease.

Any employee who becomes ill or injured while on duty must report the injury to their supervisor or to the RN Supervisor and complete a written incident report. First aid equipment and supplies are maintained at various locations in the facility.

### **Returning to Work**

Your work at Fort Hudson is vital to our residents and to us. Should you be absent because of illness, injury, or other medical conditions, we would want you to return to work as soon as possible. However, we do not wish you to jeopardize your own health or the health of others by a premature return. In the event of hospitalization or extended illness of three or more consecutive working days, you may be required to submit a release from your attending physician indicating that you are capable of returning to work and will be able to perform essential functions of your job as described in your job description. A release may be required

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for absence of less than three (3) days if you have had a pattern of unexcused absences, except where absences are related to a New York Paid Sick Leave purpose.

**Reasonable Accommodations**

Fort Hudson will attempt to provide reasonable accommodations to qualified employees or applicants with known disabilities, including pregnancy and related medical conditions, so the employee or applicant can perform the essential functions of their jobs as described in their job description, with or without reasonable accommodation. In accordance with this policy, Fort Hudson provides reasonable accommodations to a qualified individual with a disability who has made Fort Hudson aware of their disability, unless doing so would create an undue hardship or pose a direct safety threat.

Fort Hudson also complies with all applicable laws, including the Pregnancy Discrimination Act and the Pregnant Workers' Fairness Act (PWFA), regarding reasonable accommodations needed for pregnancy, having a child, or a medical condition(s) related to pregnancy. Accordingly, Fort Hudson will engage in the interactive process and make reasonable accommodations to known limitations related to pregnancy, childbirth, or related medical conditions for qualified employees or applicants, unless doing so would impose an undue hardship on Fort Hudson. Examples of pregnancy-related accommodations for consideration could include providing frequent bathroom breaks and rest breaks, assistance with manual labour or lifting items, leave of absence, and breaks to express milk. Fort Hudson will not require covered employees to take paid or unpaid leave if another reasonable accommodation is available.

Fort Hudson will endeavor to accommodate sincerely held religious beliefs of employees to the extent such accommodation does not impose an undue hardship on Fort Hudson's operations.

Employees should contact Human Resources to request accommodation under this policy. Fort Hudson will engage in a cooperative dialogue and/or interactive process with the applicant or employee to determine how the individual may be accommodated. Medical documentation may be required to assist in this process. Any information obtained by Fort Hudson that relates to the employee's physical or mental disabilities will be treated as confidential medical information.

Fort Hudson will not tolerate discrimination or retaliation against an individual with a known disability, or for requesting or receiving reasonable accommodation in accordance with this policy and as protected under applicable laws. Any concerns regarding discrimination or retaliation in violation of this policy should be promptly reported to Human Resources.

**Airborne Infectious Disease Exposure Prevention Plan**

In compliance with the New York Health and Essential Rights Act (NY HERO Act), Fort Hudson's HERO Act policy protects employees against exposure and disease during an airborne infectious disease outbreak. Fort Hudson's HERO Act policy becomes effective when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. When designated, Fort Hudson will provide a copy of the adopted airborne infectious disease exposure prevention plan and post the same in a visible and prominent location within each worksite.

Employees may view the HERO Act policy at <https://www.forthudson.com/employment/employee-information/>.

## **Chapter 7 – Payroll, Compensation & Benefits**

**Payment of Wages**

It is the policy of Fort Hudson to pay employees on a regular bi-weekly cycle. Payday is on Thursday. If the pay day falls on a holiday or weekend, Fort Hudson will issue paychecks on the last workday before the holiday or weekend.

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Employees have the option to enroll in direct deposit for payroll, established at the time of hire. Pay stubs are available through an on-line employee portal.

In the rare event direct deposit is not available, paychecks will be available for distribution on the Thursday following the last day of the pay period at time designated by Fort Hudson. All employees who pick up their checks must do so in person; or with a note signed by the employee authorizing someone other than the employee to pick up their check. It is the responsibility of the employee to make sure that Fort Hudson has the most up-to-date information regarding your correct address. If the check is lost or not received in a reasonable time period, please contact the payroll office.

Employees should carefully review their paycheck/paystubs each pay period to confirm accuracy. If there are any errors, employees should promptly report that to their supervisor or Human Resources. Upon receipt of a concern regarding an error, Fort Hudson will investigate the reported issue. If an error is found to have occurred, Fort Hudson will fix the error promptly and take appropriate steps to avoid the error happening again in the future. Employees will not be subject to retaliation for reporting such a concern with their pay.

### **Overtime Pay**

For Hudson is a 7-day, 24-hour operation, which requires continuous staffing. Situations may occur when work in your department cannot be completed during regularly scheduled work hours. Your supervisor may ask you to work overtime. When determined necessary by your supervisor, overtime may be mandated based on facility policy. We expect your cooperation since it is a vital part of your job and essential to Fort Hudson's ability to render quality resident care.

Non-exempt employees are entitled to overtime pay at a rate of one and one-half times the employee's regular rate for all hours worked in excess of thirty-seven and one-half (37.5) or forty (40) in a workweek, as set forth in applicable federal and state wage and hour laws.

### **Overpayment of Wages and Dispute Resolution Process**

In the event you receive one or more inadvertent wage overpayments due to mathematical or other clerical errors, Fort Hudson may use payroll deductions to recover the amount of the overpayment(s). If you wish to contest the overpayment(s) and terms of recovery, and/or to seek a delay in the recovery of this amount, you must follow the procedures contained in the "Overpayment Dispute Resolution Process," a copy of which Fort Hudson will provide to you before making deductions. You may also obtain a copy of the "Overpayment Dispute Resolution Process" from the Human Resources Office at any time.

A summary of the process is below:

1. You will receive a "Notice of Intent" from Fort Hudson describing the overpayment(s) and terms of recovery.
2. You must respond in writing to the Director of Human Resources within seven calendar days of the date that you receive Fort Hudson's overpayment "Notice of Intent." In that response, you must state clearly the issue(s) you are raising and explain why you are raising each issue.
3. Fort Hudson will reply back to you in writing. Fort Hudson will address the issues raised in your response, will clearly explain its position(s), will state whether it agrees or disagrees with your position(s), and will explain why it agrees or disagrees. The reply from Fort Hudson will also include an invitation and seven-calendar-day window for you to meet with the Human Resources Office to discuss any disagreement(s) that remain regarding the deduction(s).
4. Seven calendar days from the date of the meeting or expiration of the seven-day opportunity to meet, Fort Hudson will provide a written notice of its Final Determination regarding the deduction(s).

If you have additional questions about these procedures, please contact the Director of Human Resources.

### **Deductions from Salary**

Fort Hudson is committed to complying with the salary basis requirements of the FLSA and New York's Labor Law. Therefore, supervisors are not permitted to make, and Fort Hudson prohibits any improper deductions from the salaries of exempt employees. To ensure that they are paid properly for all time worked

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and that no improper deductions are made, exempt employees should review their pay stub to make sure it is correct.

If an employee believes that an improper deduction has been made from their paycheck, the employee should immediately report this information to Human Resources or Payroll. Reports of improper deductions will be investigated promptly. If it is determined that an improper deduction has occurred, the employee will be reimbursed promptly for any improper deduction made. Fort Hudson is committed to full compliance with this policy.

Fort Hudson will not tolerate any form of retaliation against any individuals who report alleged violations of this policy, or who cooperate in the investigation of such reported violations. Anyone that engages in retaliation in violation of this policy will be subject to discipline, up to and including termination of employment.

### **Payroll Deductions**

The required standard deductions will be taken from your paycheck. These include:

- Income Tax – Your deduction will depend on the W-4 authorization you signed at the time of your employment. Changes in your family, marital status, or dependents will affect the amount of tax withheld, so such changes in deductions must be reported promptly to the office by completing a new W-4 form.
- F.I.C.A. – This is the Social Security Tax. This tax is deducted from the employee's gross pay and transferred with an equal amount given by Fort Hudson towards the employee's Social Security account with the Federal Govt. This provides financial assistance at retirement for the employee.
- Disability Insurance – (NY State only, required by law) See payroll deduction section. Fort Hudson pays the major portion of the premiums. Full-time high school students are exempt. Up to \$.60 per week deduction (depending on amount of pay) is used to help pay for the cost of insurance that will pay for a weekly benefit if you are away from work due to non-work related injury or illness. In order to receive benefits, your disability must exceed 7 days from date of disability.
- Paid Family Leave (PFL) – New York State requires this deduction, based on a percent of your income. Employees who qualify for PFL are then paid from this fund by NYS.
- Benefits – Fort Hudson will make deductions for any benefits enrolled in by the employee.

### **Hours of Work**

The following summarizes the policies and procedures governing the hours of work for all employees of Fort Hudson. It is the policy of Fort Hudson to establish and maintain "hours of work" which are compatible with Federal and State Law, Fort Hudson Health System standards, and the maintenance of effective and efficient scheduling of the workload. The policy is applicable to all regular full and part time, temporary, interim and per-diem employees.

- All employees will have hours of work established based on their employment status and the needs of Fort Hudson.
- Hours of work may be daytime, evening and nighttime hours, or any combination thereof based on the terms established at the time of hire (or as amended).
- An hourly rate is paid for all hours worked by non-exempt employees.
- Due to the nature of home and community based programs, it may not always be possible to guarantee the hours applicable to the FTE status. Should this occur, your supervisor will discuss available options with you.

### **Employee Benefits**

Fort Hudson offers excellent working conditions with competitive pay and benefits. It is our policy to provide an excellent combination of supplemental benefits to all. These benefits are among the best provided by health facilities in the surrounding communities. In keeping with this philosophy, each benefit program has been carefully constructed. These benefits include health insurance, pension plan, paid holidays, sick time, personal days, vacations, and many other valuable benefits for you.

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Employee benefits listed below are based on a full time employee rate of accrual or otherwise as applicable. Generally, benefits are prorated for part time employees.

### **Holidays**

(6 paid holidays + 1 Floating Holiday) Check Employee Benefits Summary Schedule for list.

- Eligible at time of hire.
- Floating Holiday is any other holiday or day of your choice.
- Holiday pay will be for the same number of hours worked on the holiday not to exceed seven and one-half (7.5) hours.
- Holiday pay starts with the 10am-6pm shift on the holiday eve and ends with 2pm-10pm shift of the holiday. Home care hours may be slightly modified.
- Holidays which fall on a Saturday or Sunday will have the preceding Friday (for Saturday) or following Monday (for Sunday) designated as the recognized holiday for employees who do not ordinarily work weekends.
- If a holiday falls during a period in which you are on an approved Leave of Absence, you forfeit the holiday.

Because of the nature of health care, we must schedule 24 hour-a-day, 7 day-a-week coverage in most programs. Holiday work is normally scheduled on a rotation and request basis.

In fairness to your co-workers, if a holiday falls on your regularly scheduled workday, any unscheduled absence on the day before the holiday, the holiday itself, or the day after holiday, you may be required to provide documentary justification for payment of sick time. Fort Hudson reserves the right to withhold holiday pay in these circumstances.

### **Vacation**

When eligible: Regular full and part time employees are eligible for paid vacation time after 6 months' continuous employment.

- You will accrue vacation from the 1<sup>st</sup> day of your employment in full-time or part time status and you can start taking this earned vacation time after 6 months of continuous service at which time you will be entitled to one-half of your annual vacation.
- Vacations are earned as follows for regular full time non-exempt employees (prorated for part time). Exempt staff may accrue vacation at a different rate, determined at the time of employment.
  - You will accrue approximately 2.88 hours per pay period (up to 10 days per year).
  - After 5 years of continuous employment, vacation allowance will be increased by 5 days, up to 15 days per year (accruing approximately 4.33 hours per pay period).
  - After 15 years of continuous employment, vacation allowance will be increased by 5 days, up to 20 days per year (accruing approximately 5.76 hours per pay period).
- Employees will generally not be permitted to take more than two consecutive weeks of vacation.
- Vacations must be requested in advance, or when mutually agreeable to you and your supervisor.
- Vacations will be approved according to date of request and scheduling needs.
- Employees do not accrue vacation credit during a leave of absence.

### Other Information on Vacations

- Splitting Vacations – An employee is not required to take their vacation all at one time.
- Early Receipt of Vacation Pay – Vacation pay is NOT payable prior to a scheduled vacation.
- Employees are allowed to “carry over” seventy-five (75) hours, or fifty (50%) percent of the annual accrual (whichever is greater) of vacation time from one year to the next at the employee's anniversary date.
- All accruals of vacation time are **prorated for part time employees** who have an FTE status of at least 0.4 (30 hours per pay period).
- Payment Upon Termination of Employment – Employees who separate from employment before their six month anniversary, resign without adequate notice (as defined under the Resignation and Termination Policy) or who are terminated for any reason forfeit any accrued, unused vacation time.
- Payment in Lieu of Vacation – may be used for any unused days with Dept. Head approval.

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- Use of Vacation Time While on PFL - In accordance with the New York Paid Family Leave (PFL) policy, an employee on PFL leave who wishes to receive their regular wages, may elect to:
  - substitute full days of available vacation for their PFL wage replacement benefit, or
  - supplement their PFL wage replacement benefit with available vacation to bring him/her to 100% of their regular compensation.
  - In addition, an employee who is absent and whose claim for PFL benefits is not approved for the absence will be required to use any available vacation for the period of absence.

**Paid Sick Leave**

Employees will accrue and may use sick leave in accordance with the Fort Hudson Health System policy (# 00-200-03 Paid Sick Leave NYS). The following is a summary of this policy and complies with NYS Paid Sick Leave Law (PSL).

Accrual of Leave

Under NYS Paid Sick Leave, employees will accrue 1 hour of paid sick leave for every 30 hours worked up to 56 hours in a calendar year. Fort Hudson's current sick leave accrual calculations may be higher or lower than this rate; employee sick leave calculations will be whichever is greater.

Employees will begin to accrue Paid Sick Leave on their first day of employment.

Full-time employees will use the greater of 2.88 hours of sick time per pay period or 1 hour of sick time for every 30 hours worked. The total annual accrual of sick time will not exceed 75 hours per calendar year.

Part time and Per Diem employees will accrue 1 hour of sick time for every 30 hours worked, or a prorated number of hours per pay period based on their FTE status (which does not apply to Per Diem); whichever is greater. The total annual accrual of sick time will not exceed 56 hours per calendar year.

Rate of Pay

Leave will be paid at the employee's regular rate of pay.

Paid Sick Leave Balance

PSL time accrued in excess of existing Fort Hudson accrual rates will be calculated and maintained by Payroll. Employees may request a balance accounting at any time; Fort Hudson will provide such calculation in no more than 3 workdays (Monday – Friday).

Reasons for Leave

Sick leave under PSL is available to employees under a variety of conditions; including all situations allowed previously. See referenced policy or Human Resources for additional detail.

Notice Requirements

Fort Hudson requires notice of the need for sick leave as soon as possible, but in all cases, notice must be given prior to taking sick leave. Notice can be given orally or in writing. Employees should contact their department supervisor at the contact numbers provided to you, or the facility (518-747-2811) if they need to use leave.

Documentation Requirements

If an employee is absent for three (3) or more consecutive days, Fort Hudson may require an employee to provide documentation supporting their need for use of Paid Sick leave for a NY PSL reason, the amount of leave needed, and return date. The documentation required in such instances will be limited to that permitted by applicable law.

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**Separation from Employment**

An employee will not be paid for accrued, unused sick leave upon an employee's separation from employment. Time taken during any notice period will not be considered 'work time' for purposes of good standing.

**Retaliation**

Fort Hudson will not impose any retaliatory or disciplinary measures against employees who use accrued time under NYS PSL law when used for allowable purposes and when in compliance with policy. Fort Hudson reserves the right to advise an employee of the impact of excessive sick time on care and services, as determined appropriate for employee educational and development purposes. Time used in excess of 56 hours in a calendar year (maximum PSL accrual) will be subject to existing Fort Hudson sick leave requirements and limitations, including disciplinary actions where appropriate.

If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to Human Resources.

**Previous Unscheduled Benefit Time**

Consistent with Fort Hudson's previous Unscheduled Benefit Time policy, employees who have Unscheduled Benefit Time remaining may use such time in accordance with Fort Hudson's previous Unscheduled Benefit Time policy. As of January 1, 2021, employees will no longer accrue Unscheduled Benefit Time and instead will accrue sick time in accordance with this policy.

**Personal Days**

Employees will receive personal time in accordance with the following:

1 Full Year -----	One Personal Day
2 Full Years-----	Two Personal Days
5 Full Years-----	Three Personal Days
10 Full Years-----	Four Personal Days
20 Full Years-----	Five Personal Days

- Personal time is granted upon the first anniversary of employment and at the beginning of each calendar year thereafter to eligible employees and must be used during that year.
- Time remaining at the end of the calendar year is forfeited.
- Personal time must be pre-scheduled with your department supervisor.
- Part time employees (at least 0.4 FTE) receive a prorated amount of personal time each year.
- Employees who separate from employment for any reason or have a change in status to Per Diem forfeit any accrued, unused personal time.
- In accordance with the New York Paid Family Leave (PFL) policy, an employee on PFL leave who wishes to receive their regular wages, may elect to:
  - substitute full days of available personal time for their PFL wage replacement benefit, or
  - supplement their PFL wage replacement benefit with available personal time to bring him/her to 100% of their regular compensation.
- In addition, an employee who is absent and whose claim for PFL benefits is not approved for the absence will be required to use any available personal time for the period of absence.

**Health Insurance**

Employees hired as full, or part time are eligible to enroll in any of the available group health insurance plans within 30 days of employment. Coverage begins on the first of the month following the 30 days of continuous employment.

Per diem employees are eligible to enroll in any of the available group health insurance plans if determined to have had, on average, 30 or more hours of service per week during the measurement period established for this purpose. Please refer to the summary plan description for more information. Insurance eligibility is subject to state and/federal law and is subject to change.



### **Continuation of Group Health Coverage (COBRA)**

Upon loss of group health insurance coverage as a result of a “qualifying event”, such as termination of employment, loss of eligibility due to a reduction in hours of employment, divorce, death, or loss of dependent status, a COBRA notice and election form will be issued explaining your rights under State and Federal law pertaining to your right to continue your health insurance coverage. You may continue COBRA-eligible coverage you have as an employee subject to paying the premium in full plus a 2% service fee.

If you become divorced, or your child ceases to be a dependent as described in the health plan documents, you must notify us within 30 days or the right to COBRA coverage will be lost.

The COBRA letter specifies your obligations under current law and you must respond within 60 days (current law) in order to continue coverage. The first premium must be paid to the business office within 45 days after signing this election form.

### **Continuation of Coverage**

You may continue your Group Health Insurance while on an approved leave of absence according to terms under Family Medical Leave Act (FMLA) or the New York State Paid Family Leave Benefits Law (PFL).

Payments must be made to the facility’s Human Resource Office by the 15<sup>th</sup> of each month which coverage is requested. If payment is not made, your group coverage ends and conversion papers will be issued.

### **Other Benefits Paid by Fort Hudson**

Unemployment Insurance – Fort Hudson participates in the New York State Unemployment Insurance Tax Fund. If you qualify for unemployment benefits you will be paid directly by the New York State Dept. of Labor.

Workers’ Compensation Insurance Coverage – For your protection, we provide Workers’ Compensation Insurance coverage for each employee. If you are disabled or die as the result of an injury or illness, which is work-related, you (or your beneficiary in the event of death) may receive cash payments and medical and hospital expense benefits. To qualify for Workers’ Compensation benefits, you must report any work-related injury to your supervisor immediately, seek medical treatment and follow-up care as required and complete a written claim form and return it to Human Resources.

Benefits and conditions are established by State Law and applicable insurance contracts. The entire cost of Workers’ Compensation Insurance is paid by Fort Hudson.

### **Retirement Plan**

- All employees are eligible to contribute tax-deferred income through payroll deduction to qualified 403(b) accounts.
- Bargaining unit employees may be eligible for participation in their union pension plan, to which Fort Hudson contributes on the employee’s behalf.
- Non-bargaining unit: Fort Hudson contributes to a 401(k) plan on the employee’s behalf.
- Eligible employees may contribute tax deferred or after-tax income to this plan as well.

Please refer to the summary plan descriptions for more information.

### **Bereavement Time**

If you should suffer a death in your family, you may be eligible to receive up to three CONSECUTIVE days off with pay to arrange for or attend applicable memorial services. Employees on days off, leave of absence, or vacation are not eligible for bereavement leave.

- Up to 3 days granted for immediate family (spouse, domestic partner, same sex committed partner, children, parents, siblings).
- One day granted for extended family (grandparents, spouse’s or same sex committed partner’s parents, or other close relatives).
- Per diem and temporary employees do not receive this benefit.

- Benefit available after 30 days continuous employment.
- For purposes of this policy, “same sex committed partner” refers to those who are financially and emotionally interdependent in a manner commonly presumed of spouses.

## **Chapter 8 - Employee Attendance**

### **Attendance**

The work that you do fits in with the work done by one or more of your fellow employees, and with our concern for resident & client care. It is, therefore, important that you report for work each day and be in your area ready for work at your starting time.

You must notify the facility if you will arrive late, will be absent, or must depart early from work. You are requested to speak directly to your immediate supervisor (when available), or RN Supervisor and provide specific information regarding your absence at least two (2) hours before your scheduled shift's starting time. Departments and shifts may have more stringent guidelines regarding advance notice for unscheduled absence. Employees with excessive absenteeism are subject to disciplinary measures up to and including termination.

Fort Hudson appreciates the efforts of all its employees who try to maintain perfect attendance, but because of illness or emergencies are unable to do so. Your efforts, however, are not overlooked. Reliability is an important condition in evaluating your performance.

### **Tardiness**

All employees are expected to be punctual in reporting to work. You are deemed late if you are not at your assigned work area at your scheduled start time. Being tardy two or more times in one pay period, or other recognized pattern of tardiness, will be considered excessive and will require a counseling sheet which will include reason with plan of correction. Continued excessive tardiness may result in disciplinary action up to and including termination.

### **Excessive Lateness and Absenteeism**

Excessive lateness and absenteeism cannot be tolerated. It negatively impacts the services to be provided and the workload on your coworkers.

If two unexcused absences occur in any 30-day period or an absentee pattern is noted, it will be considered excessive and will require a counseling sheet. If this continues, further disciplinary action, including discharge, will occur.

Failure to notify the facility of an absence prior to the start of your assigned shift is considered a “no-call no-show”. One episode will require a letter of reprimand. Two consecutive episodes will be considered voluntary resignation.

While regular attendance and promptness are considered part of an employee's essential job functions, individuals with disabilities and known victims of domestic violence may be granted reasonable accommodation in complying with these policies if such accommodation does not impose an undue hardship. Employees in need of an accommodation are expected to provide Fort Hudson sufficient information to enable it to make a determination.

Fort Hudson will not discipline an employee for absences related to the following:

- Approved NYS Paid Sick Leave, NYS Paid Family Leave, or FMLA;
- Absence provided as reasonable accommodation of known disabilities, sincerely held religious practice or belief, or status as a victim of domestic violence;
- Requested and approved time off prior to being scheduled to work; or
- Any other legally protected absence.

**Employees approved for FMLA, PFL or reasonable accommodations remain accountable for all aspects of this policy not directly impacted by the FMLA, PFL or accommodation. When an employee**

**requests PFL time but fails to file a complete PFL claim with the PFL carrier or if the employee's claim is denied, related absences will be subject to this policy (unless the absence is otherwise covered by vacation, sick/unscheduled benefit or personal time).**

## **Chapter 9 – Leave of Absence**

### **Disability**

Qualified individuals with disabilities who require a leave of absence to accommodate their disability should contact the Human Resources Manager to request a leave of absence. *See Accommodation of Individuals with Disabilities Policy* above. Fort Hudson may request a certification from a health care provider verifying your need for a leave of absence and expected date of return to work.

You do not accrue benefits during a leave of absence.

### **Non-Medical Leave of Absence**

To be eligible for a non-medical leave of absence, an employee must have completed at least 1 year of service.

Except in emergency situations, requests for leave of absence must be submitted in writing to the department manager 3 weeks prior to the requested starting date of the leave. Each request will be considered on the basis of a number of factors including the reason given, your service record, and our residents' needs.

An employee who has been granted a leave of absence shall not be permitted to accept other work during the leave. Failure to abide by these requirements will be considered a voluntary resignation as of the first day of your leave.

An employee who does not report back to work at the expiration of a leave of absence will be considered terminated and, therefore, must re-apply for work as a new employee.

Every effort will be made to offer you the same shift/position you were previous to LOA. However, if this shift/position is filled, you will be offered a position on another shift until a position becomes available on your preferred shift.

You do not accrue benefits during a leave of absence.

You have the option of being paid accrued benefit time (scheduled and unscheduled) during your leave.

A leave of absence shall not ordinarily exceed 90 days. If you return after 90 days, the date of return will be your new anniversary date. Leave of absence may extend 90 days with administrative approval.

### **New York State Paid Family Leave**

Fort Hudson provides eligible employees working in New York with paid leave benefits in accordance with the New York State Paid Family Leave Benefits Law ("PFL"). PFL is designed to enable eligible employees to take time off from work to care for family members under circumstances as outlined below. Eligible employees taking PFL will receive partial wage replacement through an insurance policy that is funded by weekly, post-tax employee payroll deductions (established annually in accordance with state law). Payroll deductions will begin on the employee's first day of employment. For more information on Fort Hudson's Paid Family Leave policy, see Policy #00-200-06.

### **Family and Medical Leave Act of 1993 (FMLA)**

Eligibility - You must be employed for at least twelve months (which need not be consecutive) and have at least 1,250 hours of service during the previous twelve-month period. The following are reasons for leave:

#### *Basic Leave Entitlement*

In accordance with the FMLA, Fort Hudson will provide up to 12 weeks of unpaid, job protected leave to eligible employees for the following reasons:

- Birth and care of your child during the first 12 months following birth.

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- Adoption or foster care placement and care of your child during the first 12 months following placement.
- Care for your spouse, son or daughter or parent who has a serious health condition.
- A serious health condition that would not allow you to perform the functions of your position.

A “serious health condition” is an injury, illness, impairment, or physical or mental condition that involves patient care 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 three (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.

*Military Family Leave Entitlements*

Eligible employees may receive up to twelve (12) weeks of job-protected FMLA leave to address certain qualifying exigencies when a spouse, son, daughter, or parent is on active duty or called to active duty in the Armed Forces, National Guard or Reserves in support of a contingency operation. Qualifying exigencies include attending certain military events, arranging for alternative childcare, addressing certain financial or legal arrangements, attending certain counseling sessions, or attending post-deployment reintegration briefings.

The FMLA also allows eligible employees to take up to 26 weeks in a single 12-month period to care for a covered service member (“military caregiver leave”). A covered service member is a spouse, son, daughter, parent, or next of kin who serves as a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty or that existed prior to the beginning of active duty and was aggravated by service in the line of duty on active duty, that may render the service member medically unfit to perform their duties and for which the service member is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list.

A covered service member also includes veterans who are undergoing medical treatment, recuperation or therapy for a serious injury or illness that occurred in the line of duty while on active duty or that existed prior to the beginning of active duty and was aggravated by service in the line of duty on active duty, and who were members of the Armed Forces, including the National Guard or Reserves at any time during the five years preceding the date of treatment, recuperation, or therapy.

Notice of Leave – The FMLA requires that you give your supervisor and Human Resources at least 30 days’ written notice, or as much notice as is practicable (within 2 business days of learning of the need for leave). When the need for leave is not foreseeable, you must provide notice as soon as practicable and generally must comply with Fort Hudson’s normal call-in procedures.

Length of Leave – The Act entitles you to twelve workweeks of unpaid leave during a twelve (12)-month period for the reasons set forth above. The 12-month period is a rolling 12-month period measured backward from the date an employee uses any FMLA leave. For the 26 weeks of military caregiver leave, Fort Hudson will measure the 12-month period as a rolling 12-month period measured forward.

FMLA leave may be taken intermittently or on a reduced leave schedule when medically necessary because of one’s own serious health condition, to care for a spouse, child or parent with a serious health condition, or to care for a covered service member with a serious injury or illness. If an employee needs intermittent leave or leave on a reduced leave schedule under such circumstances, your supervisor may temporarily transfer you to another position that would not be affected by your absences. Leave due to a qualifying exigency may also be taken on an intermittent or reduced-leave schedule basis.

Provided the leave also qualifies as PFL, employees may also take leave for the birth, adoption, or foster care of a child intermittently - in one day increments.

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Job Reinstatement – Upon return from the leave, you must be reinstated to the position held prior to the leave or that of equivalent status.

Certification From Health Care Providers – Fort Hudson is entitled to require certification from a health care provider in the case of leave taken for a serious health condition or a covered service member's serious injury or illness. Human Resources will provide you with the applicable certification form. If Fort Hudson has reasonable doubt regarding the validity of your health care provider certification, Fort Hudson may at its own expense require a second and third opinion.

When leave is requested because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, Fort Hudson may require you to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation and the dates of the covered military member's active duty service.

It is your responsibility to provide Fort Hudson with sufficient information so that it may determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. You must also inform Fort Hudson if the requested leave is for a reason for which FMLA leave was previously taken or certified. You may also be required to provide periodic recertification supporting the need for leave.

Interaction with New York Paid Family Leave (PFL) - Certain approved FMLA leaves (e.g., bonding, caring for a family member, military qualifying exigencies) will also qualify for leave under Fort Hudson's PFL policy. Leaves under this policy and Fort Hudson's PFL policy will run concurrently, provided the leave qualifies under both policies. Please refer to the PFL section of this handbook for further information. An employee applying for FMLA leave for reasons that also qualify for PFL will be notified by Fort Hudson. Upon such notification, the employee will be responsible for filing a claim with Fort Hudson's PFL carrier, in order to receive PFL wage replacement benefits. If the employee is PFL-eligible, yet declines to file a PFL claim, the leave period will still count against the employee's PFL entitlement (as well as the FMLA entitlement).

Due to the complexities of the PFL program, employees are encouraged to contact Human Resources or refer to Policy #00-200-06 *Paid Family Leave*.

Employee Pay and Benefits – FMLA provides eligible employees with up to 12 or 26 weeks of unpaid leave. If an employee has accrued paid time off (sick, vacation and personal), the employee may substitute paid time off for unpaid FMLA leave in accordance with this policy. FMLA will run concurrently with workers' compensation or disability benefits, as well as any accrued paid time off. Employees who are receiving workers' compensation or disability benefits may elect to use accrued paid time off to bring them to no more than 100% of compensation. All other employees are required to substitute accrued paid time off for unpaid FMLA leave. The remainder of the 12 or 26 weeks of leave, if any, will be unpaid FMLA leave. The substitution of paid leave for unpaid leave does not extend the 12 or 26 weeks leave period.

If an employee is taking PFL and FMLA concurrently and is receiving PFL wage replacement benefit, but wishes to receive their regular wages, the employee may elect to substitute full days of available PTO for their PFL wage replacement benefit or supplement their PFL wage replacement benefit with available PTO to bring him/her to 100% of their regular compensation.

During FMLA leave, pre-existing health benefits must be maintained by Fort Hudson at the level as if you continued employment. If you do not report back to work at the expiration of your leave of absence, you will be considered terminated and therefore must re-apply as if you were a new employee, unless you did not return to work because of continuation, recurrence or onset of serious illness, or circumstances beyond your control. Employees who are returning from FMLA leave taken for their own serious health condition, but who are unable to perform the essential functions of their job because of a disability, should notify Human Resources and request accommodation. *See Accommodation of Individuals with Disabilities Policy, above.*

Benefits will not be accrued during a leave of absence.

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**Fort Hudson Notifications** - Fort Hudson will notify employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employee's rights and responsibilities. If they are not eligible, Fort Hudson will provide a reason for the ineligibility. Fort Hudson will also notify the employee that leave has been designated as FMLA leave and the amount of leave counted against the employee's leave entitlement. If Fort Hudson determines the leave is not FMLA-protected, it will notify the employee.

Fort Hudson and applicable law prohibit any interference with, restraint, or denial of any right provided under FMLA and prohibit discrimination against any person for opposing any practice made unlawful by FMLA or for involvement in any proceedings under or relating to FMLA. If you believe your rights under the FMLA have been violated, you should notify Human Resources immediately. You may also file a complaint with the U.S. Department of Labor or file a suit against the Hospital. For further information or clarification about FMLA leave, please contact Human Resources.

**Rights of Nursing Mothers**

Fort Hudson provides nursing mothers 30 minutes of paid break time each time employee has reasonable need to express breast milk for up to three years following the birth of a child. Employees may take shorter breaks if they choose. If additional time is necessary, employees are permitted to use their existing mealtimes (unpaid) or other paid break time. Time spent pumping breast milk is in addition to your regularly available paid and unpaid (meal) time. Fort Hudson provides a suitable, private space in all work locations. The room or other location will be in close proximity to the work area, well lit, shielded from view, and free from intrusion from other individuals in the workplace or the public. The room or other location will not be a restroom or toilet stall. The room or other location designated shall include, at a minimum, a chair, a working surface, nearby access to clean running water, and an electrical outlet (provided that the workplace is supplied with electricity), unless to do so would impose an undue hardship on Fort Hudson. For those working in the community (not at an established facility or office), individual plans will be established between the client, supervisor and employee. Employees may use a refrigerator provided for employee use to store breast milk. Fort Hudson is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator on its premises. Employees are required to store all expressed milk in closed containers and to bring such milk home each evening. A detailed policy on your right to express breast milk at work is posted on the Fort Hudson website.

Prior to returning from parental leave, Fort Hudson will send a copy of this policy to the employee (either electronically, by mail to the employee's last known address, or both). Any employee needing breaks to express milk should notify the employee's supervisor, preferably prior to the employee's return to work. Fort Hudson will work with the employee to identify a schedule and location for when and where the employee can express breast milk during work in accordance with this policy. Fort Hudson will respond to a request for a lactation accommodation as quickly as possible but under no circumstances will this amount of time exceed five (5) business days.

Employees may not be retaliated against or discriminated against if she chooses to express breast milk pursuant to this policy. Any employee who believes she has experienced discrimination or retaliation should notify the Human Resources Manager.

**Military Leave**

Fort Hudson will give a military leave of absence to employees who are absent from work due to service in the National Guard or U.S. Uniformed Services. Fort Hudson will comply with the requirements of the New York Civil Relief Act (N.Y. Mil. Law § 317) and Uniformed Services Employment and Re-employment Rights Act ("USERRA"). You must provide advanced notice of military service, unless military needs prevent this notice.

The leave will be unpaid. You may use any accrued benefit, personal or vacation time available. Provided the 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. Eligible employees may be

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entitled to additional leave under the FMLA and/or PFL. For further information about a military leave of absence, please see Human Resources.

**Military Spouse Leave**

An employee, who is the spouse of a member of the armed forces of the United States, National Guard or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations, is eligible for ten days unpaid leave.

This leave shall only be used when the employee's spouse is on leave from the armed forces of the United States, National Guard or reserves while deployed during a period of military conflict to a combat theater or combat zone of operations. To be eligible for this leave, an employee must work an average of twenty or more hours per week. Eligible employees may be entitled to additional unpaid leave under the FMLA.

**Jury Duty**

Fort Hudson believes that everyone should meet their civic responsibilities.

If you are subpoenaed for jury duty, Fort Hudson will pay your regularly scheduled salary or wages. Any payment from the County for serving on Jury Duty must be remitted to the Business Office.

Since someone must do your work while you're absent, please notify your supervisor as far in advance as possible for the days that you expect to serve. Once you are dismissed from Jury Duty, you are expected to return to work your scheduled shift.

**Blood Donation Leave**

Employees are entitled to three (3) hours of unpaid leave per calendar year for the purpose of donating blood. Employees are permitted to use accumulated paid time off to receive pay for these hours. Employees must provide three (3) working days' notice of the need for blood donation leave. Employees are required to show sufficient proof of blood donations.

**Bone Marrow Donation**

An employee who works an average of 20 or more hours per week and wants to donate bone marrow may take an unpaid leave of absence up to 24 hours in duration for the purposes of bone marrow donation. Although this leave of absence is unpaid, the employee may, at their option, use any accrued unused vacation time in lieu of unpaid leave.

An employee who wants time off to donate bone marrow should request the leave in writing to their supervisor. The employee may determine how to allocate the amount of available leave but should give as much notice as is feasibly possible so that Fort Hudson may schedule work and plan for business requirements. Fort Hudson may also require verification by a physician for the purpose and length of each leave requested for bone marrow donation.

Leave for bone marrow donation is available only to the extent that it does not conflict with the requesting employee's work schedule. Employees who undergo bone marrow donation outside their regular work schedule do so on their own time.

**Time Off to Vote**

On days when elections for public office are scheduled throughout the state, county, city or town in which the employee works, schedules will be changed as needed to ensure that work either starts at least four hours after the polls open or ends at least four hours before the polls close.

Employees living in other localities or states will need to inform the Human Resources Manager at least two days in advance if they expect any conflict between their work schedule and the exercise of voting rights in any election for any public office. The Human Resources Manager will find out when the polls are open and adjust employees' schedules as needed to ensure that they will have the opportunity to vote.

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If adjustment to an employee's schedule is not feasible, Fort Hudson will pay you for up to the first two hours of absence from regularly scheduled work that is necessary to vote in a public election. Any additional time off for this purpose will be without pay.

No employee will be penalized or retaliated against for requested time off to vote.

### **Crime Victim and Witness Leave**

Fort Hudson will provide eligible employees with time off from work, without pay, for any of the following reasons:

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

Employees are eligible for time off under this policy if they are:

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

For purpose of this policy:

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

If required to attend a criminal proceeding either as a witness or as a crime victim (or a close family member of a crime victim), the employee must notify their supervisor and Human Resources as soon as possible and at least one day before taking leave to make scheduling arrangements. Fort Hudson reserves the right to require employees to provide proof of the need to attend criminal proceedings to the extent authorized by law. Fort Hudson will not retaliate against employees who request or take leave in accordance with this policy.

### **Volunteer Emergency Responders Leave**

Employees who serve as members of volunteer fire departments and volunteer ambulance squads will be permitted to take time off from work when the Governor declares a state of emergency, unless granting such leave would impose an undue hardship on Fort Hudson. In general, the leave will be unpaid, but employees may choose to use any form of paid leave to which they would be entitled, in lieu of unpaid time off.

To be eligible for leave, employees must provide prior written documentation regarding their volunteer status and their duties as a volunteer firefighter or member of a volunteer ambulance service must be related to the declared emergency.

Following an employee's return from such leave, Fort Hudson may request a notarized statement from the head of the volunteer fire department or volunteer ambulance service, certifying the period of time(s) that the employee responded to an emergency.

### **Leave For Victims Of Domestic Violence**

Fort Hudson will, absent undue hardship, provide an employee who is a victim of domestic violence with time off from work for a reasonable period of time for any of the following reasons:



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- Seeking medical attention for injuries caused by domestic violence, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
- Obtaining services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence;
- Obtaining psychological counseling related to an incident or incidents of domestic violence, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
- Participating in safety planning and taking other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or
- Obtaining legal services, assisting in the prosecution of the offense, or appearing in court in relation to the incident or incidents of domestic violence.

Employees requesting time off for these reasons must provide Fort Hudson with reasonable advance notice of their absence, unless advance notice is not feasible. If advance notice is not feasible, the employee must, within a reasonable period of time after the absence, provide Fort Hudson with one of the following types of certification:

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

Employees requesting time off under this policy will be required to utilize all PTO prior to taking time off without pay.

An employee with a physical or mental disability resulting from domestic violence can request reasonable accommodations and will be treated in the same manner as any other employee with a disability.

To the extent permitted by law, Fort Hudson will maintain the confidentiality of information regarding an employee's status as a victim of domestic violence.

Employees with questions about this policy are encouraged to contact Human Resources.

## **Chapter 10 – Miscellaneous**

### **Appearance and Grooming**

Personal appearance is regarded as an important aspect of your overall effectiveness. You are expected to keep yourself neat, clean, and well-groomed at all times. Your appearance is also an important part of public relations. To the residents/clients, family, and visitors alike, you are Fort Hudson. The following specific regulations are to be observed regarding personal appearance. Your department or affiliate will provide more specific information on appearance and grooming standards applicable to your position.

- **Dress** –You are expected to use good taste in selecting clothes you wear on the job, avoiding extreme styles. All personnel who are required to wear uniforms will be expected to wear acceptable uniform-type clothing as specified by your Department Head. Each program or department will have specific dress code requirements. The following are applicable for all employees.
  - Blue jeans are not acceptable to wear (except on dress down days and special occasions) by any employee during the hours of work.
  - Trademarks, logos, design print and other decals are not to be worn on clothing EXCEPT Fort Hudson insignia.
  - Shorts, defined as any article clothing with a length above the knee, are not allowed. Full pants are required in maintenance and food service.
- **Cosmetics** - Use cosmetics moderately.

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- **Hair/Nails** -Hairstyles of employees are expected to be conservative, clean and well kept. Mustaches, beards and sideburns are to be kept clean and well-trimmed at all times. Hairnets or caps must be worn by Dietary staff and must cover all of your hair. Hair must be worn off the collar and pulled back during resident care. Nails must be trimmed be of a length appropriate for your position (e.g. clinical positions should keep nails short and free of artificial extensions).
- **Jewelry** -The wearing of excessive jewelry is not allowed.
- **Uniforms** - Uniforms are your responsibility and should be kept neat and clean.
- **Shoes** - Shoes should be clean and appropriate for your work setting. Safety, comfort, and appearance are the main considerations for acceptable footwear. See your department manager for specific footwear requirements in your work area. Open toed shoes are not permitted in resident care areas, laundry, housekeeping, dietary or maintenance.
- **Personal Hygiene** - As you will be working in close proximity to residents and guests, you are expected to adhere to appropriate hygiene standards, which shall include but not be limited to cleanliness, odor and appearance, as well as being free from strong odors associated with food items, perfume and cigarette smoke.
- **Identification Tags** - Employee identification tags, including name and job title, must be worn at all times while on duty. Only facility-approved pins may be attached to the identification tag. Name badges are to be returned to your supervisor on your final day of employment.

## Chapter 11 – General Policies

### Parking

If you drive your car to work, Fort Hudson provides designated parking facilities for your convenience. Specific parking locations for employees will be discussed during orientation. There is limited parking in the front of the Nursing Center and should be reserved for visitors whenever possible. Parking is prohibited in the shipping and receiving area; only designated marked areas are to be used by individuals with a valid handicap parking permit. The lower back parking lot is reserved for designated employees only. Parking adjacent to The Oaks is prohibited without specific authorization. Your supervisor will clarify the parking rules. Drivers waiting to pick up employees must wait in the upper back parking lot.

### Off Duty Access

In order to avoid work interruptions, you are asked to leave the premises as soon as you complete your shift. There will be no unauthorized off-duty access to the interior areas of the facility or on facility grounds, except for legitimate purposes, such as attending required meetings/appointments or visiting a relative of the facility. Please notify your family or friends not to visit you during working hours.

### Solicitation/Distribution

In the interest of resident/client care, the following solicitation/distribution policies are in effect. Violations of these standards will lead to progressive disciplinary action.

- Solicitation by an employee of another employee is prohibited while either person is on working time or at any time in immediate resident care areas.
- Employees are not permitted to distribute advertising materials, handbills, printed or written literature of any kind on working time, in work areas or in immediate resident care areas at any time. For purposes of this policy, “working time” does not include authorized rest periods, meal periods, or other periods of the workday when employees are not engaged in performing their work tasks. “Work areas” do not include lunchrooms and break rooms. “Immediate resident/client care areas” includes, but is not limited to, residents’ rooms, other areas used for resident care and therapy, corridors adjacent to these areas, and sitting rooms on patient floors that are accessible and used by residents, and client homes.
- Solicitation, distribution of literature, or trespassing by non-employees is prohibited on any Fort Hudson premises.
- The bulletin board by the time clock is designated for approved staff communications. Fort Hudson is solely responsible for any posting on this bulletin board or any other Fort Hudson location.
- Anyone wishing to post information must submit it to administration or human resources for prior approval to assure it complies with existing policy and standards. This policy extends to solicitation and distribution via Fort Hudson’s email and telephone systems.

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- This policy does not restrict Fort Hudson-sponsored and administered activities, for example, United Way, and other Fort Hudson-sponsored and administered events or initiatives.

Violations of this policy should be reported to your supervisor or Human Resources Manager who will take action to ensure uniform enforcement and compliance. Nothing in this policy is intended or should be construed to infringe on employees' rights to engage in protected activity or to exercise their rights under Section 7 of the National Labor Relations Act.

### **Confidentiality**

In the process of performing work in the facility, you may observe or overhear information regarding residents and their families, all of which must be considered confidential. You are directed not to discuss or disclose any information concerning residents or their families outside the facility. Within the facility, information concerning residents is to be discussed only to the extent required as a necessary part of your job. When discussing resident information with other employees while performing your job duties, you must always be very careful that the conversation cannot be overheard by others. This standard applies to all situations, including all forms of social media. Failure to maintain confidential information will be grounds for corrective action, up to and including dismissal.

Employees are prohibited from disclosing business secrets or other confidential information pertaining to the business; misuse or unauthorized disclosure of confidential information not otherwise available to persons or firms outside of Fort Hudson is cause for disciplinary action, including termination.

### **Public Relations/Media**

Employees are strictly prohibited from responding to media inquiries on behalf of Fort Hudson. All such inquiries are to be directed to the Chief Executive Officer or their designee.

### **Unauthorized Advice**

Residents/clients may sometimes seek advice from an employee concerning health matters or other personal matters. It is important for you to remember that a resident/client care plan is the responsibility of their physicians, nurses and other professional staff only. Offering advice to a resident outside the scope of your assigned duties can endanger the resident and subject you to disciplinary action.

### **Use of Logos, Copyrights and Trademarks**

Employees are expected to respect all copyright and other intellectual property laws. For Fort Hudson's protection as well as your own, it is critical that you show proper respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks, and other intellectual property, including Fort Hudson's own copyrights, trademarks, and brands, including its logo.

### **Smoking Policy**

Smoking (including vaping products) is not permitted within any structure, company owned vehicle, or while on Fort Hudson property, including any additional office locations. Consistent with law, smoking is prohibited within 15 feet of any entrance to Fort Hudson Nursing Center, which includes the entire front area of the property bordering NY State Route 4.

### **Lockers**

Lockers are available on a limited basis. Fort Hudson is not responsible for the safety of your belongings. It is suggested a lock be purchased for security. Lockers are available on a first-come, first-serve basis. Lockers are the property of Fort Hudson, and Fort Hudson reserves the right to assign lockers, revoke use of, or enter lockers at any time.

### **Equipment Use**

To avoid damaging equipment, caution and care should be used at all times. Employees will be disciplined for mischievous, malicious, or willful damage or destruction of facility equipment and property.

### **Language and Decorum**

Boisterous or profane language is always out of place in a health care facility and/or professional working environment. Employees are expected to use good taste in their topics of conversation. Employees are prohibited from displaying rudeness or unprofessional behavior towards a coworker, customer, guest or anyone in contact with Fort Hudson. Each employee is expected to work in a cooperative manner with all employees, customers, guests and vendors. Those who are unable to cooperate with this policy will be subject to disciplinary action.

### **Social Media and Public Messaging**

Fort Hudson has developed specific policies regarding the use of Social Media web sites, which include LinkedIn, Facebook/Meta, X (formerly Twitter), Instagram and other similar sites. With growing use of these sites as the preferred method of communication, Employees must take special precaution in assuring they do not violate organizational policies related to confidentiality, harassment of others, etc. Fort Hudson retains the right to monitor publicly available information and take disciplinary action when policies are violated. Note, however, that nothing in these policies will be interpreted to limit or interfere with employee rights under Section 7 of the National Labor Relations Act or other applicable labor laws or regulations.

### **Resident Respect/Dignity**

Address residents/clients as Miss, Mrs., or Mr. unless they request otherwise. All staff must knock on residents' doors (wait for acknowledgement) prior to entering their room or home; explanations must be given prior to any treatment or procedure. Residents/clients may refuse treatment after having been fully informed and understanding the probable consequences of such action. In-services regarding Resident's Rights are given upon employment and annually.

### **Drug Testing**

Fort Hudson reserves the right to implement employee drug testing policies which are compliant with existing laws, rules and regulations.

### **Staff Celebrations**

All employee parties and internal collections must be pre-approved by Administration. This includes showers, birthdays, farewells, etc. An internal collection shall be conducted only through notification indicating a designated person to whom a contribution may be made, if desired. No envelopes with cash may be circulated.

### **Investigations and Searches**

Fort Hudson may occasionally find it necessary to investigate current employees, where behavior or other relevant circumstances raise questions concerning, for example, work performance, reliability, honesty, trustworthiness, or potential threat to the safety of coworkers or others. Employees have no right of privacy and are required to cooperate with Fort Hudson's lawful efforts to obtain relevant information and may be disciplined up to and including termination for failure to do so.

Employees' personal belongings, including any bags, purses, briefcases, vehicles on Fort Hudson property, clothing, and all Fort Hudson property, are also subject to inspection and search, with or without notice. Employees are not entitled to any right of privacy in regard to electronic devices.

### **Non-Fraternization Policy**

Fort Hudson prohibits romantic or sexual relationships between supervisors and their supervisees (any employee who reports directly or indirectly to the supervisor) because such relationships could create compromising conflicts of interest or have the appearance of such conflicts, unless the circumstance or position responsibilities can be appropriately managed to eliminate the conflict of interest.

If a romantic or sexual relationship develops between employees, both parties are required to alert Human Resources immediately. Failure to do so may result in disciplinary action up to and including termination. Once the relationship is reported, Fort Hudson will review the situation considering all the facts (reporting relationships between the parties, effect on co-workers, job titles etc.) and will determine if, at all possible,

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the employment of both parties can be retained. Where appropriate, the department or program director, in consultation with the Director of Human Resources, will take appropriate action where necessary to avoid an adverse impact on work performance, or either an actual conflict of interest or the appearance of a conflict of interest. Appropriate action may include, but is not limited to, job reassignment to another appropriate, available position consistent with this policy.

### **Outside Employment**

Outside employment that creates a conflict of interest or that affects the quality or value of your work performance or availability at Fort Hudson is prohibited. Fort Hudson expressly prohibits employees from holding any other employment that requires reporting to work during the same working hours expected of the employee as part of their employment with Fort Hudson (e.g., a remote worker cannot work remotely for Fort Hudson on a full or part-time basis while also working remotely for another employer during the same scheduled hours). Fort Hudson recognizes that you may seek additional employment during off hours/non-working hours, but in all cases expects that any outside employment will not affect your attendance, job performance, productivity, work hours, or scheduling, or would otherwise adversely affect your ability to effectively perform your duties or in any way create a conflict of interest. Any outside employment that will conflict with your duties and obligations to Fort Hudson should be reported to your supervisor or Director of Human Resources. Failure to adhere to this policy may result in discipline up to and including termination.

### **Driving on Fort Hudson Business**

Employees driving on Fort Hudson business—whether in an Fort Hudson-owned or leased vehicle, a rented vehicle, an employee's own vehicle, or any other vehicle—are not permitted to engage in unauthorized activity or travel. The use of Fort Hudson-owned or leased vehicles and rental of vehicles for Fort Hudson business are limited to authorized employees. These vehicles must only be used in work-related activities and may not be used for personal business or activities without the express prior approval of management. All employees authorized to drive in conducting Fort Hudson business must possess a current, valid driver's license and an acceptable driving record. Employees must obtain any specific, state-required permits or licenses necessary to operate a vehicle. Any change in license status or driving record must be reported to management immediately. From time to time, the Fort Hudson and its insurance carrier may request reports from the Department of Motor Vehicles regarding the license status and driving record of employees whose job responsibilities include driving. In the event that the license status or driving record of any employee whose job responsibilities include driving becomes unacceptable to management or the Fort Hudson's insurance carrier, that employee may be restricted from driving, reassigned, suspended, or discharged, at management's discretion.

It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

## **Chapter 12 – Staff Treatment of Residents/Clients**

Fort Hudson prohibits mistreatment, neglect or abuse of residents/clients or misappropriation of property.

Fort Hudson shall:

- Not use, or permit, verbal, mental, sexual or physical abuse, including corporal punishment, or involuntary seclusion of residents; and
- Not employ individuals who have:
  - Been found guilty of abusing, neglecting or mistreating individuals by a court of law; or
  - Had a finding entered in the New York State Nurse Aide Registry concerning abuse, neglect or mistreatment of residents or misappropriation of their property.
- Report any knowledge it has of actions by a court of law against an employee which would indicate unfitness for service as a nurse aide or other facility staff to the New York State Nurse Aide Registry or to appropriate licensing authorities.

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Fort Hudson shall ensure that alleged violations involving mistreatment, neglect or abuse including injuries of unknown source, are reported immediately to the program Administrator when required by law or regulation, to the Department of Health in accordance with section 2803-d of the Public Health Law through established procedures.

Fort Hudson shall document that all alleged violations are thoroughly investigated and shall prevent further potential abuse while the investigation is in progress.

The results of all investigations shall be reported to the Administrator or their designated representative or to other officials in accordance with State law and if the alleged violation is verified, effective corrective action shall be taken.

## **Chapter 13 – Disciplinary Procedures**

In the interest of fairness to our employees, the following disciplinary steps may be taken depending on the circumstances:

- Employee Counseling (Verbal, but documented)
- First Notice Warning
- Second Notice Warning
- Third Notice and Suspension or Termination

Two documents are recognized by Fort Hudson to be used for progressive discipline:

- Employee Counseling Form
- Formal Letter of Reprimand

These procedures are only guidelines, are not all-inclusive and are not intended to apply to every situation. Fort Hudson adheres to a formal progressive discipline policy requiring a set number of warnings, steps or counseling sessions and may, in its sole discretion, begin the disciplinary process at any level or advance to any level, including immediate termination. Appropriate discipline will be issued based on its own facts. In the case of certain acts of misconduct, immediate suspension or termination may result. These guidelines are not meant to change, and do not change, the employment-at-will relationship.

All infractions of policy will be discussed with employee by the supervisor and a written signed notice placed in the employee's file. The discussion of an infraction with your supervisor should be a time to recognize and discuss specific problem areas and to mutually develop a plan for improvement.

## **Chapter 14 – Employee Conduct**

Every organization must have certain rules to operate in an orderly and efficient manner, to make cooperation with other employees easier, and to assist in properly respecting the rights and interests of each employee. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, but the following are examples of rules of conduct that may result in disciplinary action, including immediate suspension without pay or discharge.

- The falsification of any documents, forms, or records completed in the performance of your duties that are subject to state and federal laws and Fort Hudson Policies and Procedures.
- Abusive language or unprofessional treatment of residents, clients, visitors, or staff including verbal, psychological and physical abuse.
- Disorderly, immoral, indecent behavior or fighting, or any acts that jeopardize the safety of others.
- Distribution, sale, purchase, possession or consumption of illegal substances or alcohol while at the workplace or while performing in a work related capacity, being under the influence of or being unable to perform their job due to use of alcohol, a controlled substance, an illegal substance or a prescribed medication. Having an odor of alcohol, marijuana or other illegal substance on your person or breath, or otherwise observed to be in an altered state is considered under the influence.

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- Insubordination (refusal to follow instructions of supervisor), threatening, intimidating, disrespectful or assaulting a manager/supervisor, coworker, customer, guest or vendor.
- Making maliciously false statements about Fort Hudson.
- Inefficiency, inability and negligence in the performance of assigned duties.
- Repeated absenteeism or tardiness.
- Violation of confidential information.
- Violation of safety rules and regulations.
- Destroying, defacing, or stealing property from the facility, residents, clients, another employee, or visitors.
- Use of facility property, equipment or resources for non-facility purposes without supervisory approval.
- Intimidation or interference with the rights of any resident or employee.
- Absence for 2 consecutive working days without personally notifying the facility per Fort Hudson Policy and Procedure.
- Performing personal work on company time without the express permission of your supervisor or the program Administrator.
- Taking more than the specified time for meals and rest periods or leaving the building without permission.
- Improper use of keys.
- Loafing or sleeping during work hours.
- Unauthorized possession, use, or copying of any Fort Hudson records and reports.
- Soliciting, borrowing money, or accepting tips or gratuities from resident/clients/families or any customer of Fort Hudson programs.
- Unauthorized posting of notices or removing notices in Fort Hudson facilities or offices.
- Distribution of literature during work hours or in resident care or other work areas.
- Smoking within the facility or anywhere on Fort Hudson property, as defined in policy.
- Misrepresenting reasons when applying for a leave of absence or for other time off from work.
- Leaving your work area without permission jeopardizing the safety of residents/clients/employees, or at times when your presence is required in your work area as determined by your supervisor.
- Prohibited Harassment, workplace violence or threats.
- Engaging in Medicare, Medicaid or other payor fraud or abuse, or noncompliance with the payors' legal and program requirements, or failing to meet the obligations set forth in the FHHS Medicaid, Medicare and other payor Compliance Program, including the obligation to report instances of payor fraud and abuse.
- Failing to comply with established standards under HIPAA (Health Insurance Portability and Accountability Act) as they relate to the security and privacy of resident health information.
- Violation of any rule or policy contained in this Handbook or other Fort Hudson policy.

The above list of specified conduct is not all inclusive and Fort Hudson reserves the right to discipline for other conduct, which it believes is not in the best interests of other employees, the corporation or its residents and visitors.

## **Chapter 15 - Resolution Process**

From time to time, you may have questions or concerns related to your employment at Fort Hudson. You are encouraged to bring any work-related concerns promptly to the attention of your immediate supervisor. We would hope that you would never feel that voicing a concern would adversely affect your job.

Employees who believe they have been subject to or have witnessed unlawful discrimination, Prohibited Harassment or retaliation should immediately report such in accordance with the procedure set forth in Prohibited Harassment and Anti-Retaliation Policies. The following Resolution Process steps have been established in an attempt to fairly resolve other concerns for all current employees who have completed their probationary period:

- Discuss your concern first with your immediate supervisor or utilize the chain of command as needed. (See your department's organizational chart).

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- If your concern is related to your supervisor, direct the issue to the department manager (or whoever is next on the reporting structure).
- If the issue cannot, or is not resolved to your satisfaction, discuss the issue with the Administrator or human resources manager. The first response at this level may be to redirect it to your department manager or supervisor if that has not already been done.
- At this (and prior) points in the process, problem solving will be done via collection of all relevant information, identifying relevant aspects of the situation, and working with the involved individuals for a common resolution. Since each situation is different, there is no standard procedure, other than to be as timely, accurate and fair in all resolutions. At all times, every effort will be made to maintain the confidentiality of the situation to the extent practical.
- In the event that the situation is not rectified, the Administrator/Program Director reserves the right to make a final determination that is binding, taking into consideration whatever variables are pertinent.
- Union-represented employees should utilize the grievance procedure established in the collective bargaining agreement.

Fort Hudson does not tolerate retaliation against employees who use this procedure. Employees will not be penalized for raising a problem or issue in a reasonable manner pursuant to the procedure in this policy. However, nothing in this policy or procedure is intended to prevent, limit, or delay Fort Hudson from taking disciplinary action against any employee.

## **Chapter 16 - Reinstatement**

If you voluntarily resign your employment with Fort Hudson, you may be reinstated without breaking your length of continuous employment, provided you reapply and are reinstated within 30 days of your termination date and an appropriate position is available.

For the time interval between the date of resignation and the date of re-employment, you will be considered to have been on a personal leave of absence, and your anniversary date adjusted accordingly.

If you are reinstated after a 30-day period, your length of continuous employment will be broken, and you will be considered a new employee.

Regardless of the duration of a break in employment, you may be required to complete background (including criminal history) checks upon return.

## **Chapter 17 – Termination Procedures**

If you decide to resign your position at Fort Hudson, you must advise in writing indicating your reason for leaving, and your last day of work. Adequate notice is required, which in most cases is two (2) weeks. Adequate notice for managers and any exempt staff is at least four (4) weeks' notice. Your cooperation in this matter will be noted favorably should you ever wish to seek re-employment with Fort Hudson.

During your notice period, you are not eligible to use personal time or paid sick time, unless for a Paid Sick Leave purpose or other protected absence. Vacation time, if pre-approved, may be taken but this time is NOT counted towards your notice period. If you leave, you are eligible to have any outstanding vacation time paid out if you have successfully completed at least 6 months of service and have provided adequate notice as mentioned above. Any employee who is terminated or did not meet the conditions above forfeits any accrued, unused vacation time. Employees who separate from employment for any reason forfeit any accrued, unused paid sick time, holiday or personal time.

## **Chapter 18 – Corporate Compliance**

Fort Hudson Health System, Inc. has adopted a formal plan to ensure compliance with laws, regulations and standards relating to Medicare, Medicaid, and other payors for healthcare services. The Compliance Program



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imposes specific obligations on board members, managers, employees, medical staff members and contractors. In general, employees are obligated:

- To know applicable Medicare, Medicaid and other payor requirements, the laws against Medicare and Medicaid fraud and abuse, and their responsibilities under the Compliance Program.
- To understand the requirements set forth to ensure the security of, and privacy of resident (or other customer) health related information.
- To comply with those requirements; and
- To report instances of noncompliance to a hotline, supervisor or a compliance officer. No reprisals will be made against an employee for following this policy.

The Board of Directors has designated a Corporate Compliance Officer who is responsible for promoting an environment that supports corporate integrity, and for thoroughly investigating occurrences of suspected noncompliant actions. Employees who have any questions regarding this policy or its application to specific situations should contact the Corporate Compliance Officer or the CEO.

Fort Hudson Health System and its affiliates (Fort Hudson) are committed to complying with all of the federal, state and local laws and regulations that govern our operations. Corporate Compliance is a formal program that reflects that commitment and defines a code of conduct that all Fort Hudson employees must follow.

Employees must refrain from any activity or having any financial interest that is inconsistent with Fort Hudson's best interests and must refrain from activities, investments, or associations that compete with Fort Hudson, interferes with one's judgment concerning Fort Hudson's best interests, or exploits one's position with Fort Hudson for personal gain.

As part of the Corporate Compliance program, Fort Hudson has adopted policies and procedures to comply with the federal and state laws that prohibit fraud, waste, and abuse in Medicare, Medicaid, and other federal health care programs. Examples of prohibited conduct include billing for services that were not actually performed; billing for more costly services than were performed ("upcoding"); or falsifying a diagnosis to justify a procedure that is not medically necessary.

Any Fort Hudson employee who becomes aware of a potential non-compliance concern, such as improper coding or billing by an employee, contractor, or agent of Fort Hudson, must report the concern promptly to their supervisor or to the Corporate Compliance Officer. Reports to the Compliance Officer, which may be anonymous, may be made in writing, through our web site ([www.forthudson.com](http://www.forthudson.com)) or by phone to 518-747-2811 ext. 261.

Under New York law, employees who report certain kinds of illegal or improper activities to a supervisor or to a government authority, or who refuse to participate in illegal activity of the employer, are protected under certain circumstances against retaliatory personnel actions such as discharge.

Several federal and state laws enable the government to impose administrative remedies, civil sanctions, and criminal penalties for false claims and statements made in connection with federal health care programs. For example, the federal False Claims Act allows the United States government or a private citizen to sue an individual or an entity for knowingly making certain false claims in connection with government business, such as knowingly submitting improper bills to a federal health care program. New York State has also enacted a False Claims Act. Under some circumstances, a private citizen who initiates an action under the federal or state False Claims Act may be entitled to a portion of the court award or settlement that is recovered by the government. An employee who brings or participates in a False Claims Act suit is protected by law from certain retaliatory actions by the employer.

For further information on Fort Hudson's Corporate Compliance program, and for detailed information on federal and state laws concerning the detection and prevention of fraud and abuse in federal health care programs and employee whistleblower protection rights, please refer to the Corporate Compliance policies. A copy of policies is available in the administrative policy manual and on the facility intranet under Policies.

## Chapter 19 - Prohibited Harassment

### Workplace Violence and Threats

To provide you and all Fort Hudson employees with a productive work environment, it is our policy that we will not tolerate verbal or physical actions by an employee which harasses, disrupts or interferes with another's work performance or who creates an intimidating, offensive or hostile environment. Such harassment is not limited to those actions occurring on facility property only and includes actions that may be taken at other locations, or via social networking internet sites. Violations of this policy will not be tolerated and may result in progressive discipline up to and including termination.

If you believe the actions or words of a manager or fellow employee constitutes harassment, you have a responsibility to report or complain as soon as possible to your manager or to the human resources manager if the complaint involves your manager.

### Prohibited Harassment

Harassment directed at an employee because of their protected status ("Prohibited Harassment"), including race (including traits historically associated with race), creed, color, religion, reproductive health decision-making of an individual or an individual's dependents, national origin, ancestry, age, physical or mental disability (including pregnancy-related conditions), genetic information, predisposition or carrier status, marital or familial status, domestic violence victim status, military or veteran status, criminal conviction history, known relationship or association with any member of a protected class, or any other characteristic protected under applicable law is strictly prohibited. This Policy prohibits such harassment and Fort Hudson will take prompt, appropriate action to address violations of this policy. Prohibited harassment is a violation of this policy whether it involves coworker harassment, harassment by a supervisor, or harassment by a resident, a visitor, or persons doing business with or for Fort Hudson.

Harassment is prohibited in all aspects of the employment relationship including recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, and activities. Such conduct is prohibited in any form at the workplace, and in any work-related setting outside the workplace, whether on or off Fort Hudson premises, and every situation that may impact the workplace including work-related functions, business trips, business meetings, and business-related social events. Similarly, prohibited conduct is unacceptable when it occurs when working remotely from home, on calls, texts, emails, and social media, even if it occurs away from the workplace, on personal devices, or during non-work hours.

This policy applies to all Fort Hudson applicants, interns (whether paid or unpaid), employees (permanent or temporary), residents, clients, guests, vendors, consultants, and other persons providing services in the workplace pursuant to a contract. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers.

This policy prohibits not only behavior that constitutes unlawful harassment, but also other inappropriate or unprofessional behavior that may reasonably be considered offensive or otherwise objectionable. Such behavior will be subject to disciplinary action, up to and including termination of employment.

In furtherance of Fort Hudson' commitment to maintaining a harassment free workplace, Fort Hudson will provide this policy to all new employees upon hiring, post it prominently in all work locations (to the extent practicable), and provide it to employees during annual training.

Examples of Prohibited Harassment include:

1. Verbal conduct such as threats, epithets, derogatory comments, or slurs including but not limited to:
  - Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures, e-mail content, file transfers and postings on personal websites, social networks, weblogs and similar forms of electronic expression.
2. Physical conduct such as assault, unwanted touching, or blocking normal movement.
3. Sexual harassment:
  - Sexual harassment in any form is prohibited under this policy. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a

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sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, (3) such conduct has the purpose or effect of unreasonably interfering with, or creating an intimidating, hostile, or offensive work environment; or (4) such conduct has the purpose or effect of subjecting an individual to inferior terms, conditions or privileges of employment because of their protected status. Sexual harassment can occur between any individuals, regardless of their sex or gender. In investigating reports of sexual harassment, Fort Hudson will ensure due process for all parties, as outlined below.

Sexual harassment may take different forms. Examples of conduct that may constitute sexual harassment are:

1. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes or comments about an employee's body or dress.
2. Visual conduct such as distributing, displaying, or discussing written or graphic material, including calendars, posters, and cartoons that are sexually suggestive, or shows hostility toward an individual or group because of sex, suggestive or insulting sounds; leering, making sexual gestures or e-mail or postings on personal websites, social networks, weblogs and similar forms of electronic expression that are sexual in nature.
3. Physical conduct such as touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.
4. Conduct engaged in via electronic communication such as email, text messages ("sexting"), instant messages and social media (e.g., Facebook, Snapchat);
5. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or status of being transgender, such as bullying, yelling, or name calling, and sabotaging or otherwise interfering with an individual's work;
6. The taking of or the refusal to take any personnel action based on an employee's submission to or rejection of sexual overtures; and
7. Repeated requests for dates or romantic gestures, including gift-giving.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Remember: If your behavior or comments are of a sexual nature and someone indicates that it is offensive, you need to STOP doing what you were doing whether you agree or not as the person with the lowest threshold of sensitivity establishes the standard for the entire work group. You may access Fort Hudson's policy and complaint form on Sexual Harassment on the Fort Hudson website; policy #00-200-05.

### **Bystander Intervention**

Any employee, supervisor or manager witnessing harassment as a bystander is required to report it. In addition, there are several methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual(s) engaging in the harassment or the individual being harassed and distracting them from the harassing behavior.
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and

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5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace.

### **Reporting Policy Violations**

It is the responsibility of every employee at Fort Hudson to see that no other employee is subjected to any form of prohibited harassment or workplace violence and threats. If an individual feels they have been subjected to any conduct that violates this policy, witnesses or otherwise becomes aware of any such conduct, they are required to promptly report that in accordance with the procedure set forth below.

The following procedure must be followed when there is any indication that any violation of this policy is taking place:

1. Any employee who believes that they are or may be subjected to objectionable conduct or who witnesses such behavior must report it immediately to their supervisor. If your supervisor is not available, if you are not comfortable reporting the complaint to your supervisor, or if your supervisor is engaging in objectionable conduct, you should report the conduct to your department head or Human Resources Manager.
2. Upon receipt of any report of prohibited harassment, workplace violence or threat, or other policy violation, supervisors must report the complaint immediately to the Administrator.

If you have any questions about this corporate policy or the procedure for investigating possible workplace harassment, violence or threats please contact your Department Head or Administration.

### **Supervisor Responsibilities**

Should a supervisor or any member of management become aware of any potential violations of this policy, irrespective of whether the affected employee files a written complaint, it is the responsibility of the supervisor or administration to see that appropriate action is taken to eliminate such harassment or workplace violence or threats and rectify the situation. Any supervisor or manager who fails to report suspected violations of this policy or otherwise knowingly allows policy violations to continue will be subject to corrective action up to and including termination, as well as personal liability.

### **Investigating Policy Violations**

All reports of suspected violations of this policy will be investigated. All involved parties, including managers and supervisors, are required to cooperate with the investigation. Reports and actions taken to resolve reports will be handled confidentially to the extent possible.

Investigations will be prompt and thorough, commence immediately, and completed as soon as possible. Investigations will generally include: an immediate review of the allegations and, where appropriate, interim actions; obtaining, reviewing and preserving relevant documentation; interviewing all parties involved, including relevant witnesses; and documenting the investigation and its resolution and preserving such.

When a determination is made regarding the reported conduct, it will be communicated to the individual(s) who made the report, the subject(s) of the report, and to the accused wrongdoer(s), though all details of the action(s) taken may not be disclosed.

Discriminatory, harassing and retaliatory conduct and other violations of this policy are considered employee misconduct and will not be tolerated. If Fort Hudson determines that workplace harassment has occurred, Fort Hudson will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a report of workplace harassment is substantiated, appropriate disciplinary action, up to and including termination, will be taken. In addition, Fort Hudson will take all reasonable steps to prevent or eliminate harassment by non-employees including independent contractors, clients, guests, vendors and other persons doing business with Fort Hudson.

If, after investigating a report of harassment or unlawful discrimination, Fort Hudson determines that the report was not made in good faith or that an employee did not participate or cooperate in the investigation in

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good faith, disciplinary action may be taken against the person who made the report or who did not participate or cooperate.

### **Anti-Retaliation**

Fort Hudson policy and applicable law prohibit retaliation against any employee for opposing a discriminatory practice, for filing a complaint of discrimination or harassment pursuant to Fort Hudson's complaint procedure or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency. Retaliation includes any conduct, whether workplace or employment-related, directed at someone because they opposed a discriminatory practice, made a complaint of discrimination or harassment, or participated in such an investigation, which might deter a reasonable worker from making or supporting a charge of discrimination or harassment. Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Undermining an individual's immigration status; or
- Reducing work responsibilities or passing over for a promotion.

If you believe you have been subjected to retaliation, you should notify the Administrator immediately. Any individual found to have engaged in retaliation will be disciplined, up to and including termination of employment.

### **Legal Protections and External Remedies**

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

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

#### New York State Division of Human Rights

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

For claims arising prior to February 15, 2024, a complaint alleging a violation of the HRL may be filed either with DHR, subject to a one-year statute of limitations (three years for sexual harassment). For claims arising on or after February 14, 2024, a complaint may be filed with the DHR subject to a three year statute of limitations. If an individual did not file with the DHR, they can sue directly in state court under the Human Rights Law, within three years of the alleged harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. Complaining internally to Fort Hudson does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

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

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov). Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website

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has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State. The Division of Human Rights has a hotline set up specifically for sexual harassment. Individuals can call the sexual harassment hotline at 1(800) HARASS3.

The United States Equal Employment Opportunity Commission

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

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

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

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

Local Protections

Many localities enforce laws protecting individuals from harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Local Police Department

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

**Liability**

Any employee who engages in prohibited harassment, including any manager or supervisor who knew about the harassment but took no action to stop it, may be held personally liable. Fort Hudson does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, Fort Hudson reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.

## **Chapter 20 - Use of Information Technology Resources**

Fort Hudson's Information Technology ("IT") resources include its computer systems, telecommunications equipment, fax machines, Internet, intranet, e-mail, voice mail, and other electronic equipment or media ("IT Resources") are provided to employees to conduct business on behalf of Fort Hudson. All IT resources and the data, information and communications created by and or stored therein are the property of Fort Hudson. As a result, they are to be used for job-related communications only. Fort Hudson reserves the right to monitor its IT resources and intercept e-mail, voice mail, publicly available internet postings, and other electronic communication. Use of Fort Hudson's IT resources constitute consent by the user to the terms and conditions

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of this policy, as well as consent to Fort Hudson's accessing, interception, and monitoring of employee use of Fort Hudson's IT resources.

Fort Hudson prohibits discriminatory e-mail and file transfers of any type, and any use of Fort Hudson's IT resources to harass or discriminate is unlawful and prohibited by Fort Hudson's policy on harassment. Sexually explicit material, ethnic or racial slurs, or anything that could be reasonably interpreted as disparaging of others based on race, color, creed, sex, age, national origin, disability, religion, sexual orientation, veteran status, marital status, genetic predisposition, domestic violence victim status or any other basis protected by applicable law are all examples of conduct that is prohibited.

Fort Hudson's IT resources may not be used for personal gain or the advancement of individual views. Employees who wish to express personal opinions on the Internet may do so by obtaining a personal account with a commercial Internet provider and accessing the Internet outside of work. Employees who do so, however, must comply with Fort Hudson's Social Media policy.

Employees must only access the libraries, files, data, programs, and directories that are related to their work duties. Unauthorized access, review, duplication, dissemination, removal, installation, damage, or alteration of files, passwords, computer systems or programs, or other unauthorized access of Fort Hudson's IT resources and the information they contain, or improper use of information obtained by unauthorized means, is prohibited.

Employees may not download copy or distributed copyrighted material (*e.g.*, software, database files, documentation, articles, graphics files, and downloaded information) through e-mail, the Internet, or by any other means without advance approval from the Human Resources Manager. Downloaded software shall be used only under the terms of its license.

Fort Hudson's IT resources must not be used to violate the laws and regulations of the United States or any other sovereign nation, or the laws of any state, city, province or other local jurisdiction in any material way. Use of Fort Hudson's IT resources for illegal activity is grounds for immediate dismissal, and we will cooperate fully with any legitimate law enforcement agency.

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

**Electronic Monitoring**

All of Fort Hudson's electronic systems, including computers and telephones, and all communications and information transmitted by, received from, or stored in electronic systems are the property of Fort Hudson, and should not be considered private or confidential. Employees have no right to privacy as to any information or file transmitted or stored through Fort Hudson's electronic systems. Employees are hereby advised that any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems may be subject to monitoring at any and all times and by any lawful means. As a result, all employee communications and use of the Internet that occurs on Fort Hudson's technological resources are not considered private. Therefore, employees should treat all activities as such. Fort Hudson reserves the right to monitor employee use of its technological resources at any time. By using Fort Hudson's electronic systems, you consent to Fort Hudson's right to intercept, access, monitor, use, and disclose, at any time and for any purpose, all content accessed, created, transmitted, received or stored on or via its electronic systems.

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PLEASE RETAIN THIS BOOKLET



## **ATTESTATION A**

### **Direct Hire Limitation**

It is against Fort Hudson Health System policy for a client to directly hire a Fort Hudson employee. It is also against Fort Hudson's policy for an employee to solicit a client into hiring the employee direct.

1. This policy applies to all Fort Hudson Health System, Inc. employees.
2. A client cannot hire any employee either directly or indirectly, introduced to them by Fort Hudson while the employee is in the employ of Fort Hudson, or for a period of 1 year thereafter. If this agreement is broken, the employee will pay Fort Hudson a placement fee of \$3,000.00.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (Printed)

## **ATTESTATION B**

### **Confidentiality Agreement**

It is the utmost concern to Fort Hudson Health System, Inc. that all employees and individuals affiliated with the organization understand this policy and abide by its terms as follows:

1. I understand that it is my responsibility to maintain confidentiality of all information that is entrusted to me.
2. I specifically understand that information regarding clients, employees and individuals affiliated with Fort Hudson is not to be disseminated to individuals who have no need to know.
3. I understand that any violation of this policy may result in disciplinary action or immediate dismissal.

Your signature below acknowledges your strict cooperation with this policy of Fort Hudson.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (Printed)

**FORT HUDSON HEALTH SYSTEM, INC.**  
Fort Edward, New York

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**ATTESTATION C**

I have been informed that this handbook is located on the company website ([www.forthudson.com](http://www.forthudson.com)) and I can access this site and have the option of receiving a hard copy. I understand that it is my responsibility to read its contents in their entirety and to abide by the policies contained therein. I understand that I should speak to my department manager, Director of Human Resources, or Administrator if I have any questions pertaining to its content or meaning.

I understand that this handbook is not a policy manual, but a general guide to policies, practices and my employment at Fort Hudson Health System, Inc. and its affiliates. I acknowledge that, except for the policy of at-will employment, which can only be revised, deleted or superseded by a writing signed by the Chief Executive Officer, Fort Hudson reserves the right to amend, change, replace, revoke or discontinue facility policy and any of the terms and provisions of this Handbook at any time in its sole discretion with or without notice.

I further understand and agree that no representative of Fort Hudson has the authority to make enforceable oral promises about policies, guidelines, standards or benefits. I further understand and agree that the Handbook supersedes all prior or subsequent oral statements made to me about my employment and all prior handbooks or policies and procedures distributed by Fort Hudson.

I also acknowledge that my employment with Fort Hudson is at-will, and not guaranteed for a specified period of time and can be terminated at any time for any reason, with or without cause or notice, by me or by Fort Hudson.

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Employee Signature

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Date

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Employee Name (Printed)