



PERSONNEL MANUAL

November 2017

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GREETINGS

Welcome to the New York Annual Conference (NYAC) of the United Methodist Church!

Our mission: The New York Annual Conference through the grace of God embodies a beloved community of hope, building up a healthy body of Christ, with heart-warmed United Methodists in mission for the transformation of the world.

We are a regional unit of United Methodist churches and people. The conference includes all of Long Island, New York City, Connecticut west of the Connecticut River and an area on both sides of the Hudson River as far west as Walton and as far north as Summit.

The conference center is tasked with strengthening these churches in their efforts to enrich the lives of their members and to help them bring love, justice and hope into their communities for the transformation of those communities and the world.

Although some of your duties may, at times, seem limited and unrelated to these larger issues and goals, you are an important person performing an important task. To this end, there will be opportunities to learn about the work of the New York Annual Conference of The United Methodist Church, and to express your own ideas about the church and its mission.

We believe conference staff members should work together as a loving and supportive community. We are committed to the idea that when we associate as a caring family working toward an important objective, we enhance our job satisfaction and our productivity as persons. These personnel policies have been designed with this in mind. We hope they will accomplish two things: 1) enable your work life to contribute to your growth and fulfillment as a person, and 2) promote the efficient functioning of our conference and its programs.

With that in mind, this manual has been prepared to answer some of the questions you may have concerning the NYAC, its policies, policy interpretation and administrative procedures. Please read it thoroughly to become familiar with its contents. It can also serve as a ready reference guide for you.

Policies and their applications are subject to change at the discretion of the Conference Personnel Committee, as an agent of the NYAC, as are all other policies, procedures, benefits and programs of the Conference. Should you have any questions concerning any of the information found in this Manual, please ask your supervisor, the CFO/Director of Administrative Services, or a member of the Personnel Committee for assistance. This Committee can be reached at PersonnelCommittee@nyac-umc.com.

We are pleased to have you as a member of our staff!



100 AUTHORITY

- 100.A These policies are established by the New York Annual Conference (NYAC) Personnel Committee under the guidance of the Resident Bishop. The Personnel Committee is amenable to the NYAC and is authorized to act as its agent in conformity with the *Book of Discipline* of The United Methodist Church.
- 100.B This policy statement reflects the terms and conditions of employment, and informs employees of their rights, benefits and privileges and responsibilities.
- 100.C All employees of the NYAC (this does not include the Bishop or the Frontier Foundation) are governed by these policies, and are employed in one of the categories of employees defined in Section 301.
- 100.D In matters affecting the Director of Connectional Ministries, the CFO/Director of Administrative Services, and any ordained staff, the *Book of Discipline* and/or applicable Conference rules also apply.
- 100.E The authority to interpret and administer these policies is delegated by the Personnel Committee to the CFO/Director of Administrative Services and the HR & Benefits Manager, subject to oversight of the Personnel Committee.

200 COMPLIANCE

- 200.A It is the intention of the New York Annual Conference (NYAC) that these policies be consistent with the Social Principles of The United Methodist Church and comply with all federal and state laws regulating human, civil and employment rights, where applicable.
- 200.B The NYAC is committed to equal employment opportunities and is an Equal Opportunity Employer. (See Appendix A).
- 200.C The NYAC is committed to the principle of nondiscrimination, and all employment practices and procedures are administered without regard to race, color, nation of origin, religion, marital status, sexual preference, age, sex, gender, or disability except where age, sex, disability or religion are bona fide occupational considerations.
- 200.D The NYAC is committed to Affirmative Action and to recruiting at every level of responsibility individuals from underrepresented groups including but not limited to Black, Hispanic/Latino, Asian, Pacific Islanders, Native Americans, and women.

300 EMPLOYMENT

301 Categories of Employees

Employees of the NYAC are classified based on their work status and are informed of their status upon accepting employment. In cases of changes in status during the course of an individual's employment, the employee's supervisor will inform the employee of the change.



Employees are classified as either exempt or non-exempt full-time, or part-time, elected/professional, or temporary. For certain benefits full time employment is defined as a minimum of 30 hours per week.

Non-employees include consultants and volunteers. Consultants are persons who provide professional services on a fee-for-service basis. Volunteers are persons who provide professional or clerical services on a volunteer basis for particular assignments. Non-employees do not receive benefits or compensation but are subject to the portions of this manual concerning responsibilities and behavior of employees.

301.A Full-time Employees are scheduled to work at least 35 hours per week and are paid an annual salary. These persons are considered to be either a) support staff (non-exempt/paid hourly) who perform work of a clerical, skilled or technical nature related to program, administration, and maintenance functions or b) professional staff (exempt / paid via annual salary). These persons receive all applicable benefits listed in this manual, as set by the Annual Conference and overseen by the Personnel Committee in consultation with the CFO/Director of Administrative Services. (See Section 400.)

301.B Part-time Employees are scheduled to work less than 35 hours per week and are paid on an hourly basis. These persons are considered support staff (non-exempt) and they perform work of a clerical, skilled or technical nature related to program, administration, and maintenance functions. These persons receive all applicable benefits listed in this manual, as set by the Annual Conference and overseen by the personnel committee in consultation with the CFO/Director of Administrative Services. (See Section 400.)

301.C Elected/Professional Employees with executive, administrative, or professional responsibilities receive an annual salary and are scheduled to work full-time or part-time (exempt). Their salary is set by the Annual Conference, and they receive benefits as set by the Annual Conference.

301.D Temporary staff are hired to work at an hourly rate for a limited period of time or on specific projects. They may work a full or part-time schedule but may work no more than 1,040 hours within a single six (6) month period of employment. They do not receive any benefits other than those mandated by law. (See Policy 807)

302 Orientation

The HR / Benefits Manager will orient the new employees to payroll, benefits and other matters. The immediate supervisor will orient the new employee to the specific tasks of the job and the work of the department, including a review of the job description and the supervisor's expectations.

303 Introductory Period

There is an introductory period of 90 calendar days for all Full-time and Part-time employees (all non-elected/professional). The introductory period for Elected/Professional staff will be one year. The introductory period gives the employee an opportunity to determine whether he/she is satisfied with the job and allows the supervisor to determine whether the employee has the ability to meet performance expectations. An employee may resign and the supervisor may terminate the employee during this period without giving advanced notice. During this introductory period, periodic feedback will be provided to the employee to indicate to what extent they are fulfilling job requirements.

The introductory period for support staff may be extended with the approval of the Personnel Committee in consultation with the CFO/ Director of Administrative Services.

303.A During the introductory period, eligible employees will:

- Be paid for holidays which the Conference observes. (See Holiday – Policy 404)
- Earn credit towards paid vacation (this credit will be applied retroactively once the introductory period is complete. (See Vacation – Policy 403)
- Earn credit towards sick time (also applied retroactively). (See Sick Leave – Policy 405)

303.B The successful completion of the introductory period in no way assumes a contractual agreement has been entered into between the employer and employee.

400 **BENEFITS**

401 Disclosure of Benefits

It is the policy of the NYAC to provide employees with various benefits. Information on benefit plan(s) is furnished to all plan participants and beneficiaries on a timely and continuing basis. (See Appendix D). The NYAC reserves the right to modify, amend or terminate any employee benefit plan as it applies to all current, former, and retired employees. An employee's eligibility for each benefit will be determined by the terms of the plan document and conference policy. For certain benefits full time employment is defined as a minimum of 30 hours per week.



Benefits not otherwise provided through a specific benefit plan apply to Full-time and Part-time employees. Temporary and contract employees are ineligible to receive such employee benefits. Part-time employees shall earn personal, sick and vacation days at a prorated level. Benefits will be maintained during any vacation pay period.

402 Medical

The health plan of the NYAC does not offer continuation coverage under the terms of COBRA, the federal continuation coverage law that applies to most employer group health plans. Because it is a church plan, our medical coverage is exempt from COBRA requirements by federal law.

Nonetheless, an individual who has lost coverage under the plan may elect continuation of coverage, which includes medical, behavioral health and prescription drug coverage. Continuation of coverage is not available for vision or a medical reimbursement account because they are limited-scope benefits. A dependent care flexible spending account is not considered part of the plan and, therefore, is not part of continuation of coverage.

Generally, the plan offers continuation of coverage for twelve months from the date that coverage is lost. An individual who elects continuation of coverage will remain in his or her currently elected benefit options for the rest of the plan year in which he or she lost coverage.

403 Vacation

Vacations with pay are granted to employees to provide periods for rest and recreation in recognition of services performed throughout the year. Vacation credit is computed on an annual basis. Full-time employees are eligible for a paid vacation after their introductory period has been completed.

403.A **Vacation Requests:** Vacation requests must be approved by the employee's supervisor. An employee desiring to take vacation is required to notify the appropriate supervisor in writing at least 14 days prior to the requested vacation date.

Priority of vacation requests shall be granted according to:

- 1) The needs of the NYAC.
- 2) The date the supervisor receives the request.
- 3) Seniority (in terms of tenure).

403.B Vacation Accrual:

Full-time employees accrue ten (10) days of vacation for the first year of full-time continuous service. After the anniversary date of their first year, such employees annually accrue an additional day of vacation for each year served (11 days the second year; 12 days the third year, etc.) up to a limit of twenty (20) vacation days.

Part-time, non-exempt employees (support staff) accrue vacation credit on a pro-rated basis in accordance with the hours they are scheduled to work.

Elected / Professional staff accrue twenty (20) days of vacation annually, beginning with the first day of employment.

Full-time staff may carry over, to the next calendar year, a maximum of eleven (11) days. Any accrued vacation time over eleven (11) days not taken by December 31 in the year in which it was accrued will be lost. Part-time staff may carry over a maximum of 50% of their annual accrual.

Vacation days may be used as proportionally earned during a year of service. [Note: If an employee wishes to take an extended vacation early in the calendar year, that employee will need to save some vacation days from the previous year that can be used for this purpose.]

Vacation time will continue to accrue during a leave of absence as long as the employee remains on paid status. Accrual will be up to a maximum of 31 days.

Accrual of vacation benefits will continue during any absence while the employee is receiving salary; however, during a period of disability, accrual of vacation benefits will cease and will resume upon the employee's return to work.

403.C Additional Vacation Policies

Full-time and Part-time employees may not take vacation days in units of less than one-half day. Elected / Professional employees may not take vacation in units of less than one day.

Conference-observed holidays are not considered vacation days; so if a vacation falls over a holiday, the holiday is not counted against an employee's vacation days. In the event that the office is unexpectedly closed during an employee's vacation (e.g. snow day), the closure does

not reduce the number of vacation days scheduled and taken. Sick leave may not be used to extend vacation time and vacation cannot be extended or canceled for illness which occurs during a scheduled vacation unless the illness lasts four (4) or more days during a scheduled vacation period, written verification is received from an attending physician and the CFO/Director of Administrative Services approves. If illness occurs on a scheduled workday prior to the beginning of the employee's vacation, the vacation may be re-scheduled; the supervisor may request medical documentation.

In the event of a death in the employee's immediate family (See Bereavement Leave Policy 406) during a scheduled vacation, an employee will be eligible to charge the time to bereavement leave in lieu of vacation time. The supervisor may request documentation confirming the need for such a leave.

If jury duty conflicts with a scheduled vacation, the vacation time may be rescheduled (See Jury Duty – Policy 407)

Employees who either resign or whose employment is terminated prior to the completion of six (6) months of service are not entitled to vacation pay. Staff who resign or are terminated with more than six (6) months of continuous service will receive payment for all unused accrued vacation time. Vacation time may not be used to extend the resignation or termination date.

404 Holidays

Full-time employees who are on the active payroll (in pay status) on a 35 hour per week schedule will receive twelve (12) paid holidays in each calendar year on dates to be scheduled and announced by the CFO/Director of Administrative Services by the beginning of each calendar year. One of the twelve holidays may be a floating holiday.

Part-time and full-time employees who are on the active payroll (in pay status) are paid for the number of hours they are regularly scheduled to work only if the holiday falls on their regularly scheduled work day.

405 Sick Leaves / Home Care / Hospital Time

Sick leaves and/or home care / hospital time is paid absence due to illness, accident, or medical appointment and represents a protection against loss of income incurred as a result of illness. Sick leave is not to be used for any other purpose.

405.A Sick Leave Accrual

Full-time employees accrue sick leave at the rate of one (1) day per month or a maximum of twelve (12) days per calendar year. Unused days shall not accumulate from year to year. Part-time employees receive a pro-rated benefit.

Newly hired employees accrue sick leave from their date of hire; however, sick leave will not be paid for sick days which occur during the introductory period (See Introductory Period - Policy 303)

Employees will continue to accrue one (1) day per month as of the employment anniversary date for the first 90 calendar days of employment; then one (1) day per month as of the first calendar day of each month thereafter on January 1 of the year following completion of one (1) full year of employment.

On January 1, of the next calendar year and every year thereafter, 12 days will be credited to the employee's sick leave account.

Accrual of sick leave benefits will continue during any absence while the employee is receiving salary; however, during a period of disability, accrual of sick leave benefits will cease and will resume upon the employee's return to work.

- 405.B Sick Leave may be used for the employee's own illness, to care for an ill spouse, child, parent or to care for an ill member of the employee's immediate family (other than a spouse or child) who resides in the employee's household. Sick leave may also be used for employee appointments with medical/dental care givers, or to transport the employee's ill child, spouse or an immediate family member residing in the employee's household to an appointment with a medical/dental care giver.

Appointments should be made at the beginning or end of the work day.

An employee who is unable to report to work due to illness is required to notify his/her immediate supervisor (or their designee) prior to the time the employee is scheduled to report for work. Every effort should be made to give as much notice as possible before such absences.

Sick leave may not be charged in increments of less than one half day.

When an employee is out on sick leave for longer than five days, a physician's written note will be required upon return to work, to be submitted to the employee's supervisor. The CFO/ Director of Administrative Services may request a copy of any such note.

405.C Personal Days

Employees are allowed up to a maximum of two (2) personal days per year for non-medical emergency situations or personal business.

Personal time may not be taken in increments of less than one full day. Except in the case of an emergency, requests for personal days should

be made at least 24 hours in advance. Personal days may not be accrued, and no compensation will be paid for unused days at the end of the calendar year.

405.D Home Care/Hospital Time

Full-time employees and Elected / Professional employees accrue 44 Home Care/Hospital Time days per calendar year as follows:

- three (3) on the last day of January and February
- four (4) on the last day of each month from March through November
- two (2) on the last day of December

Part-time employees receive a pro-rated benefit.

Unused Home Care/Hospital Time days may be carried forward from year to year up to a maximum of 130 days.

Home Care/Hospital Time days may only be used if a healthcare provider's certification is provided by the employee. Certification must specifically provide the diagnosis, certify that the employee is under the physician's care, and identify the period during which the employee is unable to work (the date/s of absence).

Home Care/Hospital Time days are available for staff under the following conditions:

- An illness/injury of five (5) or more consecutive work days of confinement to home on the orders of a physician for an illness/injury not requiring hospitalization and not FML eligible (See Policy 405.) Partial days missed are covered by sick time.
- An illness/injury of seven (7) or more consecutive calendar days of incapacity which qualifies for a FML or a Short Term Disability Leave absence (See Policy 405 and Policy 603). Home Care/Hospital Time days are only applied for the full working days missed. Partial days are covered by sick time.
- An illness that requires hospitalization and/or post-hospitalization recuperative time.
- Testing for the purpose of pre-certification for surgery.
- Out-patient medical surgery or treatment; (excludes diagnostic procedures).
- The attending physician of a spouse or child or an immediate family member residing in the same household certifies that the employee's presence is medically required, or necessary for the well-being of the family member including transportation needs.
- Approved intermittent medical leave as defined by FML Act.
- Time missed because of non-routine dental surgery for which the dentist disables the employee from the ability to work for a five (5) calendar day period or longer. "Non-routine" dental surgery / procedures exclude simple extractions, periodontal surgery /

maintenance, dental implants, caps, etc. but could include complications from any routine surgery/procedure, reconstructive bone surgery, infections, complicated, serious dental surgery etc.

Home Care/Hospital Time days must be taken in full days except when days are used for intermittent leave as part of an approved medical leave.

Employees are encouraged to save as much of their time benefits as possible, so that should a serious illness or emergency occur which requires a lengthy absence from their jobs, they are protected against loss of income.

Employees shall not receive both paid sick time and/or Home Care/Hospital Time days in conjunction with disability insurance or workers' compensation benefits. In cases where an employee's absence extends beyond available sick leave and/or Home Care/Hospital days, disability or workers' compensation payments will be made to the employee in accordance with the applicable local law.

405.E Family Medical Leave

The NYAC values its employees and the well-being of them and their families and has therefore established an FML policy.

An eligible employee may take up to twelve (12) work weeks of leave in a twelve (12) month period for one of the following reasons:

- The birth or placement for adoption or foster care of a child;
- The care for the employee's family member (spouse, child or parent) with a serious health condition;
- The employee's own serious health condition that renders the employee unable to perform his or her job functions.
- "Any qualifying exigency" when the employee's spouse, child or parent is on active duty or is notified of an impending call or order to active duty in the Armed Forces (including the Reserves and National Guard) in support of a "contingency operation".

All employees who have completed at least twelve (12) months of service and worked at least 1,250 hours over the twelve (12) months preceding commencement of the leave are eligible to take Family and Medical Leave.

FML is not in itself a paid leave. As such, Home Care/Hospital Time, Sick time and Vacation time may be drawn on in order to provide the employee with time off with pay during FML. If all sources of paid time off are exhausted, however, and the employee is still unable to return to work, any remaining time off under FML will be unpaid. Accrual of all benefit time will be discontinued while the employee is on leave without pay.

All benefits provided to the employee prior to taking Family and Medical Leave will continue during the course of the leave. Deductions normally taken will continue to be taken from the employee's paycheck while he/she remains on paid status.

During any unpaid FMLA leave, the NYAC will continue to provide the medical benefits that were in force when the leave began; however, the employee will be required to make timely payment for the portion of benefits they would normally pay.

Leave for birth or placement for adoption or foster care must be concluded within twelve (12) months of the birth or placement. Leave may begin before the actual placement or adoption of a child if absence from work is required for the placement for adoption or foster care to proceed.

Employees are entitled to 12 weeks of FML for paternity leave. The leave may begin at any time within 12 months of the birth of a child.

Intermittent and/or Reduced Schedule leaves may be taken whenever it is medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work on a regular schedule. If the need for Intermittent Leave is known in advance based on planned treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt the operations of the NYAC, subject to the approval of the health care provider. Where leave is for the birth or placement of a child, use of Intermittent and/or Reduced Schedule leaves is subject to the approval of the CFO/Director of Administrative Services.

The NYAC reserves the right to temporarily transfer an employee to an available position with equivalent pay and benefits which better accommodates recurring periods of leave than does the employee's regular position.

New York State Paid Family Leave Act

NYAC allows all employees to take unpaid family leave when needed. Starting January 1, 2018, the New York State Paid Family Leave Program will provide employees (working in New York State) job-protected, Paid Family Leave (PFL) to bond with a new child, care for a loved one with a serious health condition or to help relieve family pressures when someone is called to active military service. The law requires employees to be reinstated to the same or comparable job upon return from leave. Additionally, PFL may be taken intermittently with advance notice. The average weekly benefit paid through this program begins at 50% of your average weekly wage up to 50% of the New York State Average Weekly wage. From 2019 through 2021, this benefit will increase based upon average weekly employee wages and the state average. Please check with the HR/ Benefits Manager

regarding application for the NY PFL and your specific appropriate benefit. Although there may be occurrences when PFL cannot be requested in advance, NYAC requests that you notify your supervisor and the HRZ/Benefits Manager of your intent to take a Paid Family Leave.

405.F **Miscellaneous Sick Leave Policies**

Upon the end of employment (whether voluntary or involuntary), no compensation will be paid for accrued sick days, including home/hospital care days.

406 **Bereavement Leave**

Employees are eligible for up to five (5) consecutive work days of absence should a death occur in their immediate family, i.e., spouse, child, parent, sibling, mother, father, in-law, grandparent or other members of the employee's immediate household. Questions about interpretation of who qualifies under these relationships will be resolved by the CFO/Director of Administrative Services.

Under certain circumstances, the death of an individual who has lived with the employee for a significant period of time in an immediate family relationship could qualify the employee for a Bereavement Leave. The individual must have been living with the employee at the time. Examples of this may be a "significant other" or a relative not qualifying in the above listing.

The absence of up to five (5) days must be taken consecutively at the time of the funeral. Part-time employees will be paid only for the time they are regularly scheduled to work.

The NYAC may require proof of death, relationship and/or common habitation as a condition of payment for the absence(s).

Where necessary, employees may be permitted to use accrued vacation and/or personal days in connection with leave for death in the family, subject to the supervisor's approval.

407 **Jury Duty**

When called for jury service, Full-time and Part-time employees will receive their full pay from the NYAC. Such pay shall be adjusted for any stipend received by the employee for serving. Employees will not receive jury duty pay for any day for which the employee receives pay for holidays, vacation, sick leave, disability, personal days or any other paid time-off.

In the event an employee is called to jury duty and is not required to serve, he/she shall report to work. Employees are expected to report to work while temporarily excused from jury duty. An employee who is summoned to jury duty or summoned by the court to be a potential juror is to show the court summons to their supervisor and to the CFO/Director of Administrative Services, who will keep a copy of the summons.

If it is necessary to request a delay of the employee's jury duty based on the operational needs of the NYAC, the employee should request a postponement in the method and timeframe prescribed by the court.

If the employee does serve, he/she should give the CFO/Director of Administrative Services a copy of the statement from the court indicating the number of days served immediately upon return from jury duty.

The NYAC recognizes the need or desire of individuals to participate in jury trials when a staff member has become involved as a victim or witness. When required to attend court as a witness, salary will be paid for the time. Staff should provide written documentation to their supervisor and CFO/Director of Administrative Services or designee.

408 Continuing Education

The NYAC encourages employees to take advantage of educational opportunities that lead to personal and career growth. Since the NYAC benefits from the growth of its employees, after sixteen (16) months of continuous service the NYAC offers financial aid to Full-time employees to cover a portion of the cost of certain work-related courses at accredited institutions. It is recommended that employees regularly consult with the CFO/Director of Administrative Services to consider appropriate continuing education plans.

To qualify for reimbursement, course work must be taken and completed while the employee is employed by the NYAC. If employment is terminated before course completion, the employee will not be entitled to a reimbursement.

This program covers courses that can reasonably be expected to enhance current job performance, increase job-related knowledge, or broaden promotional potential for another job with the NYAC.

For support staff, the employee's supervisor and the CFO/Director of Administrative Services are responsible for determining whether or not the program is job or career-related with the NYAC. Final approval rests with the CFO/Director of Administrative Services. For professional staff, the Personnel Committee makes this approval determination.

Upon written request (to be submitted at least 30 days prior to the beginning of the course) and completion of the course, the cost of tuition will be reimbursed up to 50% if the employee receives a grade of A or B or "Pass" for a pass/fail grading system up to a maximum of \$1,500 per person per calendar year.

The costs of registration fees, supplies, books, transportation, parking, other fees, etc., are not reimbursable.

409 **Reimbursement of Travel and Work Expenses**

All staff who travel on NYAC business will be reimbursed for necessary, reasonable and documented expenses.

Travel by support staff must be approved by the employee's supervisor no less than ten (10) working days prior to the date travel is to begin or as soon as the travel need becomes known if within the ten (10) day period.

409.A Reimbursable Expenses

- 1) Work-related mileage from point to point during the workday.
This does not include mileage between work and home. Mileage shall be reimbursed at the prevailing Internal Revenue Service mileage allowance rate. Reimbursements for travel shall be "net" of an employee's normal commuting miles to and from the Conference Center.
- 2) Parking fees and toll fees incurred in work-related daily travel.
- 3) Employees who use public transportation to travel from one location to another or to attend meetings outside the conference center on behalf of the NYAC will be reimbursed for the cost of the fare.

409.B Reimbursement Requirements: Claims for such expenses must be submitted with original receipts within 30 days. The statement of expenses must be approved and signed by the supervisor. Receipts are required for all expenditures, regardless of amount.

410 **Professional Membership**

The NYAC encourages and supports the participation of its professional employees in professional organizations.

Subject to prior approval or recommendation by the CFO/Director of Administrative Services, the NYAC will reimburse professional staff for membership fees in professional organizations related to the work they perform for the NYAC. Each approved membership is subject to annual evaluation.

411 **Health and Life Insurance Continuation**

All staff who take a paid leave of absence from the NYAC are eligible to remain covered under the NYAC's medical and life insurance plans in accordance with the following provisions.

All benefit plans in which the staff member participates on a voluntary basis (i.e., supplemental life insurance, dependent life insurance, health care spending accounts, etc.) will cease when and if the employee is no longer receiving a paycheck from the NYAC.

411.A Family Medical Leave: Medical and life insurance coverage will

continue for the duration of the Family or Medical Leave of Absence in the same manner as these coverage's were provided while the employee was in active status, irrespective of whether the employee is in pay status.

411.B Leave for Professional Development: All benefits including benefits elected on a voluntary basis will continue through the duration of the leave. (See Leave for Professional Development Policy 501)

411.C Personal and Non-FML Medical Leave of Absence: All benefits including benefits elected on a voluntary basis will continue for as long as the employee receives a paycheck. Where, when working, the employee normally pays for all or a portion of medical benefits the employee will be required to pay the same while on leave (paid and/or unpaid).

Should the leave become unpaid, the employee is responsible for the full (employer and employee) cost of the premium for all benefits they are enrolled in.

411.D Military Leave: All benefits, including benefits elected on a voluntary basis, will continue for as long as the employee receives a paycheck. If the leave should continue on an unpaid basis for 30 days or more, the employee will be required to pay the full cost of the coverage she/he wishes to maintain. (See Policy 502)

411.E Incapacity Coverage: If the employee becomes eligible for short-term or long-term incapacity benefits while insured under the NYAC's medical plan, his/her insurance benefits (i.e., medical and life insurance coverage for the employee and his/her eligible dependents) in force at the time of disability will continue during the time the employee is considered incapacitated. Participants applying for or currently receiving Long Term Disability benefits must apply for Social Security and Medicare benefits. All participants receiving LTD benefits under the Plan will be required to pay for their medical coverage under the Plan. In order to obtain the extension of these continued benefits, the employee must apply for the continuation of benefits. Coverage will terminate at the earliest of either:

- the date the Plan is discontinued;
- the date they are considered eligible to return to work.

If the employee's insurance terminates because of any of the above reasons and the employee (or a dependent) is totally disabled, any expenses incurred as a result of the total disability, even after the insurance terminates, will be covered through Wespeth.

The extension will terminate on the last day of the calendar year

following the year in which coverage terminated.

The extension of benefits will not apply if the employee becomes insured under another group policy for medical benefits, nor will it apply to a child born as a result of a pregnancy which existed when coverage terminated.

411.F Retirement: Employees who remain an employee of the NYAC in good standing through the date of their retirement may be eligible to participate in retirement benefits offered by the NYAC Board of Pensions and Health Benefits depending upon their employment classification and employment status.

412 Honoraria

Staff who perform official duties related to NYAC functions may not accept honoraria.

Staff may accept an engagement not related to the function of the NYAC when such an engagement does not interfere with their official duties: staff may accept an honorarium for the services rendered in connection with such engagements unless the engagement involves a local church within the bounds of the NYAC. If the engagement involves such a church, no honorarium may be solicited or accepted.

Honoraria derived from major projects (such as books, consultation fees, lectures) produced on NYAC time and from NYAC resources should be given to the NYAC unless specifically agreed otherwise in negotiation with the Personnel Committee.

Records, correspondence, resources (files, books, data, etc.) resulting from a project requested by the NYAC, shall be considered the property of the NYAC and shall be retained by the NYAC should the staff member terminate or resign from the NYAC at a future date.

If it is the policy of an inviting organization to offer an honorarium, it may be accepted with the understanding that the funds will be given to the NYAC.

413 Limitations of Descriptions of Benefits in Manual

If anything stated in this manual is inconsistent with the terms of any insurance policy, benefit plan, or applicable state or federal law or regulation will control. Clergy may be eligible for additional benefits not described herein based upon conference policies and *The Book of Discipline*.

500 LEAVES OF ABSENCE (other than medical)

501 Leave for Professional Development/Spiritual Renewal

The NYAC will assist Elected / Professional staff in their ability to serve the Conference. The NYAC provides opportunities for the renewal, enrichment and/or to better equip an Elected / Professional employee for continued growth and service. Study, mission visitation, and travel work projects are some options that might be considered appropriate for a leave.

Up to a maximum of three (3) months with pay may be provided for a Leave for Professional Development (LPD)/Spiritual Renewal (SR).

Professional Staff who are on LPD/SR are not eligible to participate in Tuition Reimbursement during the period of the leave.

In order to be granted a LPD/SR, staff must be in the employ of the NYAC as an Elected Professional employee for a minimum of seven (7) consecutive years on or before the effective starting date of the leave. A minimum of seven (7) full years shall elapse between the end of one leave and the beginning of another.



The maximum length of time of a LPD/SR is three (3) months. The length of time shall relate directly to the time requirements of the pursued plan. Leaves must be used within the period of time authorized unless a request for change is granted. It is not cumulative, nor is pay given in lieu of time.

Employees who take a LPD/SR shall be expected to continue employment at the NYAC for a minimum of one (1) year following their return from the leave. Compensation paid during the leave shall be considered a loan to be repaid by continued paid service. Exceptions to any of the conditions or procedures of this policy shall be at the discretion of the Conference Personnel Committee after consultation with the relevant agencies and the resident bishop.

Each applicant must file an application request with their supervisor/ other appropriate bodies (i.e., CF&A or CMVT) at least three months before the leave is to begin. The supervisor/other appropriate bodies will make a recommendation to the Personnel Committee, with final approval determined by the Bishop.

At completion of the LPD, except in the case of Spiritual Renewal, the appropriate agency may request that the staff member present a written report to their supervisor/supervising agency and the Personnel Committee. The report will include a summary of insights, understandings

or skills gained, and possible uses of them in fulfilling staff responsibilities. This report shall become part of the personnel record of the employee.

Only one Elected / Profession staff member shall be on leave at a time.

502 Military Leave of Absence

A military leave will be granted to all employees without pay for the performance of duty with any branch of the U.S. Armed Forces (including National Guard or Reserve Units) in accordance with the provisions of applicable law.

502.A Upon satisfactory completion of military service, veterans will be reinstated in the same position (or a position of “like seniority, status, and pay”) he/she would have had if he/she had remained on the job provided that:

- 1) The individual is still qualified to perform the duties of such position.
- 2) The circumstances of the NYAC have not changed as to make it impossible or unreasonable to reinstate the individual.
- 3) The leave for active duty does not exceed four (4) years unless an extension of not more than one (1) year is required by and for the convenience of the U.S. Government.
- 4) The following conditions are complied with:
 - a. After Active Duty - An inductee, enlistee, reservist, or member of the National Guard returning from active duty must apply to the NYAC for re-employment within 90 calendar days after his/her release from active duty.
 - b. After Initial Active Duty for Training - A reservist or member of the National Guard who is ordered to perform an initial period of active duty for training of not less than three (3) consecutive months must apply to the NYAC for re-employment within 31 calendar days after his/her release from active duty for training.
 - c. After Training Duty - A reservist or member of the National Guard who performs weekly or weekend duty, annual training duty or attends a special course of instruction at a service school must report to work (no application for re-employment required) at the start of the next regularly scheduled work period following his/her release from training duty. A staff member may elect to take all or part of his/her vacation time.

502.B Extension of a Military Leave: The employee must submit a written request for an extension either to the supervisor or the CFO/Director of Administrative Services, depending on where he/she is scheduled to report upon return. This request must be accompanied by proof from the government that such an extension is required if the total amount of leave time will exceed four (4) years.

The supervisor or the CFO/Director of Administrative Services, as appropriate, will inform the employee, in writing, that his/her request has been granted. Such notification will be sent to the employee within five (5) work days from the date the request is received.

If it is the supervisor who has received the request for an extension, a copy of the employee's request, government proof where necessary, and the supervisor's reply should be forwarded to the CFO/Director of Administrative Services for processing and inclusion in the employee's file.

502.C Return from Military Leave: An employee returning from a military leave will be reinstated in the same position (or a position of "like seniority, status, and pay") he/she would have had if he/she remained in the job.

If the employee does not apply for re-employment within the number of days specified by law, (see section of re-employment provisions), he/she will be considered to have resigned without notice.

When the employee applies for re-employment, he/she must provide proof of satisfactory service (i.e., copy of discharge, letter of discharge, etc.) to the supervisor or CFO/Director of Administrative Services, depending on where he/she is scheduled to report upon return.

503 Personal Leave

Full-time and part-time employees who have completed one (1) full year of continuous service with the NYAC may be granted a leave of absence for compelling personal or medical reasons for a period of up to six (6) months.

A personal or medical leave may be granted for reasons not covered by the Family and Medical Leave Act of 1993 or where the employee is not eligible for a leave of absence under the FMLA.

Personal leaves are not automatically granted. If granted, the initial approved period will generally not exceed 30 calendar days. The supervisor will review the amount of time being requested, the dates requested along with the operational needs of the NYAC, as well as the employee's overall attendance. Except in rare situations, personal leaves will not be granted to extend a period of vacation beyond the employee's vacation entitlement. Medical leaves will be granted based upon satisfactory medical documentation.

Personal Leaves of Absence are generally limited to family related situations which can only be dealt with on site. Examples of such situations include:

- Non-medical family emergencies;
- Settle a family member's estate;
- Extend a Bereavement Leave beyond the five (5) day limit because of a lengthy travel situation or special family situation.

Personal Leaves of Absence will not be granted for such purposes of:

- Going to school;
- Working elsewhere;
- Extending a vacation period, except in the most special of situations.

Employees must use all unused vacation / personal days during the period of the leave. Employees will be considered to be on paid leave until exhausting these benefits. Employees who are unable to return from leave at the time they have exhausted their vacation/ personal days will be considered on unpaid leave from that point in time.

All benefits the employee had prior to taking a personal leave will continue while the employee is on paid leave. Employees who are on an unpaid leave may continue their benefits by paying the full cost of the premiums. This amount will be communicated to the employee prior to the commencement of the leave.

Accrual of all benefits, i.e., home care/ hospital time, sick, and vacation time will be discontinued while the employee is on unpaid leave.

Although the availability of a position or automatic reinstatement cannot be guaranteed, reasonable efforts will be made to provide a position for the employee by the CFO/Director of Administrative Services.

600 HEALTH AND SAFETY



601 Smoking

Smoking is not permitted at any time in any of the buildings or premises operated by the NYAC.

602 Accidents

The NYAC is committed to providing a safe and healthy work environment at all its facilities. Employees are expected to comply with safety and health standards, rules, regulations and orders issued under the Occupational Safety and Health Act.

Employees are expected to report any safety or health hazards, accidents or occurrences involving bodily injury to the CFO/Director of Administrative Services or the appropriate designee.

First Aid kits are available at all work locations and employees are expected to know where they are and to familiarize themselves with their contents.

603 Disability

Employees who are unable to work due to a non-work related illness or injury may be entitled to receive disability benefits. New York State Disability Benefits Law (DBL) is mandatory for all employees whose work location is within the state of New York, regardless of their residence. The NYAC sponsors this short-term disability insurance for all full and part time employees. Such insurance covers injuries sustained off the job, illnesses that prevent an employee from performing his job duties, and injuries or illnesses resulting from pregnancy. Disability benefits are temporary cash benefits paid to an eligible wage earner, by the State of New York, when he/she is disabled by an off the job injury or illness. Workers who lose their jobs as a result of an illness or off-the-job injury may also qualify. The insurance premiums are deducted from the employee's paycheck each pay period.

Wespath governs the lay and clergy disability plans. Clergy are covered under the Comprehensive Protection Plan. Laity are covered under the Lay Long-Term Disability Plan. Please see the CFO/Director of Administrative Services for copies of the provisions of these plans and instructions on how to file an application for benefits with Wespath.

604 Workers' Compensation

Employees of the NYAC are protected by the Workers' Compensation Law for injuries sustained by an employee, arising out of and in the course of their employment.

The current Workers Compensation Act provides for employer payment of all medical expenses incurred for employment injuries and specified payments for temporary or permanent disablement as the result of a covered injury.

Employees are required to immediately (within 24 hours) report to the CFO/Director of Administrative Services or designee any injury sustained in the course of employment. Failure to report promptly may jeopardize the employee's coverage under New York state law. Examination by a physician acceptable to the insurance company may be required for processing a claim.

To be eligible for workers compensation payment for loss of salary, the employee must be absent from work for seven (7) consecutive business days. There is no further waiting period for recurring absences for the same injury or illness.

Medical benefits, if any, payable due to a work related illness/injury will be paid through the NYAC's worker's compensation insurance carrier.

605 Substance Abuse

In accordance with the Drug-Free Workplace Act of 1988, the NYAC prohibits the unlawful manufacture, distribution, dispensation, possession or use of a non-prescribed controlled substance (including alcohol) by its employees in the workplace, including but not limited to the NYAC's premises, and while traveling and conducting NYAC business anywhere in the world.

The NYAC recognizes dependency on drugs and/or alcohol as an illness and a major health problem.

If there is probable cause to believe that an employee has a substance abuse problem which affects his/her job performance, the NYAC may require the employee to undergo testing at the expense of the NYAC. Refusal to be tested shall be grounds for disciplinary action up to and including termination. Employees, who violate this policy, are unwilling to accept assistance, fail to complete a recommended course of treatment and fail to adhere to any reasonable "return-to-work agreement" will be terminated.

Employees convicted of any workplace substance abuse crimes must notify the CFO/Director of Administrative Services or designee within five (5) days of the conviction and will be subject to immediate termination.

606 Employees with Life Threatening Illnesses

Employees with life threatening illnesses who meet acceptable performance standards, and provide medical evidence indicating that their condition is not a threat to themselves or others, will be treated consistently with all other employees.

There is no medical basis for employees refusing to work with fellow employees or the NYAC's constituents and/or clients who may have a non-contagious life threatening illness. Concerns of employees who fear they may contract a life threatening illness from a fellow employee or constituent will be taken seriously by the NYAC and addressed with

appropriate counseling in order to assist the employee in overcoming his/her fear.

In cases where appropriate counseling is unsuccessful, and where the CFO/Director of Administrative Services or designee or the Personnel Committee determines that an employee's disruption in the workplace and/or refusal to work with an employee with a non-contagious life threatening illness is impeding and disrupting the NYAC's work, the CFO/Director of Administrative Services or designee will consider appropriate corrective or disciplinary action against the threatening or disruptive employee(s) up to and including termination of employment.

700 OFFICE EXPECTATIONS, BEHAVIOR AND EMPLOYEE RELATIONS

701 Work Schedule

701.A

Full-time and Part-time Employees: The office is open from 8:00am to 5:00pm, Monday through Friday, except for stated holidays and during the summer, when the office is only open Monday through Thursday.

The regular scheduled hours of employment are 35 hours per week. Daily start and end times may be flexible but may not be earlier than 8:00am nor later than 5:00pm without the consent of the employee's supervisor.



Full-time and Part-time Employees should not expect and generally will not be permitted to work from home. This is due to the need for such staff to maintain a daily presence in the Conference Center to support the needs of our local churches.

Staff are scheduled to work varied shifts subject to the definitions in Section 301, in order to provide coverage for the stated hours. All shift schedules must have the prior approval of the CFO/Director of Administrative Services.

Staff are required to track hours worked and report them on official time sheets to the Senior Accountant.

701.B Work Locations other than the Conference Center: Work schedules are set at the discretion of the supervisor with the approval of the CFO/Director of Administrative Services and/or the appropriate Director.

701.C Elected / Professional employees are expected to work whatever hours are necessary or as may be directed in order to fulfill their job description. Assignments often require irregular schedules including evenings and weekends without extra compensation or overtime pay.

Due to the 24/7 “on-call” nature of Elected / Professional Employees it is recognized that it may be necessary and desirable for such staff to periodically work remotely or from home.

702 Lateness and Absences

Staff who are going to be late or absent must notify their immediate supervisor prior to the scheduled start of their work day or work shift.

Absence from work which is not excused by one or more of the provisions contained in these policies may result in loss of pay for the time absent.

Unauthorized absences and/or excessive lateness may be considered cause for dismissal.

703 **Overtime**

Exempt, elected and professional employees do not receive overtime pay. The workweek for exempt employees is defined by the time needed to carry out the job description, (See Section 701.C)

Non-exempt hourly and salaried employees generally work a 35 hour work week. In accordance with New York State and Federal wage and hour laws, overtime pay is paid only for hours that exceed 40 in any given week. Any hours between 35 and 40 are paid at their standard hourly rate. The expectation is that most work can be performed during the normal course of business, however there may be seasonal or project work that could exceed the standard work week and employees will be paid for all hours worked at the applicable overtime rate. Any work exceeding the employee's standard work schedule must be approved (when possible) by their supervisor.

704 **Special Assignments**

Support staff must have the prior, authorization of the CFO/Director of Administrative Services, or the Director of Connectional Ministries in consultation with the CFO/Director of Administrative Services, to undertake a special assignment away from the regularly scheduled place of work.

When staff members are invited to take a leadership assignment in United Methodist programs outside the Conference, permission from their supervisor must be obtained in advance. If the inviting group is unable to pay expenses, such expenses may be covered from the employee's travel budget.

705 **Meal and Rest Periods**

Unless otherwise arranged with an employee's supervisor the lunch break is one hour and normally falls between 11:30 and 1:30 PM. Part-time employees who work a major part of the day must take a meal break of at least thirty (30) minutes, as provided by New York State law. Eating is not permitted at work stations.

There are two (2) rest periods for exempt staff; one for fifteen (15) minutes in the morning and one for ten (10) minutes in the afternoon.

706 **Releasing Employee Information**

No confidential information regarding a staff member will be released without the employee's written permission. When the NYAC is legally obligated to provide verification of statements such as dates of employment and position title if requested by an outside party, this is not considered confidential

information and will be provided upon such request. No additional information will be offered. All requests for reference information will be responded to by the CFO/Director of Administrative Services or HR & Benefits Manager.

When confidential information is requested about an employee from an outside source, the employee will be contacted by the CFO/Director of Administrative Services in order to be notified of the request and to obtain consent.

707 Employee Access to Personnel File

An employee may examine his/her personnel file in the presence of the CFO/Director of Administrative Services or HR & Benefits Manager. All documents are available for review and copy with the exception of references from former employers.

All employees have the right to request a deletion/correction be made or to write a statement of disagreement with any item(s) in the file and have that statement included in the file.

Personnel files will be maintained by the CFO/Director of Administrative Services for a period of two (2) years from the date an employee separates from the NYAC. Thereafter, the file is archived.

708 Personal Telephone Calls and Communication Devices

It is the policy of the NYAC to insure that telephones shall be available for effective communication with our business associates and constituents. Therefore, a limited number of local personal calls are acceptable, but such calls should be brief in nature and length.

Employees shall not make any personal international calls. If such calls are made, the employee will be asked to reimburse the NYAC for the cost.

The use of electronic communication devices, including cell phones, for personal purposes should be limited in duration and frequency.

Disciplinary action may be appropriate where any communication privileges have been abused.

709 Harassment and Abuse

The NYAC will conduct all its ministries, both program and personnel, in ways that seek to ensure the physical and sexual safety, emotional well-being and spiritual health of children, youth and adults.

The NYAC expects all staff and agents acting on behalf of the NYAC to adhere to this policy and procedure in dealing with all matters involving the programs and activities of the NYAC and The United Methodist Church.

The NYAC will not condone or tolerate harassment or abuse (including sexual

violence against children and vulnerable adults) in any form by its employees, contractors, or volunteers at any of the NYAC's locations.

See Appendix B, for procedures and further details of this policy.

710 Personal Appearance

All employees are expected to be neatly and appropriately dressed and groomed while they are conducting business on behalf of the NYAC. Staff are expected to dress in a manner that is normally acceptable in business establishments ("Business Casual") and to maintain a high standard of personal health and hygiene.

711 Information Technology

711. A E-mail:

E-mail addresses are provided by the NYAC for all staff and are listed on the NYAC website. This is the only address employees should use for business purposes. The NYAC email system should not be used for personal or non-business-related purposes; to create or receive offensive messages (e.g. those that contain sexual implications, racial slurs, gender-specific comments, or other comments that offensively address someone's age, race, gender, sexual orientation, religious or political beliefs, national origin or disability); to send or receive copyrighted materials, confidential information or similar materials without prior authorization from the Conference, nor to view, send or receive pornographic messages

Confidentiality of email messages should not be assumed. All email messages sent and received through NYAC systems are the property of the NYAC, and the NYAC reserves the right to access, review and share messages when necessary. Upon leaving the organization, e-mail accounts of employees may be re-directed to other employees.

711. B. Computers:

Computers, software, data, documentation and other resources represent a NYAC asset and should be treated with care. Employees should assume that their manager and other members of the NYAC management team have access to and the ability to monitor all computer files stored on any NYAC equipment or systems, which are the property of the NYAC.

Employees should not remove any confidential files, images or other content by e-mailing them to outsiders or saving them to portable drives except when there is a business need to do so.

The Conference Information & Technology (IT) Manager and/or NYAC technology partners are tasked with the upkeep of NYAC technology and equipment and downloading and installing software on all computers. Employees should not install software. Generally speaking, and to protect our IT environment, employees will not have administrative rights to such equipment.

711. C Internet:

Internet access is provided to employees to facilitate business. Employees have a responsibility to maintain and enhance the NYAC's public image, and to use the internet in a professional and productive manner. The sending, receiving or viewing of pornography is expressly prohibited.

Employees may not transmit copyrighted material belonging to entities other than the Conference through the Internet, and are responsible for the content of all files, text, audio or images that they place, view or send over the Internet. Fraudulent, harassing or obscene content is prohibited.

Employees should use best practices for preventing viruses, malware, etc. from getting onto their computer and potentially infecting the server. Questions should be directed to the IT Manager.

711. D Purchase of Computers, Other Equipment and Software:

Employees wishing to purchase computers, other equipment or software must submit a request to the IT Manager (see requisition form at <http://intranet.nyac-umc.com/>), who will work with the employee and their supervisor to determine the best solution and will install, or have installed, these items for you.

711. F Cell Phones/Tablets:

The NYAC provides cell phones and tablets to a limited number of employees for business use after consultation with their supervisor. The IT Manager will work with the employee and their supervisor to determine specific business needs, and reserves the right to review cell phone invoices to monitor call usage. While limited personal use of this equipment is permitted, such equipment is to be used primarily for business purposes.

No mobile devices or plans should be purchased by an employee with the expectation of reimbursement without prior approval of the CFO/Director of Administrative Services.

711. G Help:

Employees do not have administrative access to their computers. When employees encounter computer or technology issues, they should contact the IT Manager and our technology partner LMS by sending an email to help@nyac.com.

Any employee who discovers a violation of these policies should notify the CFO/Director of Administrative Services.

712 Violence in the Workplace (See also Appendix B)

It is the policy of the NYAC that its employees should be able to work in environments free from physical attack, threats, and menacing or harassing behaviors. Such an environment, safe from violence or fear of violence, is fundamental to the health and well-being of employees.

Violence is defined to include the following:

- Physical attack: an unwanted or hostile contact such as hitting, fighting, pushing, shoving or throwing objects.
- Threat: stating a present or future intention to cause physical or emotional harm. Any expression of intent to cause physical or emotional harm is considered to be a threat.
- Harassment: behavior or communication designed or intended to intimidate, menace, or frighten another person.
- Property damage: the result of behavior or acts that contribute to the destruction or damage of another's property.

At the NYAC, physical attacks, threats, harassment, and property damage are always prohibited. Any employee who experiences or witnesses such acts, conduct, behavior, or communication must immediately contact his or her supervisor and the CFO/Director of Administrative Services.

Any supervisor who receives a complaint of violence, threats, harassment, or property damage or who has reason to suspect that the acts or behavior are occurring, must notify the CFO/Director of Administrative Services.

An employee will not be retaliated against by the NYAC for reporting such acts or complaints.

Upon being informed of an allegation of violence, threat, harassment, or property damage, the CFO/Director of Administrative Services will investigate the matter. During the investigation, the NYAC will respond as it deems appropriate. Upon conclusion of the investigation, appropriate disciplinary action will be taken in instances of misconduct as determined by the NYAC.

Violation of the policy may result in termination of employment.

713 Ethics

All employees will be given a copy of this Personnel Manual on their first day of employment, a notation shall be made as to the date the manual was given to the employee, and the employee shall sign the "Certification of Receipt Personnel Manual" (See Appendix C, affirming that they have received it.

713.A Stewardship and Fiduciary Responsibility:

All funds and property received and administered by employees of the NYAC are entrusted to them by God through the faithful financial support of church members and friends. The highest degree of faithful stewardship and fiduciary responsibility, extending first to The United Methodist Church as the source of funding and the source of responsibilities delegated and assigned by the membership of the Church to the NYAC, is expected of all employees, including to the receiving, reporting and use of funds and property.

713.B Integrity:

Integrity should be the centerpiece of hiring, promotion, leadership, performance measurement and reward, communication and training.

713.C Discrimination and Harassment:

The teachings of Jesus Christ, the foregoing principles, and the requirements of the Book of Discipline leave no room in the operation of the Annual Conference or in personal relationships for a lack of tolerance, for harassment, or for non-compliance with laws, applicable rules or regulations, or the Book of Discipline. See Appendix B for additional details on the NYAC's harassment policies.

713.D Minimum Standards:

This section on Ethics is not all-inclusive but represents the minimum standards to be followed by all employees. It is intended to provide a standard of behavior to apply in situations that are not directly addressed in policies and procedures established for the governance of the NYAC.

713.E Duty of Loyalty:

Each employee owes a duty of loyalty to the NYAC, which duty shall mean acting in the best interest of the NYAC. That duty should be acted on as reflected in the paragraphs in this section.

713.F Conflict of Interest:

Conflicts of interest must be avoided by all employees.

- 1) Conflicts of interest shall mean, with respect to employees of the NYAC, any situation in which the employee, by virtue of a financial interest or of some other personal interest, present or potential, directly or remotely, may be influenced or appear to be influenced in decision making or business dealing by any motive or desire for personal advantage other than the success and well-being of the NYAC.
- 2) All present and potential conflicts of interest must be disclosed: a) if known, in advance of any meeting, business transaction or other activity at which the issue may be discussed or on which the issue may have a bearing on the employee's approach to the issue, whether directly or indirectly; or b) if not known in advance, when the actual, potential conflict becomes apparent. When in doubt, the employee should assume there might be a conflict.
- 3) All employees should likewise disclose matters and relationships, which have the potential for giving rise to the appearance of a conflict in business dealings with the NYAC. Examples include, among others, financial and/or leadership roles with vendors and other organizations doing business with the NYAC.
- 4) Business dealings with friends and family are presumed to be conflicts of interest because of the potential for inferences of tangible or intangible personal advantage and the resultant appearance of impropriety.
- 5) To avoid appearances of impropriety, gifts, gratuities and hospitality such as free travel, hotel or residential rooms and meals, shall not be accepted

by any employee from any person or organization that sells, delivers or receives any goods, materials, services to or from the NYAC. All gifts to individuals from any source other than de-minimus gratuities shall be reported to the employee's supervisor. Exempt from this section are gifts that primarily benefit the conference and not an individual, such as gifts of hospitality given to the NYAC by hotels, conventions and churches in exchange for conference business.

- 6) Employees should place the NYAC ahead of personal advantage, whether the advantage is of a financial nature or whether it arises from a desire for other personal advancement, such as promotion.
- 7) In appropriate circumstances and after full disclosure the NYAC or other entity may waive a conflict of interest if not proscribed by law, the Discipline or this policy.

713.G Confidentiality: Employees shall not disclose confidential or sensitive information about the NYAC's activities—including NYAC personnel, NYAC member churches and NYAC members—unless the information is already known to the public or becomes a matter of public record. Action and activities taken in closed meeting sessions must never be discussed or disclosed outside the meeting, nor any distribution of documents received in closed sessions.

713.H Duty of Care: The obligation of good stewardship is imposed on employees and requires that they act first in the best interests of the NYAC at all times. The duty requires them to:

- 1) Exercise all reasonable efforts to inform themselves of the mission and ministry of the NYAC, of the nature of the fiduciary duty owed to the NYAC, of their duties and responsibilities, and of the issues that come before them, so that they can be effective and efficient employees through their service to the NYAC;
- 2) Act as a reasonably prudent employee would act under the same or similar circumstances;
- 3) Inform themselves reasonably of matters about which they make decisions;
- 4) Exercise their independent judgment.

713.I Duty to Disclose: Employees have a duty to disclose breaches of fiduciary duty, whether by themselves or by others. Likewise, concerns about the appearance or possibility of breaches should be reported. Care must always be taken not to be accusatory. Breaches should be reported to the CFO/Director of Administrative Services or the President of the Council on Finance and Administration.

713.J Nature of Disclosures: All disclosures of the nature described in section 713 will be made with candor and openness. All responses to inquiries by legal counsel and by external auditors will be full, complete and directly responsive.

800 EMPLOYMENT/SEPARATION

801 Performance Review and Evaluation

Each employee will participate in at least one formal performance review of his/her work annually.

The performance review is based on the position, job description, and the written goals agreed upon between the immediate supervisor and the staff person.

The performance review is to include a discussion of the job and its demands, and is to provide an opportunity for each party to formulate written goals.



The performance review will be used as a guide in considering annual merit increases.

If a performance review is unsatisfactory, the supervisor will submit a written corrective action plan to the staff person. The plan will specify the improvements to be made and will set a mutually agreeable reasonable date by which the performance will be reviewed again.

801.A Full-time and Part-time employees: Evaluations will be conducted by the employee's immediate supervisor and reviewed by the appropriate Elected / Professional staff and a copy will be kept in the employee's personnel file.

801.B Elected/Professional Staff:

The CFO/Director of Administrative Services will be reviewed by the Council on Finance and Administration, per the *Book of Discipline*, in consultation with those the position serves and the Bishop.

The Director of Connectional Ministries will be reviewed by the Bishop, in consultation with those the position serves and the Connectional Ministries Vision Table.

The Assistant to the Bishop, Conference Secretary and Administrative Assistant to the Bishop will be reviewed by the Bishop.

Other professional staff will be reviewed by their direct supervisor.

The results of performance reviews of Elected/Professional employees shall be shared with the staff member, the Resident Bishop, and key committees that are directed to be part of the consultation, and a copy will be kept in the employee's personnel file.

802 Hiring, Transfers & Promotions

802.A Recruiting and interviewing Executive Level Candidates

The process for selection of executive level candidates (CFO/Director

of Administrative Services, Director of Congregational Development, Conference Secretary and Director of Connectional Ministries) will be set by the Bishop, in consultation with the Personnel Committee, and will be administered by the Search Committee.

Following a meeting between the Bishop and the Search Committee to determine the process, the process will be announced to the Conference. The chair of the Search Committee will lead the process.

The Chair will hold conversations with various constituent groups related to the position in question and is charged with listening for areas of consensus. Following constituent conversations, the Chair and Search Committee will meet to review the job description and propose changes to it. The Bishop and Cabinet, in consultation with the Personnel Committee, must approve the job description before the position is posted.

Once the job description is posted and a deadline for receiving résumés is set, it is the responsibility of the HR & Benefits Manager to collect and log all applicants and share info with the Search and Personnel committees.

Following the completion of the hiring process, it will be the responsibility of the CFO/Director of Administrative Services or designee to review the process and report back to the Bishop and Personnel Committee.

802.B Recruiting and interviewing Full-time and Part time employees: The position will be posted internally and emailed to all NYAC personnel before being advertised to the public. The public advertising will include well-served minority publications and other appropriate venues.

Applications shall be accepted by letter and/or email with résumé. All applications will be reviewed by the hiring supervisor in consultation with the CFO/Director of Administrative Services or designee. Initial interviews will be conducted by the hiring supervisor and HR & Benefits Manager

When a decision is reached, the procedures outlined in Section 802.C shall be followed.

802.C Hiring: It is the policy of the NYAC to be an equal opportunity employer (See Appendix A) and to hire individuals based solely upon their qualifications and ability to do the job to be filled. Employment with the NYAC is considered to be “at will”; either party may terminate the relationship as hereinafter set forth for any lawful reason or no reason at all.

All candidates for employment will be subject to a thorough background check. This may include:

- 1) Criminal
- 2) Credit
- 3) Driving records (for positions that require non-commute driving)
- 4) Past employment
- 5) Academic

Procedures for written notification of employment and acceptance of an offered position will be as follows:

- 1) As soon as is reasonably possible after the employment selection process is concluded, all interviewed applicants will be sent a written notification of their status by the hiring supervisor.
- 2) Rejection – The applicants who are not selected will be sent a letter informing them of the decision.
- 3) Selection – The applicant who is selected for employment will receive written notification from the HR & Benefits Manager with a copy provided to the hiring supervisor and CFO/Director of Administrative Services. The letter shall include the following:
 - Position being offered
 - Employment classification (exempt vs. non-exempt)
 - Job description
 - Start date
 - Starting salary
 - A letter of acceptance to be signed and returned
 - The time period within which the applicant must accept the position offered.

If the selected applicant accepts employment and the employment conditions, he/she must submit his/her acceptance in writing to the NYAC within the time specified in the above letter. It will be assumed that the person is no longer interested in the position if his/her acceptance letter is not received within the specified time period.

All new employees shall receive this Personnel Manual on their first day of employment and sign a statement confirming their receipt. Signing this statement simply confirms receipt of the handbook and does not imply agreement with all the policies; nevertheless, employees are governed by these personnel policies regardless of their agreement or disagreement with them.

All original documents relating to employment will remain in employee files in the CFO/Director of Administrative Services' office at the Conference Center.

All new employees are subject to an introductory period (See Policy 303,

803 Employment and Assignment of Relatives

Employment of staff relatives will be based on the qualifications of the individual as well as the needs of the NYAC. Under no circumstances, may a staff member be under the direct supervision of a relative, be in a position to directly or indirectly influence decisions related to each other, or be in positions which involve related financial transactions. Due to these restrictions, employment of staff relatives is generally discouraged and an uncommon occurrence.

804 Separation

Staff who resign/retire from the NYAC are expected to give appropriate notice and work until the designated date of resignation/retirement except in cases of verified illness.

Pre-approved vacation and/or personal time may not be considered as part of required notice time.

804.A Resignation: Full-time and Part-time employees shall provide a minimum of two (2) weeks' notice. Elected/Professional employees that plan to resign shall provide a minimum of six (6) week's notice (8-12 week's is desired).

804.B Retirement (See Policy 808)

804.C Termination: The CFO/Director of Administrative Services or designee, in conjunction with the supervisor, will be involved in all terminations of employment.

If it becomes necessary to terminate an employee, except for termination for cause (where no notice or severance pay will be provided), the following provisions regarding duration of notice shall apply:

<u>Length of Service</u>	<u>Duration of Notice</u>
1 to 12 months	One week
1+ to 2 years	Two weeks
2+ to 4 years	Three weeks
4+ years	Four weeks

Reasons for termination of employment include any good and just cause, including the will of the NYAC. Upon termination of employment, the staff member shall be paid salary earned through the last day worked, plus any vacation time accrued for the current year.

804.D Layoff: If the NYAC must reduce employment because of adverse economic or other conditions, layoffs will be conducted consistent with the needs of the NYAC and in accordance with the procedures set forth below.

The NYAC will attempt to avoid layoffs, whenever possible, and will consider alternatives to layoff before any final decisions are made.

Employees selected for layoff will be given as much notice as is required by law, or as much as is reasonable under the circumstances. Employees will be informed of the reason for the layoff, and, when possible, the estimated length of the layoff.

If a position is eliminated due to reduction in work force, reorganization, program changes, or budget limitations, etc., severance pay will be provided (See Policy 805), and time off for outside job interviews will be allowed.

804.E Notification: If an employee is terminated due to reduction in work force, reorganization, program changes, budget limitations, or similar not-for-cause reasons, and the employee is not able to be placed in another position, a maximum of thirty (30) days' notice of pending termination, or severance pay in lieu of such notice (See Policy 805, will be given that staff person

805 Severance Pay

It is the policy of the NYAC that severance pay may be granted under certain circumstances as defined below. Employees terminated for cause, including unsatisfactory performance, do not receive severance or notice pay.

Employees terminated due to technological change or elimination of a position due to a reorganization or reduction in staff may be eligible for separation notice, time off for job interviews, and/or severance pay. Every effort will be made to reassign a displaced employee to another position.

Severance pay for non-voluntary termination of full-time employees, for reasons of reorganization, shortage of work, or lack of funds will be as follows:

- Date-of-hire through 6 months of service—no additional pay beyond last day of work.
- 6+ months to 1 year—one week's pay.
- 1+ to 2 years—2 weeks' pay.
- 2+ to 3 years—3 weeks' pay.
- 3+ to 5 years—4 weeks' pay.
- 5+ to 8 years—6 weeks' pay.
- 8+ to 10 years—8 weeks' pay.
- 10+ years—8 weeks' pay, plus 1 week for each year over 10 years, with a maximum of 12 weeks' pay.

Severance pay provisions shall not apply to clergy moving to another paid appointment without income interruption.

806 Exit Interviews

All employees who retire, or resign will be offered an exit interview, to be conducted by the HR & Benefits Manager, on or before their last day of work. Exit interviews shall be confidential. Provision for return of NYAC property shall be arranged at this time.

807 Employment of Temporary Employees

Employment of temporary employees must be arranged through the CFO/Director of Administrative Services or designee. They may work a full or part-time schedule but may work no more than 1,040 hours within a single six (6) month period of employment (See Policy 301.)

Temporary employees may be used for any of the following situations:

- A temporary fill-in pending the interview and selection process for a employee.
- To provide coverage for an employee on vacation or leave of absence.
- To provide assistance for a work project.
- To supplement the staff during peak times.

808 Retirement

Employees who are eligible and plan to retire from the NYAC must submit, in writing, their plans to retire at least three (3) months prior to the effective date of retirement. If the employee wishes to keep his/her retirement plans temporarily confidential, the notice is to be given to the CFO/Director of Administrative Services or designee; notice to the employee's supervisor should be given by the employee as far in advance as possible, but no later than one (1) month prior to the planned retirement date.

See Policy 410 for details on retirement benefits.

809 Death

It is the policy of the NYAC that in the event of the death of an active employee, salary earned for time worked (plus accrued vacation) will be paid to the current beneficiary designation as reflected on insurance enrollment forms, or if no beneficiary is designated, to the estate.

900 DISCIPLINE & GRIEVANCE PROCEDURES

901 Disciplinary Action –Full-time & Part-time Employees

When an employee is found to be in violation of NYAC policy, disciplinary action may be exercised where appropriate. Disciplinary action may include, but not be limited to, verbal warnings, written reprimands, suspension without pay or termination (See Policy 904), for classes of offense). Disciplinary action will seek to be corrective rather than punitive.

In cases of unsatisfactory performance or lack of adherence to the NYAC's policies, it is recommended, although not required, that the supervisor counsel the employee prior to moving to termination. In such a discussion, a specific time period for adjustment or demonstrated improvement shall be determined. The specific issues or problems and the agreements reached between the supervisor and the employee should be documented. A copy shall be maintained in the employee's personnel file.



902 Disciplinary Action Elected / Professional Staff

In cases of unsatisfactory performance or lack of adherence to the NYAC's policies on the part of an Elected / Professional employee, it is recommended, although not required, that the supervisor counsel the employee prior to moving to termination. In such a discussion, a specific time period for adjustment or demonstrated improvement shall be determined. The specific issues or problems and the agreements reached between the supervisor and the employee should be documented. A copy shall be maintained in the employee's personnel file.

902.A Suspension: Suspension is only implemented when an offense is serious (such as suspected theft, fraud, etc.) and time is needed to investigate all of the facts. The Personnel Committee must be consulted prior to any suspension for any reason.

The suspended employee is relieved of his/her responsibilities for a specific period of time. Salary may be withheld pending the completion of the investigatory process if the suspension is to be a minimum of one (1) full calendar week. In the event of exoneration, any salary which has been withheld shall be paid retroactive to the date of suspension. Benefits will continue during the period of suspension.

902.B Termination: If the preliminary decision is to terminate the employee, documentation of the termination must be provided to the CFO/Director of Administrative Services or designee. The CFO/Director of Administrative Services or designee will consult with the Personnel Committee chair concerning his/ her opinion based on

the facts. The chair of the Personnel Committee will then render his/her decision.

No counseling/warning or prior discussion is necessary in cases which necessitate immediate termination, such as serious negative behavior (e.g. falsifying NYAC records, use of drugs or alcoholic beverages on NYAC premises, theft of NYAC property, gross insubordination, etc.). These examples are not inclusive but are merely intended to serve as illustrations of serious negative behavior which may result in immediate termination.

902.C Investigation Procedures: In order to investigate a situation, a meeting shall be held between the employee, his/her supervisor, and the CFO/Director of Administrative Services or designee. The Chair of the Personnel Committee or his/her designee should be present, if deemed necessary. The nature of the meeting shall be investigatory, and the employee shall be permitted to present his/her side of the case at that time.

A decision will be made within five (5) business days following the meeting as to the disposition of the case. One of the following options should be chosen:

- Exoneration
- Reprimand without loss of salary, if applicable
- Reprimand with loss of salary, if applicable
- Termination

Termination for unsatisfactory performance shall be based on one or more written performance reviews, or a special memorandum. The review/memorandum should include a period of time for demonstrated improvement of not more than three (3) months. The written performance review/memorandum should be signed by the supervisor and the employee. The employee's signature indicates only that he/she has seen the document, and not that he/ she agrees with the content. A copy is given to the employee, and one is sent to the CFO/Director of Administrative Services for the employee's file.

903 Grievances

It is the policy of the NYAC to encourage employees to bring any work related complaints to the attention of management.

All employees will be provided with an opportunity to present their grievances through a formal grievance procedure.

903.A Procedure

Step One - If an employee has a work related problem or concern, he/she should discuss the problem/concern with the CFO/ Director of Administrative Services or designee within ten (10) working days of

occurrence. The CFO/Director of Administrative Services or designee should respond to the employee in writing within five (5) working days of the discussion. If the grievance is satisfactorily resolved, the CFO/Director of Administrative Services or designee should document the nature of the grievance and the resolution agreed upon. The document should be signed by both parties. A copy should be retained by the CFO/Director of Administrative Services or designee and a copy should be given to the employee.

Step Two - If the problem/concern is still not resolved, the employee may request a meeting with the Chair of the Personnel Committee. The request must be in writing within five (5) working days after the decision in Step One has been made and should be accompanied by the written decision made in Step One. A meeting will be arranged within five (5) working days and a decision will be made within five (5) working days after the meeting occurs. The decision in this step is final.

903.B Additional Provisions: Because of travel schedules, the time limits specified above shall be extended as required.

Conference calls can be substituted for face-to-face meetings as appropriate.

If the grievance involves the CFO/Director of Administrative Services or the Bishop, the employee may go directly to the Chair of the Personnel Committee.

Grievances involving clergy staff members and the Bishop may be subject to the complaint procedures outlined in the Book of Discipline.

904 Work Rules

The NYAC has certain rules and policies designed to protect the rights of all employees. These rules and regulations exist in order to promote understanding, even-handed administration and uniformity of procedure.

All employees are expected to maintain a high standard of conduct and work performance. Infractions of the rules and regulations will be sufficient grounds for disciplinary action (See Policies 901 and 902.)

904.A Class I: Violations of Class I rules are subject to a penalty from suspension to termination. The following is a partial list of improper conduct which, when engaged in, shall constitute grounds for disciplinary action potentially including immediate termination:

- 1) Being absent for three (3) consecutive days without authorization or good cause shown to the satisfaction of the NYAC.

- 2) Stealing (includes theft of time) or sabotage of funds, equipment, tools and/or other property belonging to the NYAC or to any employee.
- 3) Removing from the NYAC's premise NYAC property, or the property of others without written authorization by the NYAC, or misusing NYAC property or the property of others.
- 4) Dishonesty, including any falsification or misrepresentation; providing incomplete, misleading, or incorrect information in connection with the preparation of any NYAC records, including an application for employment.
- 5) Committing willful damage, abuse, or destruction of NYAC property or the property of others.
- 6) Possession, sale, or use of intoxicating beverages or illegal drugs on NYAC property or reporting for work under the influence of intoxicating beverages or illegal drugs.
- 7) Unauthorized use, possession, conveyance, or storage of any firearms, explosives, or other dangerous weapons on NYAC premises or during NYAC time.
- 8) Insubordination, including refusal to perform work required by a supervisor.
- 9) The use of profane, abusive, or threatening language toward co-workers, visitors, guests, vendors, contractors service workers or supervisors.
- 10) Fighting, intimidating, coercing, interfering with, or threatening bodily injury to other employees, visitors, guests, or supervisors.
- 11) Gambling of any kind on NYAC premises at any time.
- 12) Any act which might endanger the safety or life of others.
- 13) Willful, deliberate, or repeated violation of safety rules.
- 14) Deliberately delaying or restricting services or work effort, or inciting others to delay or restrict same.
- 15) Disclosure of confidential NYAC information to unauthorized persons.
- 16) Unauthorized use of NYAC telephones, stationery, name, property, or equipment.

17) Failure to report to work upon the expiration of a leave of absence, vacation, or holiday, or upon being recalled from layoff.

18) Sending, receiving or viewing pornography, including on the internet, while in the workplace and/or using NYAC equipment.

904.B Class II: Violations of Class II rules are subject to penalties ranging from counseling (minor offenses) to termination.

1) Engaging in activities which endangers others, interferes with work or creates a non-work environment.

2) Carelessness or recklessness causing damage to, defacement of, or destruction of building, equipment, or other NYAC property or the property of others.

3) Smoking on NYAC premises.

4) Unsatisfactory work performance.

5) Excessive tardiness and/or absenteeism.

6) Posting or removal of notices, posters, or writing in any form on bulletin boards or NYAC property without specific authorization from the NYAC.

7) Leaving a regularly assigned work location without notifying the immediate supervisor.

8) Creating or contributing to unsanitary, or otherwise poor, housekeeping conditions.

9) Failure to observe working hour schedules, starting or end times, and/or rest or meal periods.

10) Sleeping, loafing, or other abuse of time during assigned working hours.

11) Performing unauthorized personal work on NYAC time.

12) Failing to record work hours or absences as instructed.

13) Abuse or misuse of NYAC's systems and or equipment.

1000 MISCELLANEOUS POLICIES

1001 Payroll

1001.A Paydays:

Employees are paid by check or direct-deposit semi-monthly, computed on 24 pay periods per calendar year. Paychecks are normally distributed / deposited on the 15th and last day of each month. Direct deposit of paychecks is highly encouraged. Our payroll provider allows for staff to review and print all payroll documents online. Information regarding our online payroll system is provided to all employees upon hire.

1001.B Withholdings

Federal, state, and city income taxes and the employee's share of the Social Security tax are withheld where applicable. Changes in an employee's withholding status may be made as necessary through the Senior Accountant.



1002 Office Closings

Understanding that inclement weather may prohibit an employee from coming to the workplace, it is the policy that the CFO/Director of Administrative Services or designee will decide when the office is to be closed due to weather or some form of emergency. If a decision is made to close, the time off is with full pay. If an employee elects not to come to work due to inclement weather when the office is officially open, the CFO/Director of Administrator Services shall have discretion as to whether employee will receive a paid day off. The employee must notify their supervisor if unable to come to work.

1003 Annual and General Conference Attendance

Employees who are elected delegates or reserve delegates to a Jurisdictional or General Conference, or are a member of Annual Conference, shall be granted time off with pay to attend the conference.

NYAC employees will be required to attend and work at Annual Conference and Non-Exempt employees will be paid according to the hours worked. For work that may occur on a weekend, non-Elected/Professional Exempt employees will be given one "comp day" for each weekend day worked.

1004 Automobile Usage on NYAC Business

The NYAC reserves the right to check the driving records of employees who are asked to drive on NYAC business. Employees approved to drive on NYAC business are required to inform their supervisor of any changes that may affect their legal or physical ability to drive, or their continued insurability.

Employees holding jobs designated as requiring regular driving as a condition of employment must be able to meet the driver approval standards

of this policy at all times. Employees who drive a vehicle on NYAC business must exercise due diligence to drive safely and to maintain the security of the vehicle, its occupants and its contents.

Non-owned vehicle liability insurance protects the NYAC but not the individual employee. The employee must rely on his/her own insurance for protection. In addition, such drivers must make sure that the vehicle used meets the legal standards for insurance, maintenance and drivability. Employees are required to maintain insurance coverage on their vehicles. Employees are also responsible for driving infractions or parking fines as a result of driving on NYAC business.

1005 New York State Election Law

The NYAC recognizes that voting is an integral part of being in a community. In almost all cases, you will have sufficient time outside working hours to vote. If a registered voter in New York does not have sufficient time outside of working hours to vote at any election, that person may take off the amount of working time that, when added to voting time outside working hours, will allow enough time to vote. If for any reason you think this won't be the case, contact your supervisor to discuss scheduling accommodations.



APPENDIX A

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The NYAC maintains a policy of treating all employees and applicants for employment equally without discrimination based on: race, ethnicity, color, creed, national origin, gender, age, disability, marital status, sexual orientation, veteran status, or religion (except where religion or membership in the United Methodist Church is a bona fide occupational qualification). This policy is in effect in all levels of employment and in all employment decisions including, but not limited to: recruitment, hiring, compensation, training, promotion, upgrading, demotion, downgrading, transfer, lay-off, termination and all other terms and conditions of employment except as precluded by law.



It is also the policy of the NYAC to take affirmative actions to achieve equal employment opportunity in all personnel actions and procedures including, but not limited to: recruitment, employment and placement, training and staff development, transfer and promotion and compensation and other benefits.

The NYAC supports the Americans with Disabilities Act (ADA) and will take all actions to comply with the requirements of the ADA. To ensure equal employment opportunities to qualified individuals with a disability, the NYAC will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the business would result.

Employees who may require a reasonable accommodation should contact the Human Resources Department.

All Elected / Professional employees are responsible for assuring that this policy is adhered to at all times.

The attitudes of all staff are the most important contributions toward success in this program. Full cooperation in upholding the letter and the spirit of the equal employment opportunity principle is, therefore, expected and of the utmost importance.

It is also the NYAC's policy to prohibit harassment of one employee by another employee or supervisor on the basis of age, race, ethnicity, creed, color, marital status, sexual orientation, disability, national origin, religion, gender, or veteran status. The NYAC is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of our mission and all are valued for their skills, experience, and unique perspectives.

APPENDIX B

HARRASSMENT AND ABUSE POLICY

Policy

The NYAC will conduct its ministries, both program and personnel, in ways that seek to ensure the physical and sexual safety, emotional well-being and spiritual health of children, youth and adults.

The NYAC expects all staff and agents acting on behalf of the NYAC to adhere to this policy and procedure in dealing with all matters involving the programs and activities of the NYAC and The United Methodist Church.

The NYAC will not condone or tolerate harassment or abuse (including sexual violence against children and vulnerable adults) in any form by its employees, contractors, or volunteers at any of the NYAC's locations.

Harassment may take the form of remarks about age, race, religion; sexually suggestive actions/statements; or any other activity that defames, ridicules, intimidates, or embarrasses an employee and/or all who are covered under this policy. Harassment in the workplace violates federal, state and local law.

Remember that the provisions detailed below apply at all NYAC locations as well as any other locations at which NYAC staff may be acting on behalf of the NYAC. Additionally, keep in mind that harassment and abuse is not limited to between staff members; it can also involve staff and constituents or other persons, and the potential exists for staff to be victims, perpetrators, or witnesses in a wide variety of circumstances.

Types of Harassment

Child Abuse is defined as the physical or emotional injury, sexual abuse or exploitation, negligent treatment or maltreatment of a child. This can include but is not limited to: any injury that is not accidental; harming a child's self-esteem by submitting him/her to verbal assault or emotional cruelty; any sexual contact between a child and adult. Abusive behavior may or may not involve touching. The same definitions and examples may be used to understand behaviors by an adult toward a youth or an adult who is vulnerable due to physical or emotional handicaps.

Racial Harassment is an act of covert or overt racism. When prejudicial and/or racist attitudes are expressed in a behavior that is focused on abuse, humiliation, and defamation of persons because of their race or ethnicity, this will be considered racial harassment.

Abusive and/or derogatory language that in a subtle or overt manner belittles, humiliates, defames or demeans a person or a group of people based on racial and ethnic traits, heritage and characteristics is racial harassment.

Racial harassment can be further defined to include:

1. A behavior (individual, group or institutional) which abuses, belittles, humiliates, defames or demeans a person or a group of persons based on racial and ethnic traits, heritage and characteristics.

2. Materials - printed or visual - which abuses, humiliates, defames or demeans a person or group of people based on racial and ethnic traits, heritage and characteristics.

Sexual Misconduct is the overarching term for a variety of unacceptable behaviors between staff and those for whom they have professional or supervisory responsibility (this includes staff, associates, constituents, etc.). Sexual misconduct includes gender harassment, sexual harassment, role-inappropriate sexualized relationships, and sexual abuse. The misconduct may, in addition, be a criminal act or a violation of moral standards (Book of Discipline ¶¶2702.1 and 2702.3).

Sexual Harassment is commonly defined as any sexually related behavior that is unwelcome, offensive or which fails to respect the rights of others. It can be, but is not limited to, the following: verbal harassment consisting of suggestive comments, innuendo, insults, offensive humor or jokes, propositions, threats, non-verbal harassment consisting of obscene gestures, printed material, leering or ogling; physical harassment consisting of unwelcome touching, patting, pinching, brushing the body, coerced sexual intercourse, or assault.

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when any of the following conditions exist:

1. When submission to such conduct is a term or condition of employment: when submitting to sexual harassment is an implicit or explicit provision of attaining or maintaining employment.
2. When submission to or rejecting such conduct is a basis for employment decisions affecting the individual's promotions, transfers, job assignments, and/or performance appraisals.
3. When the harassment unreasonably interferes with the employee's work or creates an intimidating, hostile, working environment.

Gender Harassment is unwelcome or unwanted conduct which is gender specific (sexist bias), either cross gender or same gender lines. Gender harassment may include but is not limited to the belittling or discrediting of people on the basis of gender through humor, remarks, or other activities which create an intimidating, hostile, or offensive climate. Although not specifically "sexual," gender harassment may be recognized in patterns or behavior creating a hostile or abusive working environment. Both sexual and gender harassment are exploitations of power and are, therefore, discriminatory by law.

Sexual Abuse is any of, but not limited to, the following: rape, sexual assault, incest, indecent exposure, statutory rape, involuntary or voluntary sexual intercourse with a child; sexual activity or intercourse promulgated as an aide to pastoral counseling, psychotherapy, or career progression; intentional, progressive predatory behavior leading to sexual involvement, promoting prostitution, pornography with children, indecent assault and aggravated indecent assault.

In considering and defining sexual misconduct, the following points should be understood:

Dual Relationships: A dual relationship is defined as having two contrasting qualities of

relationship with the same person at the same time (e.g., a psychology professor functioning as a therapist for his student; a physician treating his/her spouse; a district superintendent serving as pastor to clergy on his/her district while having power to influence the appointment of that clergy person). Dual relationships exist; they cannot be completely avoided. However, when one part of a dual relationship is affectionate in nature, there is potential for misconduct and abuse.

Mutually Consenting Relationships: A mutually consenting relationship presumes equality between parties to the relationship. In particular, it presumes an equality of power. When an individual is functioning in a care-giving, supervisory, or leadership role in the church, it is his/ her obligation to contribute in a responsible manner to the well-being of the recipient of that care, supervision, or leadership. True equality in this relationship is difficult. Because the caregiver, supervisor, or leader is providing a service to the individual involved, that person is in a position of power. As a consequence, the recipient of the service may be vulnerable, believing that this service is unselfish and solely directed to his/her well-being and growth. These factors make meaningful consent improbable.

EXAMPLES OF SUBTLE & BLATANT SEXUAL HARASSMENT

Although the examples deal only with sexual harassment, the principles contained in the statements of example apply to all types of harassment. These examples are illustrative rather than exhaustive. Sexual harassment can be verbal, nonverbal and/or physical.

Verbal

- Sexual teasing or jokes.
- Asking unwelcome personal questions about social or sexual life.
- Making sexual comments about a person's body, clothing, or looks.
- Subtle pressure for dates or sexual activities.
- Unwelcome demands for sexual favors accompanied by implied or overt threats concerning one's job performance evaluation, promotion, or other conditions of employment.

Non-Verbal

- Unwanted exposure to photographs, cartoons, etc.
- Staring at someone or looking slowly up or down his/her body.
- Making sexual gestures with hands and/or body movements.
- Unwelcome letters and/or gifts.
- Giving items of a sexual nature.
- Invading a person's physical space; standing closer than is appropriate or necessary for the work being done.

Physical

- Unwelcome massaging of a person's neck, shoulders, etc.
- Unwelcome touching of a person's clothing, hair, etc.
- Unwelcome hugging, kissing, patting, or stroking.
- Touching or rubbing oneself sexually around or in the view of another person.
- Exposing oneself.

PROCEDURE FOR REPORTING HARASSMENT

If any employee feels that he/she has experienced sexual, racial, ethnic or religious harassment by a supervisor, co-worker, consultant, vendor, volunteer, or any person having a business or other relationship with the NYAC, he/she should report the incident to the CFO/Director of Administrative Services and/or the Personnel Committee.

If you are harassed, follow any of the following steps:

- 1) Exercise your right and responsibility to say no. Make it clear to the person that the behavior is unwelcome. Say no. Say it firmly, without smiling, without apologizing.
- 2) If the harassment continues, report it to your supervisor, keep a journal which documents all incidents of harassment, including dates, times, and descriptions of the incidents. Record the names of any witnesses to the harassment. Keep copies of all written materials you complete in reference to the harassment. If you receive any written letters, cards, or memos of a suggestive nature from the harasser, keep them. Note the date received and how received (mailed to your home, left on your desk, etc.). Keep all materials in a secure place, preferably at home.
- 3) Contact the CFO/Director of Administrative Services, the Bishop, and/or a member of the Personnel Committee.

It is the responsibility of any member of management to actively and immediately respond to a suspicion of the possibility of harassment and/or an employee's allegation of harassment by reporting such instances to the CFO/Director of Administrative Services and/or the Personnel Committee. A prompt and thorough investigation of the alleged incident will be conducted by the Personnel Committee in consultation with the CFO/Director of Administrative Services and the conference Sexual Ethics Response Team. Any complaints of harassment and complaint investigations will be treated confidentially to the extent consistent with the rights of the parties and applicable law.

If a complaint involves a clergy staff member, all applicable Disciplinary provisions in the *Book of Discipline* will be followed. Complaints involving a lay staff member may also be subject to provisions in the *Book of Discipline*. Any staff that has been found to have engaged in harassment or abuse is subject to disciplinary actions up to and including termination.

IMPORTANT: If an Elected / Professional employee observes a potential sexual harassment behavior, it is to be corrected immediately by talking to the employee engaging in the behavior. Remember, if you are in a supervisory position and an employee is being harassed, you are legally required to take immediate corrective action; at the very least, report it to the CFO/Director of Administrative Services.

If the executive or professional staff member receives a complaint, it is to be referred immediately to the CFO/Director of Administrative Services. Do not try to investigate it yourself. The same rule applies for any situation brought to your attention that could be, or develop into, a complaint.

In instances involving child abuse, including child sexual abuse, there is NO discretion. It MUST be reported. If you observe child abuse, follow these steps:

- 1) In New York State, call the Child Protective Services, 1-800-342-3720; in Connecticut, call the Child Abuse and Neglect Hotline, 1-800-842-2288; or check the blue pages of the telephone directory under “Children’s Services” for a 7 day/week, 24 hour emergency number.
- 2) DO NOT confront or discuss with the alleged abuser without first reporting the incident and getting professional guidance.
- 3) Contact the CFO/Director of Administrative Services, the Bishop or a member of the Personnel Committee.
- 4) Call the Sexual Ethics Response Team if you have any questions.

In instances involving adult sexual abuse or the witness of abuse, take the following steps:

- 1) Contact the CFO/Director of Administrative Services, the Bishop, or a member of the Personnel Committee.
- 2) Keep all evidence and written documentation (see the steps above for sexual/gender harassment).
- 3) When appropriate, report the abuse to the police.

What to Do If You Are Accused of Gender or Sexual Harassment

If you are accused of Gender or Sexual Harassment, follow this course of action: Request the name or source of the complaint. Contact the CFO/Director of Administrative Services, the Bishop, and/or the Chair of the Personnel Committee. The CFO/Director of Administrative Services and/or a member of the Personnel Committee will request a meeting with the person to resolve the issue and make arrangements for the presence of a member of the Sexual Ethics Response Team.

If the issue is not able to be resolved, the above persons will provide guidance throughout the rest of the process.

APPENDIX C

**CERTIFICATION OF
RECEIPT OF PERSONNEL MANUAL**

Certification by Employees

I represent that I have received a copy of the Personnel Manual published by the New York Annual Conference of The United Methodist Church. I acknowledge the existence of Section 713 “Ethics” and understand the New York Annual Conference’s expectations that all staff will conduct themselves accordingly.

Distributed Date: November 10, 2017

Organization: New York Annual Conference

Employee Signature: _____ Date Signed: _____

Employee name:

Job Title:

Failure to sign this document does not eliminate the employee's responsibilities to comply with the ethical standards of New York Annual Conference.

****RETURN THIS PAGE TO THE CFO/DIRECTOR OF
ADMINISTRATIVE SERVICES****

APPENDIX D

EMPLOYEE BENEFITS
NEW YORK ANNUAL CONFERENCE
OF THE UNITED METHODIST CHURCH

The New York Annual Conference provides a comprehensive package of employee benefits. A number of the programs (such as Social Security, worker's compensation, state disability and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. The HR & Benefits Manager can identify the programs for which you are eligible. Details of these programs can be found elsewhere in the Personnel Manual.

The following Benefits are available to eligible employees:

- Benefit Continuation
- Continuing Educational Financial Assistance
- Flexible Spending Accounts: Medical and Dependent Care
- Family and Medical Leave
- Home Care / Hospital Time
- Incapacity Leave: Short and Long Term disability Insurance
- Jury Duty Leave
- Life Insurance
- Medical Insurance
- Military Leave of Absence
- Paid Holidays
- Personal Investment Plan
- Sick Leave
- Vacation Time
- Employee Wellness Plans including an Employee Assistance Program
- Worker's Compensation



HEALTH CARE BENEFITS

The New York Annual Conference offers full time employees comprehensive health care insurance benefits. Since insurance carriers are subject to change, as are the covered services, the HR & Benefits Manager will supply each eligible employee with a Certificate of Coverage and Summary Plan Description at the beginning of employment. (Benefit information is also available through Wespath) The HR & Benefits Manager is available to explain various aspects of each plan as well as assist in determining benefit levels.