

# **East of Hudson Watershed Corporation Personnel Policies and Procedures Manual**



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## **Article 1 - Introduction**

### **1. General**

The East of Hudson Watershed Corporation (EOHWC) is a local development corporation established by, and representing nineteen municipalities in Dutchess, Putnam and Westchester Counties. The mission of EOHWC is to reduce the levels of phosphorus in storm water runoff in the watershed of the New York City water supply system east of the Hudson River ("New York City EOH Watershed") in order to protect the quality of the waters therein and to achieve compliance with the Municipal Separate Storm Sewer System ("MS4") heightened requirements in the MS4 permits applicable to the municipalities located within the New York City EOH Watershed (the "EOH Municipalities").

We would like to welcome you and congratulate you on your appointment to a position with the East of Hudson Watershed Corporation. Our success depends in large part upon your professionalism, cooperation, courtesy and public appearance. What you say and how you say it will create a public image of the organization and will reflect your personal credibility and the credibility of EOHWC.

All employees are expected to read this manual carefully in order to understand EOHWC policies and procedures. The policies and procedures outlined in this manual are subject to change. EOHWC Board of Directors reserves the right to modify, supplement, rescind or revise any provision of this manual as necessary or appropriate. The Executive Committee has responsibility for initiating revisions, changes and updates (See Article 6, Section 2)

It is obviously not possible to anticipate every situation that may arise in the work place or to provide information that addresses every concern. Situations not covered by written policies will be the responsibility of the Executive Director until the Executive Committee of EOHWC meets to determine what action may be required. In the event that the Executive Director position is vacant, all functions to be performed by the Executive Director as set forth herein shall be performed by the President in collaboration with the Project Engineer and Controller. The Board of Directors must approve all changes or amendments to personnel policies. The Executive Director is responsible for implementing these policies and developing administrative procedures to support the mission of EOHWC.

### **2. Purpose of the Personnel Policies and Procedures Manual**

This manual is designed to familiarize you with EOHWC employment practices and to help ensure government compliance, foster positive employee/work relationships and to set guidelines for all so that an enjoyable, productive and fair work environment exists.

The purpose of this manual is to communicate the EOHWC's personnel policies and practices to all employees and officials. It is extremely important that each employee

understands the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation and benefits. This manual is not a contract of employment, expressed or implied, and should not be construed as such. This manual supersedes and replaces any and all personnel policies and manuals previously distributed, made available or applicable to employees (see Article 6).

### **3. Statement of Nondiscrimination**

EOHWC will not discriminate because of race, creed, age, gender, color, sexual orientation, religion, national origin, marital status, physical or mental disability or status with regard to public assistance in recruitment, employment, promotion, demotion, transfer, reduction in force, termination, rate of pay, training programs, use of EOHWC facilities and all other terms and conditions and privileges of employment. EOHWC will comply with all rules, orders and regulations of lawful authorities having jurisdiction over any phase of its operations including, but not limited to, those concerned with equal employment opportunity. Appendix C contains the EOHWC sexual harassment policy and complaint procedure.

## **Article 2 - Employment**

### **1. Equal Employment Opportunity**

EOHWC is committed to equal employment opportunity. EOHWC will make job opportunity information equally available to all potential applicants.

### **2. Recruitment and Hiring Procedures**

It is the policy of EOHWC to secure the most qualified candidate when vacant positions become available. Qualification means appropriate education, training, job experience and adaptability.

Offers of employment are subject to availability of funds from the agreement of the funding source. Job requirements and descriptions for all positions will be written by the Executive Director, reviewed by the Executive Committee (or other delegated Committee) of the Board of Directors, and approved by the Board of Directors.

### **3. Authority**

The EOHWC Board of Directors is responsible for hiring all employees and determining staffing needs. The Executive Committee advertises, interviews, and provides a recommendation for a hiring action to the Board of Directors. The Executive Director has the authority to promote from within the organization, with the approval of the Board of

Directors. The Executive Committee shall periodically, but not less than annually, review the personnel policies and procedures to identify and initiate the revisions, changes or updates with reference to any inequities.

Employment at EOHWC is at-will. An at-will employment relationship can be terminated at any time, with or without reason or notice by either the employer or the employee. This at-will employment relationship exists regardless of any statements by office personnel to the contrary. Only the Board of Directors is authorized to modify the at-will nature of the employment relationship, and the modification must be followed-up in the form of a legally executed employment agreement or addendum to existing agreement (see Article 6, Section 1).

The Executive Director retains authority to suspend any employee with or without cause, pending review by the Executive Committee. The Executive Committee shall retain all rights to terminate an employee, and shall follow-up with Board of Directors as indicated above

#### **4. Ineligibility for Employment**

- a. Persons serving as an EOHWC Director, or their immediate family members, may not be employed by EOHWC, provided, however, that the Board of Directors, upon recommendation of the Executive Director and the Executive Committee may waive this restriction in order to secure the best qualified person for a particular position. Immediate family consists of spouse, parents, children, stepparents, stepchildren, brothers or sisters or spouses thereof, grandparents, grandchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law or son-in-law. Employees may not hold positions over which members of their immediate families or households have authority or responsibility, either as a Board member or EOHWC employee. A common law relationship, where each of the cohabiting parties is single, widowed or legally separated, for the purpose of this statement of policy, will be treated as if the parties were legally married.
- b. Persons serving as a publicly elected official in a state or county legislative capacity may not be employed by EOHWC. The foregoing prohibition shall not apply to individuals serving as elected school board member, town justice or village justice, town assessor, town tax collector or town or village clerk.
- c. Any former employee who resigned without providing the required notice or documentation may be considered ineligible for rehire.

#### **5. Personal Interview**

The Executive Director and Executive Committee will review all applications. Every attempt will be made to interview a reasonable number of qualified applicants in person before a selection is finalized. Each applicant will be reviewed and considered on the basis

of character, skills and qualification for the job. Selection for employment is made only on the careful consideration of merit and fitness for the position to be filled. The Executive Committee shall forward its recommendation to the Board of Directors for approval, including compensation and all relevant terms and conditions of employment.

The person hired will be notified in writing as to job title, employee classification, starting rate of pay, and their immediate supervisor. The letter of employment and/or employee agreement, original application and references will be made part of the employee's personnel file. The employee shall fill out the Internal Revenue Service form W-4 and the New York State Department of Taxation and Finance form IT-2104.

Once a person has been selected for hire, proof of citizenship or documentation of work eligibility must be completed as set forth by law, and an employment eligibility verification form I-9 completed by the employee.

## **6. Recruitment Records**

In filling job vacancies, a file shall be kept for one year of all applicants, copies of all correspondence, any written assessments completed during an interview, and any other relevant information.

## **7. Employment Categories**

Employment categories are regular, temporary, full-time, part-time, exempt, non-exempt and new employees (See Appendix B: Definitions of Employees).

## **8. Current Personnel Data**

A personnel file on each employee is maintained by EOHWC in a locked confidential file drawer. Such file is open to the Board of Directors and the Executive Director and his designee. An employee or their designated representative may review their personnel file at a time designated by the Executive Director, during regular business hours, and under EOHWC supervision. Records shall be kept for personnel actions including hiring, promotion, evaluations, salary records, disciplinary actions, discharge and resignation of all employees. Employees are responsible to provide current information on data maintained in their file. An employee's personnel data file will be kept for seven years after termination of employment.

## **9. New Employees**

All full-time, regular employees are eligible to participate in all benefits after one month of employment, the waiting period. The employee will be paid for all holidays observed by



EOHWC (see Article 3, Section 8), except as defined in Appendix B-Definitions of Employees.

### **10. Temporary Employment Modification**

The President may temporarily modify the employment status of an existing employee, with the exception of compensation. Notice of temporary modifications will be provided to the Executive Committee, including the reason for, type of, and duration of modification.

## **Article 3 - Compensation Program**

### **1. Job Description**

The Board of Directors shall establish a job description for each position within the organization.

### **2. Entry Level Salary Range**

At the time of hire, the Executive Director, in consultation with the Board of Directors, will establish the entry level salary.

### **3. Annual Review**

The Board of Directors shall conduct an annual review of employee performance and salaries (see Article 4, Section 3).

### **4. Overtime Pay**

All personnel except administrative, professional and executive personnel are covered by the Fair Labor Standards Act, more commonly known as the Wage and Hour Law. Under this law, personnel not exempted by reason of assignment of duties and salary level must be paid time and one-half for authorized overtime in excess of 40 hours in any workweek.

All non-exempt employees are required to keep time records reflecting all time worked. Work in excess of 40 hours will be paid as overtime. Employees will only be paid for time worked and will not have PTO counted as time worked for purposes of calculating overtime eligibility in a workweek. Holiday pay will be prorated based on the average daily/weekly hours worked for the purposes of calculating hours worked for eligible employees (See Appendix B). Employees may take compensatory time, on an hour-for-hour basis, in lieu of overtime in the work week in which overtime is earned. Use of such compensatory time is at

the employee's option, subject to the discretion of the Executive Director or his designee. Use of such compensatory time must be recorded at the time earned and taken.

Exempt employees are not eligible for overtime pay, but are required to keep time records for reasons of public accountability.

Only the Executive Director can authorize overtime pay for non-exempt employees.

## **5. Pay Procedures**

All personnel are paid bi-weekly via direct deposit. Employees must report their time to the Executive Director on an official EOHWC Timesheet on a bi-weekly basis no later than the end of business the Friday preceding the pay date. Each timesheet shall contain the signature of the employee and the Executive Director prior to processing for payment.

## **6. Deductions**

Employees must authorize in writing any deductions from their salary not required by federal or state law. Payroll deductions include 25% health insurance premium share.

## **7. Paid Time Off (PTO) - Accrual and Use**

PTO includes vacation, sick and personal time. PTO accrues at the following rates:

<b>YEARS EMPLOYED</b>	<b>TOTAL PTO BENEFIT PROVIDED (VACATION, SICK &amp; PERSONAL TIME COMBINED)</b>		
	<b>DAYS/YR</b>	<b>HOURS/YR</b>	<b>WEEKLY ACCRUAL</b>
1 and 2	22	176	3.3846
3 through 5	27	216	4.1538
6 through 9	32	256	4.9230
10 through 15	34.5	276	5.3076
15+	37	296	5.6923

PTO will begin to accrue at the end of the employee's first month of employment. All requests for PTO must be approved in advance by the Executive Director.

Forty hours (40) of unused PTO may be carried over at the end of the year to the succeeding year; however, unused hours in excess of 40 hours of PTO at the end of the year will be forfeited.

If an employee exhausts all PTO and works fewer than 40 hours in a workweek, the employee will only earn PTO on a pro rata basis (e.g. if an employee is absent for 8 hours in a 40 hour workweek and has no accrued PTO, the employee will only be paid for the hours worked (32 hours) and will only earn PTO on a 4/5ths basis for the workweek).

## **8. Holidays**

The following are recognized as the ten EOHWC official holidays each year:

New Year's Day	Labor Day
Martin Luther King's Birthday	Columbus Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

Holidays that fall on a Saturday shall be observed on the preceding Friday and holidays that fall on Sunday shall be observed on the Monday immediately following the holiday.

## **9. Bereavement Leave**

An employee having a death in the immediate family (see Article 2, Section 4a.) shall be granted a leave to attend or arrange the funeral and for travel incidental to such activity. Bereavement leave may be taken up to a maximum of three days and shall not be charged to PTO upon notice to the Executive Director. Bereavement leave beyond three days will be charged to PTO at the discretion of the Executive Director.

## **10. Jury Duty**

EOHWC understands that occasionally employees are called to serve on a jury. Employees should provide a copy of their jury duty summons to the Executive Director as soon as they receive the notice. Employees are expected to report to work on regular workdays when they are not required to be present at court, and when they are dismissed early enough to work part of the day. Following the completing of jury duty employees should submit the statement certifying the dates of service.

## **11. Leave Without Pay**

The Executive Director may grant a leave of absence without pay. While an employee is on leave without pay for a period of less than one month, all insurance coverage will remain in effect on behalf of the employee on the same basis as regular full-time employees. Employees on leave without pay will be required to pay their share of the payroll contribution for health insurance coverage during that period in subsequent pay periods.

**12. Military Leave**

Military leave will be granted in accordance with law.

**13. Workers' Compensation Insurance**

All employees are covered by workers' compensation as required by New York State Law. This policy is intended to provide for benefits in case of on-the-job injury or job-related illness. An employee who suffers an on-the-job injury or job related illness must notify their immediate supervisor of any accident and request a workers' compensation form and instructions from the Executive Director or his/her designee.

**14. Disability Insurance and Paid Family Leave**

All employees are covered under EOHWC disability insurance policy and the paid family leave plan as required by New York State law. Employees must request a disability or paid family leave form and instructions from the Executive Director or his/her designee. Disability benefits, paid family leave and PTO shall not be provided simultaneously.

**15. Unemployment Insurance**

All employees are covered by unemployment insurance as required by New York State law.

**16. Health, Dental and Vision Insurance**

EOHWC provides health insurance policy, including dental benefits, covering eligible employees as well as their eligible dependents. An Employee shall be eligible after 30 days of full-time employment to enroll in the health insurance plan available to all employees of EOHWC. The monthly premium for health insurance is paid seventy-five percent (75%) by EOHWC and twenty-five percent (25%) by the employee. The health insurance plan will be chosen at the sole discretion of EOHWC, and will provide coverage comparable to an HMO, PPO, or EPO plan available on the common market. Benefits and conditions of these policies are contained in descriptive booklets provided by the insurance carriers and available to the employee from the Executive Director or his/her designee. Employees shall request enrollment forms from the Executive Director or his/her designee. EOHWC also provides a vision insurance plan. An Employee shall be eligible after 30 days of full-time employment to enroll in the vision insurance plan. The vision insurance policy will be chosen at the sole discretion of EOHWC. Benefits and conditions of this plan are contained in descriptive booklets provided by the insurance carrier.

**17. Travel on Organization Business**

All travel reimbursements (including meals and lodging, with prior approval) should be submitted to the Executive Director. Employees should submit reimbursement forms and vouchers no later than thirty (30) days from the date of travel.

Attention should be given to the most cost-effective method of travel. All employee travel shall be approved by the Executive Director. Out-of-state travel by the Executive Director and/or any other EOHWC employee shall be approved in advance by the President.

**18. Automobile Mileage and Travel Expense Reimbursement**

Travel reimbursements shall be submitted to the employee's supervisor on a travel and employee expense reimbursement form. All travel mileage will be reimbursed from the shorter of the distance from the EOHWC office or the employee's home. Rate of reimbursement shall be based upon the annual Federal rate.

**19. Professional Development - Registration Fees**

Upon the Executive Committee approval, the attendance of an employee at a conference related to EOHWC program goals will be paid for by EOHWC. Registration fees, travel and related costs will be paid or reimbursed to the Employee.

**Article 4 - General Policies****1. Office Hours**

EOHWC office hours of operation are Monday through Friday, 8:00am to 5:00pm.

**2. Work Schedule**

A 35 hour workweek is considered the minimum for a full-time employee. Flexibility with regard to the arrival and departure times is permitted within reason, as long as the hours agreed upon within the employment agreement are worked.

**3. Performance Appraisal**

Each employee shall be evaluated no less than annually. The result of the evaluation will be shared with the Executive Committee and Board of Directors, with recommendations to changes in status or pay rate, if applicable (see Article 3, Section 3).

**4. Monitoring of Employee Performance**

If an employee is not performing at a competent level, the Executive Director shall initiate discussions with the employee to improve performance. If performance is not improved, it may lead to disciplinary action, including dismissal. The President has the authority to suspend any employee with, or without, cause. Any suspension shall be immediately reviewed by the Executive Committee who shall determine what, if any disciplinary action may be required, or whether the employee shall be terminated.

**5. Promotions/ Demotions**

Promotions/demotions are based on performance. Among the things considered is performance on present and past assignments, ability to take on added responsibility, attendance record, time with the organization, experience and training in the field.

**6. Drug-free Workplace Policy**

EOHWC recognizes the value of having a drug-free workplace and in conjunction with the Drug-Free Workplace Act of 1988 has implemented the following policy.

As a condition of employment, employees will abide by the terms and conditions of this drug-free policy and will notify their supervisor or Executive Director of any criminal drug statute conviction for which a violation occurs in the workplace within five (5) calendar days after such conviction.

Within thirty (30) calendar days of receiving notice from an employee of a drug related workplace conviction, EOHWC may require an employee to satisfactorily participate in drug abuse assistance or an appropriate rehabilitation program. EOHWC will not tolerate any employee reporting to work under the influence of drugs or alcohol. Any employee reporting to work under the influence will be subject to immediate disciplinary action, up to and including termination of employment, at the discretion of the Executive Director and/or Board of Directors.

EOHWC will make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.

**7. Use of Computers, Internet and E-Mail**

Computers, networks, internet access and e-mail are provided at EOHWC's expense for EOHWC business use only. Computers, networks, internet access, e-mail, and information stored or transmitted through these systems (the computer system) is the sole property of EOHWC. **Employees have no expectation of privacy or confidentiality in any of their use of the computer system. Employee use of the computer system may be monitored for policy, security, and/or network management reasons from time to time and is subject to inspection at any time.** The following activities are expressly prohibited:

- a) Play games on the computer system;
- b) Intentionally waste limited computer resources;
- c) Engage in activities which disrupt the business environment or workplace;
- d) Engage in actions which damage computer, computer system or computer networks;
- e) Use of the computer system for commercial purposes, for personal gain or profit, or engage in illegal activity;
- f) Installation of software on the computer system without prior approval of the Executive Director;
- g) Accessing and/or distribution of illegal, obscene, sexually explicit, hateful or other objectionable material;
- h) Use of the computer system directed toward direct or indirect lobbying; or
- i) Excessive personal use of the computer system that interferes with job performance.

Any violation of this policy will result in disciplinary action, up to and including termination of employment.

**8. Use of Company Owned and/or Personal Vehicles**

EOHWC employees may, upon permission by the Executive Director or his/her designee, operate EOHWC owned vehicles, or use their own personal vehicle, for EOHWC business purposes. Vehicles owned by EOHWC will only be used for EOHWC business purposes and only operated by EOHWC employees.

EOHWC employees must comply with all seatbelt laws while operating or a passenger in an EOHWC owned vehicle, or any vehicle, personal or otherwise, while conducting EOHWC business. EOHWC employees shall not use a mobile phone or handheld communication

device, including text messaging, while operating an EOHWC owned vehicle, or any vehicle in the course of EOHWC employment, where use of such phone or device is prohibited by New York State Vehicle and Traffic Law.

## **Article 5 - Separation of Employment and Grievance**

### **1. Resignation**

In the event of resignation from the organization, an employee is expected to give at least two weeks notice or he/she may forfeit accrued PTO available.

### **2. Exit Interview**

At the time an employee leaves EOHWC, employees are expected to return all organization correspondence, program files and EOHWC-furnished equipment, including keys and credit cards, whether these items have been kept at home or the worksite. Arrangements for clearing any outstanding debts with EOHWC and to receive final pay also are to be made at this time.

### **3. General Grievances**

The employee grievance procedure is open to all employees. Employees shall have the right to present grievances without interference, discrimination or reprisal. Employee grievances shall be given prompt and fair consideration.

Employees who feel they have been unfairly treated by their supervisor in a personnel action may appeal this action to the Executive Director within five (5) working days. The Executive Director has five (5) working days to consult with the Executive Committee and take action in writing. If there is still no resolution, the appeal may be taken to the President of the Corporation by written notice of the employee within five working days of the Executive Director's decision.

The employee, within ten (10) working days of receipt of the written notice, will have an opportunity to present facts concerning his or her grievance to the President. The President will then respond within five (5) working days. If the appeal is not satisfactory to the employee an appeal can be made to the full Board. The Board of Directors decision shall be final.

The decision of the Board of Directors does not negate any legal remedies the employee may have in a court of law.



Where written action is required to be taken by mail - the date of postmark shall be sufficient to have met these deadlines.

#### **4. Complaints Alleging Discrimination**

The Governance Committee reports to the Executive Director and the Board on equal opportunity matters.

Any employee with a discrimination complaint may report such complaint Governance Committee.

#### **5. Whistleblower Policy**

a. General: In accordance with New York Public Authorities Law § 2824, EOHWC prohibits disciplinary or other adverse personnel action against an employee solely on the basis of the employee having made a Protected Disclosure to a Governmental Body. This policy describes the protection afforded to EOHWC employees having made a Protected Disclosure and sets forth a procedure for reporting allegations of Improper Governmental Action.

b. For purposes of this policy, the following definitions apply:

- “Governmental body” shall mean (i) an officer, employee, agency, department, division, bureau, board, commission, council, authority or other body of a public employer, (ii) employee, committee, member, or commission of the legislative branch of government, (iii) a representative, member or employee of a legislative body of a county, town, village or any other political subdivision or civil division or the state, (iv) a law enforcement agency or any member or employee of a law enforcement agency, or (v) the judiciary or any employee of the judiciary.
- “Improper Governmental Action” shall mean an action which is undertaken in the performance of official duties and is in violation of any federal, state or local law, rule or regulation.
- “Personnel Action” shall mean an action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.
- “Protected Disclosure” shall mean a disclosure to a Governmental Body regarding a violation of law, rule or regulation, which:
  - i. Creates and presents a substantial and specific danger to the public health or safety; or
  - ii. The employee reasonably believes to be true and reasonably believes constitutes an improper governmental action.

c. EOHWC shall not dismiss or take any disciplinary or other adverse Personnel Action against an employee based solely upon the employee's Protected Disclosure; provided however, that prior to making a Protected Disclosure, the employee shall have made a good faith effort to provide the Executive Director, or the employee's immediate supervisor, with information regarding the alleged Improper Governmental Action and provide a reasonable period of time to take appropriate responsive action. No such pre-disclosure period shall be applicable if the employee reasonably believes that the alleged Improper Governmental Action poses an imminent and serious danger to public health or safety.

d. Any supervisor receiving a report of an alleged Improper Governmental Action shall immediately report the allegations to the Executive Director. Oral reports by employees to a supervisor or the Executive Director should be documented by the supervisor or Executive Director in a written transcript of the report, a copy of which shall be kept in the reporting employees confidential personnel file. To the extent possible within the limitations of law and policy and the need to conduct a competent investigation, confidentiality of Protected Disclosures shall be maintained.

e. Reports of alleged Improper Governmental Action of the Executive Director shall be reported to the President of the Board of Directors or Corporate Counsel, who shall report the allegations to the President of the Board of Directors for investigation.

f. Reports of alleged Improper Governmental Action of any member of EOHWC Board of Directors shall be reported to the President of the Board. In the case of allegations against the President of the Board, the Executive Director shall notify all members of the Board of Directors of the allegations, and such allegations shall be investigated by the Board of Directors. In the case of allegations of any other member of the Board, the Executive Director shall notify the President of the Board of Directors, and which allegations shall be investigated by the President.

g. Protection from disciplinary or adverse Personnel Action does not extend immunity for the employee's complicity or participation in matters that are the subject to the allegations.

h. No director, officer or employee who in good faith reports an alleged Improper Governmental Action pursuant to the terms of this policy shall suffer harassment, retaliation or adverse Personnel Action. An employee who retaliates against someone who has reported an alleged Improper Governmental Action in good faith is subject to discipline up to and including termination of employment. This policy is intended to encourage and enable employees and others to raise serious concerns within EOHWC prior to seeking resolution outside EOHWC.

i. The Executive Director, or the President, as appropriate, shall be responsible for administering this policy and such responsibilities shall include:

- Administering, implementing and overseeing ongoing compliance under this policy.

- Establishing, amending where necessary and administering procedures to assure that such reports of Improper Governmental Action will be collected, reviewed promptly, treated or resolved in an appropriate manner, and records of which will be retained.
- Making himself or herself available to discuss with employees any complaints raised or reports filed.
- Establishing, amending where necessary and administering procedures that enable employees to submit reports of Improper Governmental Action and related concerns in a confidential and anonymous manner.

j. Accounting and Auditing Matters: The Finance Committee of the Board of Directors shall address all reported concerns or complaints regarding accounting practices, internal controls or auditing. The Executive Director shall immediately notify the Finance Committee of any such complaint and work with the Committee until the matter is resolved.

k. Acting in Good Faith: Anyone filing a complaint concerning an alleged Improper Governmental Action must be acting in good faith and have reasonable grounds for believing the information disclosed indicates an Improper Governmental Action. Any allegations that prove to be made in bad faith, recklessly, maliciously or knowingly false will be viewed as a serious disciplinary offense and may be subject to disciplinary action by EOHWC and civil penalties under the Federal and New York State False Claims Acts.

l. Handling of Reported Improper Governmental Actions: The Executive Director, or President, as appropriate, will notify the employee that has made a Protected Disclosure and acknowledge receipt of the reported Improper Governmental Action or suspected Improper Governmental Action within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

m. EOHWC encourages prompt reporting, at the earliest reasonable opportunity, of any activity or conduct in violation of any of the policies of EOHWC, or of any Federal, State or local laws, including:

- Financial wrongdoing, including fraud or suspected fraud;
- Internal corporate financial concerns;
- Dangers to health and safety of employees;
- Criminal conduct;
- Retaliation against employees for making a good faith report of an alleged Improper Governmental Action;
- A cover up of any violations; and

- Any other good faith concerns.

All employees must follow the procedures outlined in this policy and cooperate with any investigation initiated pursuant to this policy. Adherence to this policy is a condition of employment. EOHWC must have the opportunity to investigate and remedy any alleged reportable activity, and each employee must ensure that the EOHWC has an opportunity to undertake such an investigation. This policy does not constitute a contractual commitment of EOHWC. This policy should not be construed as preventing, limited, or delaying EOHWC from taking disciplinary action against any individual, up to and including termination of employment, in circumstances (such as, but not limited to, those involving problems of performance, conduct, attitude, or demeanor) where EOHWC deems disciplinary action appropriate.

### **Article 6 - Interpretation of Policies and Procedures**

#### **1. Disclaimer**

These policies and procedures are not an employment contract and should not be interpreted as creating an employment contract. All employees are employed at-will. Employment at-will means that either EOHWC or any employee may terminate the employment relationship at any time, for any reason. Any representations to the contrary are not binding upon EOHWC unless signed in writing by EOHWC.

#### **2. Reservation of Rights**

EOHWC may vary from the policies and procedures if, in its opinion, the circumstances require.

The Board of Directors reserves the right to change or revise any of its policies or procedures at any time without prior notice.

#### **3. Effect on Prior Policies and Procedures**

The manual and the policies and procedures contained herein supersede any and all prior past practices, oral and written representations, or statements regarding the terms and conditions of employment with EOHWC.

### Appendix A Employee Acknowledgement

#### **Acknowledgement of Receipt**

I hereby acknowledge receipt of the East of Hudson Watershed Corporation (EOHWC) Personnel Policies and Procedures. I understand that the purpose of these policies and procedures is to give me a general understanding of EOHWC policies, which the Board of Directors may freely revise at any time, and that it is not to be interpreted to create any binding contractual rights.

I further acknowledge that I have received and reviewed, Appendix C, Sexual Harassment Policy and Complaints Procedure, of the EOHWC Personnel Policy and Procedures.

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Signature of Employee

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Date

**Appendix B Definitions of Employees**

Exempt Employees - are not covered by the Fair Labor standards Act and do not receive overtime pay. To be exempt, at least 80 percent of a person's work must be executive, administrative or professional in nature requiring regular exercise of discretion in independent judgment. This includes work that is mainly managerial, supervisory, artistic or intellectual in scope.

Non-Exempt Employees - perform work other than executive, administrative or professional work as defined by the Fair Labor Standards Act and shall receive extra pay for authorized overtime in accordance with federal and state regulations. Prior written approval of their supervisor and authorization by the Executive Director must be obtained to work overtime hours due to budgetary implications and overtime payments. These employees shall complete biweekly timesheets and shall be paid on an hourly basis.

Regular status - These employees are eligible for the full range of benefits detailed in this manual and/or the employment agreement, unless they work fewer than thirty (30) hours per week, and have used up all PTO credits.

Temporary -These employees are hired for a short period of time, usually six (6) months or less, to accomplish a specific series of tasks and/or to fill in for a full-time status employee on an extended leave of absence. Temporary employees may be offered full-time, introductory employment if the organization clearly requires additional employees with the skills and motivation held by the temporary employee. During the period of temporary employment, there is no eligibility to receive benefits with the exception of EOHWC paid holidays. EOHWC paid holidays will be paid based on whether or not the employee normally works on the day that the holiday falls on and the number of hours that the employee normally works on that day.

Full-time – An employee who works a minimum of thirty-five (35) hours per week on a regular basis. Regular full-time employees are eligible for the full range of benefits detailed in this manual and/or the employment agreement.

Part-time – An employee who works less than thirty five (35) per week on a regular basis. EOHWC paid holidays will be paid based on whether or not the employee normally works on the day that the holiday falls on and the number of hours that the employee works on that day.

# **EOHWC Personnel Policies and Procedures**

## **Appendix C EOHWC Sexual Harassment Policy and Complaint Procedure**

1. Maintaining an atmosphere free of sexual harassment is the responsibility of all managers, supervisors and employees of EOHWC. It is the policy of EOHWC that sexual harassment of or by employees, applicants for employment, Directors or agents connected with the corporation is unacceptable, illegal, and will not be tolerated.
2. Sexual harassment can include; unwelcome sexual flirtations, advances or propositions, verbal abuse of a sexual nature, subtle pressure or requests for sexual activities, unnecessary touching of an individual, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, a display in the working place of sexually suggestive objects or pictures, sexually explicit or offensive jokes, or physical assault.

Sexual harassment also includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature. No manager, supervisor or other employee shall threaten or suggest, either explicitly or implicitly, that another employee's or applicant's refusal to submit to sexual advances will adversely affect that person's employment, work status, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. Similarly, no manager, supervisor or employee shall promise, imply or grant any preferential treatment in connection with another employee or applicant engaging in sexual conduct.

3. The aforementioned statements or actions are illegal. They may be offensive or objectionable to the recipient, cause the recipient discomfort or humiliation, or interfere with the recipient's job performance. Anyone who observes this behavior directed toward another person, should notify the Corporate Counsel and/or President. Any questions about what words or behaviors are inappropriate may be directed to the Corporate Counsel and/or President.
4. Any employee who feels that he or she is a victim of sexual harassment, including but not limited to, any of the conduct listed above, by any manager, supervisor, other employee or any other person in connection with employment at EOHWC should bring the matter to the immediate attention of his or her supervisor. An employee, who is uncomfortable for any reason in bringing such matter to the attention of his or her supervisor, should report the matter to Corporate Counsel, President and/or the Governance Committee as they feel comfortable. Questions about this policy or potential sexual harassment should also be brought to the attention of any or all of those persons.
5. After reporting an incident of sexual harassment, a prompt investigation of all allegations in as confidential a manner as possible will occur. Appropriate corrective action shall be taken, if warranted. The governance committee shall also recommend to the Executive Director additional disciplinary measures, as they believe may be necessary, including termination of the offender's employment, with final appropriate action approved by the full Board of Directors