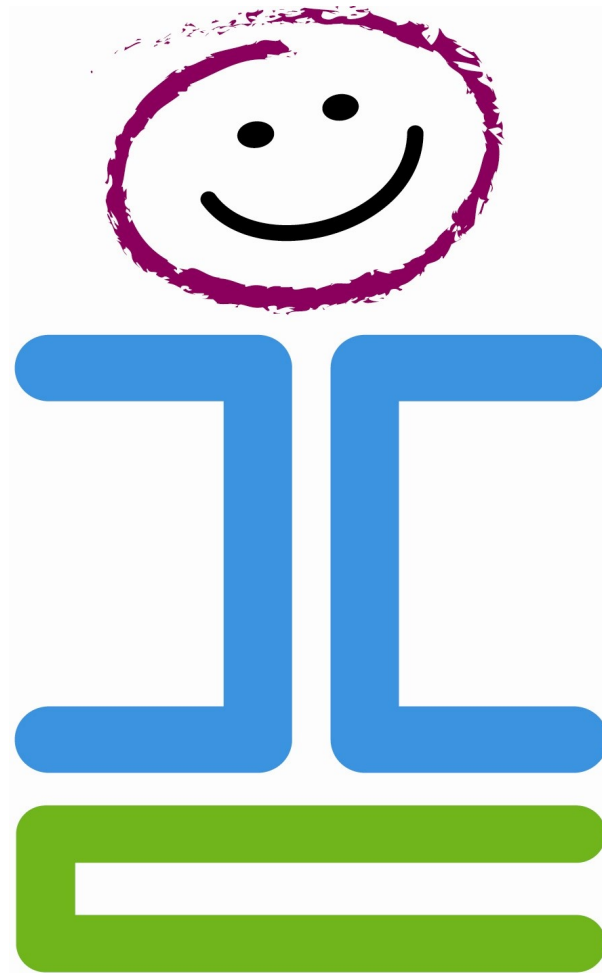


Ithaca Community Childcare Center

Employee Handbook



Where your child is the center™

Approved by the Ithaca Community Childcare Center Board of Directors April 24, 1996
Last Revised October 2020

The Management of **Ithaca Community Child Care Center** welcomes you as a member of our team. Whether you are a new employee, or have been with us for some time, you are our most important and valued asset. We hope you feel comfortable with your work environment and with the people around you.

Sincerely,

Executive Director

I. INTRODUCTION

A. MISSION STATEMENT

IC3 is committed to providing families with the highest standard of child inspired, professionally nurtured care and opportunities for learning.

Ithaca Community Childcare Center provides a safe, nurturing and developmentally appropriate program which fosters active learning, support for the whole child, and a child centered environment. We foster innovation. We embrace team work. We strive for excellence. We respect and support families. We commit to service at all levels. We respect and appreciate diversity. We actively listen and seek to understand. We communicate openly and productively. We use resources creatively and responsibly. We abide by the NAEYC Code of Ethics and Statement of Commitment.

Our Vision is to be nationally recognized as an outstanding childcare center.

B. PREFACE

We have prepared this Handbook to provide you with information about our policies, rules, and present benefits. Please set aside some time to become familiar with this Handbook. It will be very helpful in answering many questions that arise. We recognize, however, that no Handbook can answer every question. If you do not find an answer to your particular question in this Handbook, or if you would like a particular policy or procedure clarified, please feel free to ask your immediate Supervisor or the Executive Director or Program Director. They will be glad to help you answer every question.

This Handbook is not a contract of employment or a promise of continued work. Consequently, this Handbook does not alter, amend, or change in any way your employment status. This Handbook should not be read to create a contractual relationship between an “employee at-will” and IC3. “At-will employees” are free to resign at any time, with or without notice. Of course, the Center has the same right, and can terminate your employment at any time for any reason.

From time to time, changes in policies or benefits may become necessary and may have to be instituted without advance notice. We will, however, try to keep you informed of all changes as soon as possible through the distribution of replacement pages in your handbook. Any conflict between this Handbook and our policies or benefit plans will be resolved in favor of the then current policies and plans.

C. EMPLOYMENT PHILOSOPHIES

1. Grievance And Communications: Our Open Door Policy

Each person shall act in a responsible manner and continually strive to improve the Center's operational efficiency and well being. It is our goal to have at all times a pleasant and productive working environment. Our ability to achieve this goal depends upon all of us showing mutual respect, and upon our maintaining open lines of communication. Therefore, we have an "Open Door Policy." This means that if you have any questions about your job, complaints of any kind, or opinions about matters which affect your employment, we encourage you to discuss them first with your immediate Supervisor and then followed by the Executive Director or Program Director if you feel appropriate.

We are eager to help you with any work-related problems, or listen to your suggestions or complaints. If we do not know about your problems, suggestions, or complaints, we cannot begin to address them. We encourage your input. Our doors are always open, and we hope that you will help keep the lines of communication between us open at all times.

2. Equal Employment Opportunity

The Center is proud to be an equal opportunity employer. It is our policy to grant equal employment opportunities to all qualified applicants and employees without regard to their race, color, religion, sex, sexual orientation, marital status, age, national origin, citizenship status, disability, veteran status, or any other protected classification.

If you feel that you have been discriminated against in any respect, you should immediately bring the matter to the attention of the Executive Director or Program Director. If you feel you have been discriminated by the Executive Director, you should bring the matter to the

attention of the President of the Board of Directors. Be assured that all such complaints will be treated with the utmost confidentiality and will be thoroughly reviewed by management.

3. Sexual Harassment

IC3 forbids all forms of sexual harassment. Accordingly, sexual harassment by anyone, including fellow employees and patrons, will not be tolerated.

In furtherance of the Center policy to provide each of you with a work environment free from sexual harassment, we will not tolerate employees, patrons, vendors, volunteers, or anyone else associated with our business, or any Center guest engaging in any action or conduct which could be viewed as sexual harassment, including but not limited to:

- a. Unwelcome sexual advances;
- b. Requests for sexual acts or favors;
- c. Any statement or implication that submission to or rejection of sexual conduct could affect any aspect of an individual's employment with the Center; and
- d. Other verbal or physical conduct of a sexual nature.

Activities of this nature are against the law, serve no legitimate purpose, and have a disruptive effect on your ability to perform the job properly. The Center takes allegations of sexual harassment very seriously and will actively investigate all sexual harassment claims. If it is determined that sexual harassment has occurred, management will take appropriate action. Any employee who has a complaint of sexual harassment at work by anyone, including administration, supervisors, co-workers, or guests, should immediately bring the matter to the Director's attention. All complaints will be handled with the utmost discretion and will receive a thorough investigation.

Because of their sensitive nature, all complaints of sexual harassment will be investigated with care. The privacy of the complaining person and the person accused of sexual harassment will be respected to the extent possible.

IC3's Sexual Harassment Policy in its entirety is provided to you in your employment packet. Refer to Appendix A for the Sexual Harassment Policy in its entirety.

II. EMPLOYMENT PRACTICES

A. EMPLOYEE CLASSIFICATIONS

The Center has three employment classifications: salaried employees, temporary employees and hourly employees. Your employee classification affects the method by which the Center compensates you and your eligibility for benefits. You will be informed of your status. You will be informed of your employee classification in your employment letter and given a copy of your job description during the orientation period.

B. NEW EMPLOYEE ORIENTATION PERIOD

Each new employee of IC3 will be provided with a copy of this Personnel Manual, commonly referred to as the Employee Handbook and other policies which are appropriate to the laws which govern this profession.

If you are a new employee, the first six months of your employment will be considered an orientation period. This period will give you time to become acquainted with your job, and it gives us an opportunity to fairly evaluate your progress and potential with our Center. If, during the six months you fail to qualify for continued employment, you will be informed of the Center's decision. Of course, participation in or completion of the orientation period does not affect your status as an at-will employee.

We intend to help you successfully complete your orientation period by providing you with the necessary information and instruction to perform your job. Your co-workers and Age Group Leaders are also available to help you in any way they can. Therefore, feel free to let those individuals know if you have any problems or questions regarding the work assigned to you. Please let us know if our directions are unclear or you do not understand something. We want to see you succeed in every way possible.

During the orientation period, the employee's supervisors will decide whether the Center believes the employment relationship should not be continued. Administrative and support

staff are supervised by the Executive Director. Program staff is supervised by their Age Group Team Leader and the Program Director. The Executive Director is supervised by the Executive Committee.

C. DOCUMENTATION REQUIRED BY ALL EMPLOYEES

The New York State Office of Children and Family Services which is our licensing agency, also requires certain documents to be on file for each employee. Contact the Program Director for more specific information regarding the following requirements.

1. Clearance by State Central Register of Child Abuse and Maltreatment, as well as clearance by the criminal history review unit which necessitates providing a finger print and clearance by the Justice Center for the Protection of Persons with Special Needs.
2. Statement or summary of employment history, including but not limited to any relevant childcare experience.
3. Two references other than relatives.
4. Sworn statement indicating whether the employee has ever been convicted of a misdemeanor or felony in New York State or any other jurisdiction. **No person may be a staff member or volunteer in a childcare program who has been convicted of a crime against children.**
5. Drug-free statement.
6. Evidence of annual required professional development training; 15 hours in the first 6 months of employment, 30 hours every 2 years.
7. Physician's Statement and Tuberculin Test Requirement: All employees must submit a statement from a physician, physician's assistant or nurse practitioner before employment verifying that the employee is physically and mentally fit (with or without reasonable accommodation) to provide child care and is free from communicable disease. The statement must also include the results of a tuberculin test performed within the twelve months preceding the date of employment.
8. Diploma evidencing employees' highest level of education (transcripts acceptable).

D. PERSONNEL RECORDS

The Center maintains personnel records for every employee. The information contained in your personnel file is needed to send you mail, properly maintain your insurance and other benefits, compute your payroll deductions and otherwise comply with various state and federal laws and regulations. It is important to both you and the Center that your personnel record is kept accurate and up to date. Therefore, we ask that you immediately notify the Center, in writing, if there are any changes in the following information:

- a. Change of your address and/or telephone number;
- b. Change in your marital status (for insurance purposes);
- c. Change in your name;
- d. Change in the person you designated to be notified in case of an emergency;
- e. Change in the status of your W-4 exemptions;
- f. Convicted of a felony or any other crime that is related to the provision of child care

All such information will be treated as highly confidential and will only be available to the employee and those people with a need to know the information.

A requirement of employment at our center is to provide three references. Attaining references is an important step in the hiring procedure. We believe it is also necessary to provide an accurate reference for you at the time you depart the Center.

Due to the nature of our work, i.e. working with children we must be candid on all references and reference requests. If you are leaving the Center and do not expect a favorable reference, please do not ask for one. However, if a prospective employer calls for a reference it will be our policy to review your personnel file and advise of performance appraisals and any disputed items that you indicated therein, i.e. you have the option of disputing any negative feedback that is documented on performance reviews. Our commitment to children requires us to be honest. In the event that a negative reference is forthcoming, we will supply facts only not opinions.

E. HOURS OF WORK

1. The Center and Kendal at Ithaca is open from 7:30 a.m. to 5:30 p.m. Monday-Friday. The School Age Program operates from 2:00 – 5:30 p.m. Monday – Friday, except for full days when it is open from 7:30 – 5:45 p.m. Hours of operation may be revised by the Board of Directors and/or Executive Director, as needed.
2. Pay Week: Runs Sunday through Saturday.
3. Scheduling: the schedules of salaried employees vary depending on the requirements of each position. Scheduled work time may include staff and team meetings, parent conferences and classroom preparation. All decisions regarding staffing are the discretion of the Executive Director and Program Director. Classroom teachers are required to equitably share the early and late shifts. Exceptions to this may be granted by the Executive Director and Program Director in cases where both teachers agree to the terms of the schedule and the classroom parents are supportive of this arrangement. All arrangements shall be reviewed as necessary by the Executive Director and Program Director, which will consider programmatic, personnel, and financial circumstances.
4. In addition to scheduled meal period breaks, employees may call the front desk for coverage for short durations to use the restroom, stock up on supplies, or if they are unable to perform their classroom duties for any reason.

F. PERFORMANCE APPRAISALS

1. Administrative Staff

New Administrative staff is evaluated at six months and on their anniversary of being hired for their current position. All Administrative staff is evaluated yearly on their anniversary date of being hired. The feedback that is received is compiled by the Executive Director, or in the case of the Executive Director's review, the President of the Board is responsible. The Executive Director and the Administrative staff member will meet to review the evaluation and the compiled feedback. During this meeting, goals for improvement are set for the following year. Bonuses will be reflective of performance. Raises are dependent upon budgeting and are at the discretion of the Executive Director.

2. Teachers

New teachers are evaluated at six months and on their anniversary of being hired. All teachers are evaluated yearly on the anniversary date of being hired. The Teacher and the Age Group Leader will fill out a career lattice packet throughout the year. This packet is used during the yearly evaluation to determine a teacher's strengths and areas in need of improvement. The teacher and the Age Group Leader will meet to review the career lattice packet and the compiled feedback. During this meeting, goals for improvement are set for the following year. A recommendation is made by the Age Group Leader for bonus payment. The career lattice packet is used to determine a teacher's bonus. This bonus may vary from year to year depending on the budget. Final approval for a bonus is at the discretion of the Program Director.

3. Hourly Staff

New Teacher Assistants and Full Time Teacher Assitants are evaluated at three months and again on their anniversary date. The Age Group Leader compiles the review and meets with the Teacher Assistants to discuss performance. During this meeting, the teacher assistants' strengths and areas in need of improvement will be discussed and goals for the coming year will be set.

If performance issues arise, for any staff member at any time, a meeting to discuss

performance will be scheduled and a time frame for improvement will be set.

G. TIME CLOCK

Employees of the Ithaca Community Childcare Center will use the time clock upon arrival and departure from the Center. Employees are required to abide by all other rules attendant to time keeping (clocking out for breaks, clocking in for meetings and trainings, etc...)

III. EMPLOYEE COMPENSATION

A. COMPENSATION

We are committed to providing fair and competitive compensation, consistent with our financial condition and our periodic surveys of salaries and benefits received by similarly situated employees in the area. Salaries and raises rest solely within the discretion of the Employer.

B. PAYDAY AND PAYROLL DEDUCTIONS

Paychecks are issued on the 5th and 20th of each month and cover the preceding pay period. There are two pay periods per month, the first runs from the 1st of the month to the 15th and the second runs from the 16th of the month to the last day of the month. If a payday falls on a weekend or Center holiday, paychecks will be issued on the Friday before the weekend or holiday whenever possible.

Your check stub itemizes the amounts and descriptions of all deductions from your gross earnings such as Federal and State taxes, Social Security, other legally required deductions, and deductions which you have previously authorized the Center to make. The Finance Manager is available to answer any questions you may have concerning your paycheck.

Paychecks will be available after 10:00 a.m. on the scheduled payday for work performed during the pay period. Employees must sign for their paychecks at the front desk. Employees must pick up their own paycheck unless another person is authorized in advance and in writing.

As a benefit of your employment, Electronic Deposit is available to all employees. You will find the appropriate forms in your welcome packet. See the Finance Manager with any questions regarding this benefit.

IV. YOUR BENEFITS: Salaried, Hourly Employees

STAFF SUPPORT BENEFITS

All regularly scheduled staff regardless of position and hours are eligible for the following benefits:

Staff Education Fund

Funding is available for coursework in a related field, associated fees, books and materials. To request funding submit a written request to the Executive Director along with supporting documentation outlining the fees requested.

Professional Development

Funding is available to assist with registration fees for workshops, conferences and trainings. To request funding submit a written request to the Executive Director or Program Director with supporting documentation outlining fees requested.

Annual Flu Shot Coverage

Flu shots are provided annually at the Center for all staff interested.

Employment Physical & TB Reimbursement

Reimbursement for physicals required for employment will be partially or fully reimbursed. See Program Director for reimbursement amounts. For reimbursement, complete reimbursement form with receipt for service attached and submit to the Front Desk.

State Central Registry Clearance Fees

This clearance is a requirement of employment and the Center covers the cost.

Employee Assistance Program

The Center contracts with Family and Children's Services of Ithaca to provide free confidential individual and family support with a variety of services. For more information visit www.fcsith.org/eap or call (607)273-7494 and ask to speak with the EAP Services Coordinator.

Community Resources

For a list of community resources see Appendix B

A. IN GENERAL

Benefit eligible employees are staff that are permanent, full time (consistently scheduled to work over 30 hours) employees that are eligible for the FLEX benefit.

You are offered a range of Center benefits. The Center views benefits as direct compensation and tries to meet the individual needs of each employee. Accordingly, each employee is encouraged to provide feedback on the type of benefits available. Moreover, the Center looks at the total cost of salary and benefit package when considering raises and current compensation to employees. The Center reserves the right to make changes or cancel any and all of the benefits described herein.

A salaried employee who works 2-9 days in a month will receive a half-day accrual and half paid benefits for that month. A salaried employee who works 10 days or more in a month will receive a full-day accrual and full paid benefits for that month.

An employee's average workday is defined in the employment letter.

1. Salaried Employees

Salaried employees accrue one sick day per month and 1.3 vacation days per month. Salaried employees begin accruing sick time immediately and vacation time 6 months after employment.

2. Hourly Employees

Hourly staff accrues sick time at the rate of 1 day per month. Refer to employment letter for the accrual rate. Hourly staff accrues vacation time, up to 5 vacation days per year. Refer to your employment letter for the accrual rate. Hourly employees begin accruing sick time immediately. Vacation time accrues 6 months after employment.

The following benefits are made available to eligible staff. Consult your benefits letter to determine your eligibility.

B. HEALTH INSURANCE

Employees are eligible to participate in our group health insurance program. These programs provide medical insurance benefits for you and your eligible dependents. You will receive booklets which more fully describe the details of these benefits including information concerning eligibility requirements, deductibles, co-payments, etc., when you become eligible. Please make sure to read this information carefully and if you ever have any questions concerning your benefits, feel free to ask the Finance Manager.

C. CAFETERIA PLAN

IC3 offers a Cafeteria Plan to eligible employees. The Cafeteria Plan allows you to “redirect” part of your salary to purchase benefits from a “menu” of benefits, giving you the opportunity to customize your benefit package to meet your particular needs. You may select among cash or certain qualified non-taxable benefits. Additional information will be provided to you during your orientation.

The Flexible Spending Accounts (FSA) plan is another valuable Center benefit. The plan allows eligible employees to pay for certain qualified health, dental, or dependent care expenses or put money toward retirement with tax-free dollars. Under this optional plan, you are

not required to pay Federal and State Income tax or Social Security Tax on qualified expenses. Your level of participation in this program is at your discretion and within legal guidelines – you choose depending on your own particular needs and circumstances.

D. OTHER INSURANCE BENEFITS

1. Workers' Compensation

Workers' compensation insurance is fully funded by the Center, and it goes into effect on each employee's first day on the job. Any medical or hospital expenses resulting from a work-related injury are covered by this policy. In addition, if your injury prevents you from working, this coverage may also pay you a percentage of your average weekly earnings depending upon the nature and extent of your injury, in accordance with State laws.

If you sustain an injury, no matter how slight, you should immediately report it to the Program Director because your failure to do so could result in the forfeiture or reduction of your workers' compensation benefits. Additionally, an accident report form must be completed and received by the Program Director within forty-eight (48) hours of your injury or accident. The Center will, upon request, provide you with the appropriate form. In addition, if you are aware of an injury suffered by a fellow employee, sub-contractor, or independent contractor, please inform Executive Director and/or Program Director as soon as possible.

2. Social Security

Social Security benefits provide a source of supplemental retirement income. Under Federal law, the Center is required to withhold, from eligible employees' paychecks, a certain percentage of earnings for Social Security (FICA). Additionally, the Center matches this contribution dollar-for-dollar and then forwards the total amount to the federal government, where it is credited to your personal Social Security account.

3. Unemployment Insurance

Unemployment is available to staff for your income protection in the event you lose your job, cannot find another one, and are eligible for this benefit. The entire cost of this coverage is paid by the Center.

4. Disability Insurance

After seven (7) days absence for sickness or injury, an employee is eligible to go on disability and receive one-half pay, up to a maximum of \$170.00 per week, depending on your base salary. The employee may use accrued sick and vacation time to supplement his or her disability pay. Terms and conditions of this coverage are set by our insurance carrier and are subject to change at any time.

5. General And Automobile Liability Insurance

The Center carries a comprehensive liability policy covering general liability and automobile liability. The general liability policy affords protection for any employed person and enrolled children involved in an accident on or off the premises, while engaged in IC3 programs.

The automobile liability policy covers the Center and its employees while transporting enrolled children to and from the Center during the course of the program. It also covers the enrolled children being transported. The limits to this policy are the same as for the general liability policy. It is important for all staff to be aware that despite this coverage, in the event of an accident, your own automobile policy may be affected, i.e. it will not preclude the possibility of suit being brought against you personally. Therefore it is recommended that staff who will be transporting enrolled children carry the maximum personal liability coverage offered under their policy. To this end, all staff transporting enrolled children will be required to provide a copy of a valid driver's license and proof of insurance to their Age Group Leader.

E. CHILD CARE BENEFIT

Benefit eligible employees who have a child enrolled at the Center are allowed a discount on the child's tuition. The child care discount may be re-formulated from time to time if the number of employees who use the child care benefit increases in a given year such that the Center is unable to stay within the budgeted amount for discounts. The Executive Director is responsible for tracking this budget and will inform staff of any necessary changes.

F. VACATION DAYS

All salaried employees are entitled to take paid vacation during the year. (Year, as used herein is the fiscal year which runs September 1 through August 31). You accrue 1.3 vacation day for each month of service beginning after you have worked six consecutive months. In your first year of service, you may accrue a maximum of 6 vacation days which you may use during that year. After your first year of service, you may accrue a maximum of 16 vacation days, to be used during the year. Vacation days may be used in hourly, half day or full day increments.

Part-time employees accrue vacation leave and may use vacation leave in accordance with this section. Part-time employees accrual rate is based on their average workday, refer to your employment letter for your average workday and accrual amount. Part time employees may use vacation days in hourly, half day or full day increments and are subject to maximum accruals.

In order to avoid disruption to our business, written requests for vacation need to be approved by the Program Director and Scheduler at least one week in advance of your vacation. We also ask that before taking your vacation that you make arrangements to ensure that any work in progress will be taken care of in your absence. Approval of vacation days is at the discretion of the Program Director, who reserves the right to limit vacation approvals when substitute availability is limited or during periods of high child enrollment. The procedures for requesting time off are reviewed during orientation.

All vacation, irrespective of duration, must be taken by the end of the fiscal year, August 31 (The fiscal year runs September 1 through August 31). Any vacation time not used by August 31 will be forfeited. Staff has the option to be paid out for up to 5 vacation days. Payout of vacation time will only occur in August, the last month of the fiscal year. The daily rate for payout of vacation time is determined by the Executive Director. Requests for payout should be submitted to the Program Director. At the time of resignation or termination, the employee may be paid for vacation time accrued but not used. If vacation is taken in excess of the amount accrued at the time of resignation or termination, it will be deducted from the employee's last paycheck.

When a holiday falls while you are on vacation, you will receive holiday pay for the designated day in lieu of a vacation day. However, if the Ithaca Community Child Care Center

closes unexpectedly, an employee on vacation will be required to use a vacation or other paid day and will not receive an extra day off.

1. Seniority Days

Because we value employee loyalty, the Center is pleased to reward salaried employees who have been at IC3 longer than two (2) full years. One additional vacation day (“Seniority Day”) per year is granted at the beginning of the third year of employment, and through successive years, culminating in a maximum of ten (10) seniority days. One seniority day may be carried over to the next fiscal year, up to a maximum of 10 seniority days in any given fiscal year. These days must be requested and used in the same manner as vacation days.

G. PAID HOLIDAYS

Each year the Center will announce the specific calendar days on which holidays will be observed. Eligible employees will receive time off with pay on each of the following Center-celebrated holidays:

New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and the Friday after Thanksgiving, Winter break (i.e., the week between Christmas and New Year's day).

The above list is subject to change depending on the dates on which specific holidays may fall. Eligible employees receive these holidays off with pay, provided the employee works the day before and the day after the holiday. Employees who are absent from work either the day before, the day after or both days will receive holiday pay provided the absence is due to a pre-approved vacation or verified sick leave. Terminated employees will receive holiday pay only if they work the days before and following the holiday.

H. SICK LEAVE

Eligible full time employees are entitled to up to 12 paid sick days per year, they accumulate at the rate of one per month. You are required to use sick time when you are unable to report to work due to illness, injury or other incapacitation, or to care for an ill spouse, child or

parent. You must notify the Scheduler as soon as possible. The procedure for this is contained in your addendum labeled Scheduling Details.

If you are absent from work for a period of more than two (2) consecutive work days you must inform the Program Director of the status of your condition and may be required to provide a physician's certificate upon your return to work. For absences of five (5) or more consecutive workdays, the employee will be required to provide a doctor's note to the Program Director.

Employees are allowed 16 hours of unexcused time off per month subject to availability based on your benefit time accrual. Excused absences are pre-approved by the Program Director at least 24 hours in advance. Unexcused absences are any absences not approved in advance. Unexcused absences may be considered excused with appropriate documentation presented to the Program Director.

If an employee is out sick and the Center declares an unscheduled day off (e.g., due to inclement weather) the employee will continue to use sick time for that day and will not be given an additional day off.

Unused sick days may be carried over into the next fiscal year, up to a maximum of 24 total sick days in any given fiscal year.

Employees may not receive pay in lieu of any unused sick time. Upon termination/resignation, any accrued sick time is canceled and the employee is not paid for unused sick time. If sick time is taken in excess of the amount accrued at the time of termination, it will be deducted from the employee's last paycheck.

Part-time employees accrue sick leave and may use sick leave in accordance with this section. Part-time employees accrual rate is based on their average workday, refer to your employment letter for your average workday and accrual amount. Part time employees are subject to maximum accruals.

SEE ALSO: Family Medical Leave and Paid Family Leave

I. MENTAL HEALTH DAYS

Up to two (2) sick days may be used as mental health days to reduce stress. Mental health days must be pre-approved by the Program Director or Executive Director.

J. ABSENCE FROM THE CENTER

1. Family Medical Leave

Employees who have worked at the Center for at least one year and have worked 1,250 hours during the previous twelve (12) month period preceding leave request, may be eligible for up to a total of twelve (12) weeks of unpaid leave in a 12 month period for one or more of the following reasons:

- For the birth of a child, and to care for the newborn child;
- For the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
- To care for an immediate family member (spouse, child, or parent -- but not a parent "in-law") with a serious health condition; and
- When the employee is unable to work because of a serious health condition.

Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.

Serious Health Condition means illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility; or
- A period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by or under the supervision of a health care provider; or
- Any period of incapacity due to pregnancy, or for prenatal care; or
- Any period of incapacity or treatment therefore due to a chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc); or
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (Alzheimer's, stroke, terminal disease, etc.); or

- Any absences to receive multiple treatments including any period of recovery therefrom by or on referral by a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g. chemotherapy, physical therapy, dialysis, etc.).

Leave must be requested and approved in advance. If you fall into this category or think that you may, consult the Program Director for more details.

2. Paid Family Leave

Every full-time or part-time employee at IC3 is eligible for Paid Family Leave. Participation in the program is not optional for employees. Employees with a regular schedule of 20 or more hours per week are eligible after 26 weeks of employment. Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked. Employees do not have to take all of their sick leave and/or vacation before using paid family leave. IC3 permits you to use sick or vacation leave for full pay, but it is not required that you to use this leave. Starting January 1, 2018, Paid Family Leave will provide paid time off so an employee can:

- Bond with a newly born, adopted, or fostered child,
 - Care for a family member with a serious health condition, or
- Assist loved ones when a family member is deployed abroad on active military duty.

Maternity and Paternity Leave

As a parent expecting, fostering or adopting a child, you are eligible to take time to care for your child. With proper documentation, starting in 2018, you may be eligible for up to 8 weeks of employee-funded Paid Family Leave. Paid Family Leave only begins after birth and is not available for prenatal conditions. A parent may take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child.

Caring for a Close Relative with a Serious Health Condition

IC3 employees are able to take time to spend caring for a loved one with a serious health condition. A close relative includes:

- Spouse
- Domestic partner
- Child
- Parent
- Parent-in-law
- Grandparent
- Grandchild

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- inpatient care in a hospital, hospice, or residential health care facility; or
- Continuing treatment or continuing supervision by a health care provider.

For example, you need one or more full days to care for your mom when she undergoes chemotherapy; or your dad is having surgery followed by extensive recuperation; or your child is undergoing intense psychotherapy and is unable to attend school for a period of time. You can take Paid Family Leave in these types of instances.

Active Duty Deployment

Paid Family Leave is available for families eligible for time off under the military provisions in the federal Family Medical Leave Act when a spouse, child, domestic partner or parent of the employee is on active duty or has been notified of an impending call or order of active duty. Paid Family Leave cannot be used for one's own disability or qualifying military event. It may only be taken to care for your:

- Spouse
- Domestic partner
- Child
- Parent

Benefits phase in over four years. In 2021, employees are eligible for up to twelve (12) weeks of paid leave at 67% of their average weekly wage (AWW), up to 67% of the New York State Average Weekly Wage (SAWW). These benefits are paid for through a small weekly payroll deduction.

Leave must be requested and approved 30 days prior to leave, when practical. If you fall into this category or think that you may, consult the Program Director for more details.

3. Professional Leave

Two Professional days are offered to salaried employees during the year to promote professional growth. These days may not be carried over to future years, and may be used in hourly, half days or full day increments only. The days must be pre-approved by the Program Director or Executive Director at least ten (10) days in advance. Staff wishing to be reimbursed for professional expenses must get prior approval from the Program Director or Executive Director and submit a reimbursement request with appropriate receipts attached.

5. Jury Duty/Court Appearance

The Center encourages all employees to meet their civic responsibility by serving on a jury when called to do so and by serving as a witness if subpoenaed for any matter. The Program Director must be informed of the dates and expected duration of the jury duty or court appearances.

If full time staff are summoned for jury duty they will receive their regular pay for up to five (5) days. Part time employees will be granted leave for jury duty, paid their regular pay for the first three days of Jury duty and may use benefit days for the remainder if they so choose. You must report to work if released for the day and more than one half of your regular shift remains.

6. Bereavement Leave

In the event of a death in your immediate family which requires you to miss work to attend the funeral or take care of related matters, the Center will grant you up to three days paid leave. If you need additional time, we will make every effort to accommodate you subject to our business needs and your eligibility for leave.

For purposes of this policy, immediate family means: a spouse, parent, parent-in-law, grandparent, guardian, sibling, child or stepchild, or significant other.

Bereavement requests of up to two days will be considered by the Center on a case-by-case basis for family members outside the immediate family. The Program Director must be notified that you are using bereavement pay ahead of time, otherwise, vacation time will be used.

Part time employees are eligible for paid bereavement leave on a pro-rated basis.

7. Military Leave

Should your employment with the Center be interrupted by active military duty or by reserve training obligations, the Center will grant you a military leave of absence and reinstatement rights in accordance with all applicable Federal and State laws.

8. Days Off Without Pay

Salaried Staff: A request for unpaid time off may be requested and is at the discretion of the Executive Director and Program Director. Refusal or granting of requests will be at the Executive Director or Program Director's discretion.

Hourly Staff: Up to seven days of unpaid time off may be requested in any given year in addition to the paid days provided in this Handbook. Refusal or granting of requests will be at the Executive Director or Program Director's discretion.

V. EMPLOYEE SAFETY

A. DRUG AND ALCOHOL POLICY

The nature of our work it is essential that employees are “drug free”. We take this policy very seriously. The drug free policy is part of the initial paperwork and is in your employee packet. Each employee must read the policy and sign the form on the bottom and return it to the Executive Director.

B. SMOKING POLICY

In the interest of safety, health, and in accordance with New York law, the Center prohibits smoking by anyone in its facility. Smoking is not permitted anywhere on the premises including in employees' cars. Smoking while children are in your care, such as field trips or walks is also prohibited and will result in termination or other suitable punishment at the discretion of the executive director.

C. INJURIES

Every accident or injury, regardless of how minor, occurring on the job, must immediately be reported to the Executive Director or Program Director. To that end, if you suffer a minor injury on the job, IC3 will pay the medical bill. A minor injury is one that requires no more than two treatments, no time lost from work and costs less than \$300.00. In an event of a minor injury, the employee must take the form "No Lost Time Injury Report" to the doctor or hospital attending to the injury. This form is available from the Executive Director or Program Director.

When it is determined that there will be no more than two treatments and no loss of time, then the medical bill should be forwarded to IC3. In these instances, we will not file the "C-2" or Employers Report of Accident form as a Worker's compensation claim. The purpose is to keep our payments to Worker's Compensation as low as possible by limiting our frequency of claims.

VI. EMPLOYMENT POLICIES

Each staff member is responsible, along with the Board of Directors and the Core Leadership Team, for ensuring the health and safety of all children in attendance, maintaining the New York State licensing, NAEYC requirements, the overall well-being of the Center, and its reputation in the community. Many of our rules are specifically tailored to the special service we provide the community as well as the special rules we are required to follow under applicable laws.

A. CHILD ABUSE REPORTING

In accordance with the provisions of Sections 413 and 415 of the Social Services Law, child day care center staff must report any suspected incidents of child abuse or maltreatment concerning a child receiving child day care to the Statewide Central Register of Child Abuse and Maltreatment, or cause such a report to be made, when such staff have reasonable cause to suspect that a child coming before them in their capacity as child day care center workers is an abused or maltreated child. This must be done in the following manner: Child day care center staff must personally make, or cause to be made, an immediate report to the Statewide Central Register of Child Abuse and Maltreatment by telephone, followed by a written report within 48 hours, in the form and manner prescribed by the Office, to the child protective service of the social services district in the county in which the child resides.

After making the initial report, the reporting staff person must immediately notify the director or licensee of the center that the report was made. Staff who report suspicions of child abuse/neglect where they work are immune from discharge, retaliation, or other disciplinary action for that reason alone, unless it is proven that the report was intended to do harm.

The director or licensee of the child day care center is responsible for implementing procedures which ensure the safety and protection of any child named in a report of child abuse or maltreatment involving a situation which occurs while the child is in attendance at the center. Immediately after making or causing to be made a report, the director or licensee of the center must take such appropriate action as is necessary to ensure the health and safety of the children involved in the report and, as necessary, of any other children in the care of the center. The director or licensee must also take all reasonable steps to preserve any potential evidence of abuse or maltreatment. Insofar as possible, any action taken under this subdivision must cause as little disruption as possible to the daily routine of the children in the center.

In meeting his or her responsibilities, the director or licensee of the child day care center may, consistent with any appropriate collective bargaining agreements or applicable provisions of law, take one or more of the following actions with regard to staff of the center relevant to a report of child abuse or maltreatment involving a child while in attendance at the center:

- (1) dismissal, suspension or transfer of any staff, volunteer or other person who is the subject of a child abuse or maltreatment report;

- (2) increased supervision over a person who is the subject of a report;
- (3) provision of instruction and/or remedial counseling to a person who is the subject of a report;
- (4) initiation of appropriate disciplinary action where applicable; and/or
- (5) provision of appropriate training to and/or increased supervision of staff and/or volunteers pertinent to the prevention and remediation of child abuse and maltreatment.

B. CODE OF CONDUCT

You were selected for your job with the Center because you possess a level of maturity, responsibility, and commitment which is an essential ingredient of our continued success. We are confident that while you work with us, you will continue to demonstrate these qualities, and conduct yourself in a professional manner at all times.

Your primary responsibility as an employee of the Center is to perform your duties to the best of your ability so that we can all continue to grow and succeed. This responsibility carries with it a number of obligations such as obeying the Center's rules, cooperating with management and co-workers, and remaining loyal to the Center. While we hope and expect the need for disciplinary action will be rare, when your job performance, attitude, or conduct fall short of our established standards, we will not hesitate to take appropriate action. Such action will range from oral or written warnings to termination. Some types of misconduct are so intolerable that termination may be imposed for even the first offense.

The rules set forth below are not designed for the purpose of interfering with or restricting your rights. Instead, our goal is to protect the mutual rights and interests of the Center and all of our employees. As you review the following list, please keep in mind that it is not intended to be exhaustive. It is merely intended to provide you with examples of the types of conduct that may result in disciplinary action. The Executive Director always reserves the right to impose punishment at her discretion, depending on the facts and circumstances of the situation.

Violation of the following rules will generally result in an oral warning for the first offense, a written warning for the second offense, a suspension for the third offense, and termination for the fourth offense, subject to the discretion of the Executive Director:

1. Failing to maintain satisfactory work performance.
2. Unexcused or excessive absenteeism or tardiness.
3. Uncooperative attitude.
4. Violation of the Center No-Solicitation/No Distribution Policy.
5. Violation of the Center Smoking Policy.
6. Failure to immediately report any work-related injury or accident.

Committing any one of the following serious violations will result in immediate termination for the first offense and proper authorities will be notified, if applicable:

1. Placing children or staff in immediate physical danger
2. Theft, participating in a theft, or attempted theft of the Center property or the property of any employee or visitor of the Center.
3. Failing or refusing to cooperate with the Center in an investigation of a theft or a suspected theft of another employee's or the Center property, or other conduct harmful to the Center.
4. Dishonesty, lying, embezzlement, falsifying any Center record (including employment application), no matter when discovered, falsely reporting any act or transaction or attempting to defraud the Center by any means, including making a false or fraudulent statement regarding absences, medical leave, overtime, workers' compensation claims, falsifying financial records, falsifying or padding your time records or time records of another employee.
5. Damaging, destroying or harming Center property or the property of another employee or visitor.

6. Fighting or assaulting or attempting to assault any member of management, employee or visitor of the Center, or deliberately provoking or inciting another person to engage in an assault or fight.
7. Possessing firearms, or other dangerous weapons or materials on the Center premises (including the parking lot area) or in connection with the Center business without permission from management.
8. Involvement in any illegal activities on the Center premises, or in connection with the Center business.
9. Disloyalty, including disparaging, maligning, or defaming the reputation of the Center or any of its employees.
10. Negligent performance of work assignments or deliberate concealment of defective work.
11. Insubordination, including refusing or failing to obey a work request or instruction of any member of management, or encouraging another employee to refuse or fail to obey such a request or instruction.
12. Violation of the Center's Equal Employment Opportunity or Sexual Harassment Policy.
13. Violation of the Center's Drug and Alcohol Policy.
14. Instigating, encouraging, or participating in any illegal work stoppages slowdowns, or other interference with, or restrictions of, Center operations

C. APPEARANCE AND DRESS

While we respect your individuality, your neat appearance and proper attire are important to our ability to maintain a professional atmosphere and leave a favorable impression with our patrons and visitors. We strive to maintain a professional atmosphere, and rely on your good judgment in this area. Your clothing should be tasteful, clean, neat, and appropriate for your duties. The Center's dress policy is included in your employment packet.

D. CONFIDENTIALITY

Information pertaining to children is confidential and is kept in the child's portfolio, communication log, in a filing cabinet, or at the front desk. Teachers create and have access to all assessment information. When needed, the Age Group Leader and/or Program Director are asked to be involved in assessment of children by observing, recording, and discussing their specific findings with the classroom Teachers. When Teaching staff are seeking general advice from others (teaching staff, therapists, etc.), confidentiality is respected and the child is not identified.

Assessment information is used to evaluate where a child is developmentally and assists the teachers to provide the most appropriate materials, activities and room environment in order to promote development. Assessment information is also used to inform parents about the child's development and to assist other organizations in understanding and enhancing a child's development. Written parental permission is obtained before any information is shared with other organizations. Parents are informed at the beginning of conferences or meetings that information pertaining to their child's development is kept confidential. Written permission from the child's parent/guardian must be obtained when sharing information with others.

E. CONFLICTS OF INTEREST

As an employee of the Center, it is expected that you will avoid actions that involve, or appear to involve, conflicts of interest between your duties and other business ventures or personal relationships. It is in your best interest and that of the Center that you act with discretion and good common sense in conducting all business on behalf of the Center.

F. COMPUTER/INTERNET USE

There are computers accessible to all staff and they are connected to the Internet. These computers can be used for professional and personal business. Use of the computers for personal business must be done during a break in your scheduled work shift. If, at any time, you are doing personal business on a computer and another staff member needs to use the computer for

professional business, you must discontinue your use of the computer.

The order of importance for use of the computer is as follows:

1. Professional Business – relating directly to IC3

Example: working on child assessment

2. Personal Professional Development – business that relates to

Professional development.

Example: college course work

3. Personal Business – business that is personal in nature

Example: online games

You are given access to our computer network to assist you in performing your job. You should not have any expectation of privacy in anything you create, store, send, or receive on the computer system. Without prior notice, the Executive Director or Program Director may review any material created, stored, sent or received on its network or through the Internet or any other computer network.

Do not put the computer systems to uses that would reflect adversely on IC3. Such as uses involving pornography, violations of statute or regulation, unofficial advertising, inappropriately handled sensitive information, and other uses that are incompatible with public service.

G. NO SOLICITATION / NO DISTRIBUTION

In order to avoid annoyance to our employees and interference with our operations, no employee is permitted to distribute literature or solicit other employees for any purpose on Center premises during working time. The Center premises include all areas where employees perform their assigned work tasks. Working time includes the time during which you are actually scheduled to work, and does not include scheduled rest periods, meal breaks and other specified times when you are not expected to be working.

Non-employees may not solicit for any purpose, or engage in the distribution of literature of any kind while on Center premises.

H. ATTENDANCE / LATENESS

The Center cannot operate effectively or efficiently unless its employees can be depended upon to show up for work on a regular, consistent and timely basis. IC3 depends upon each employee, and when one person is absent, a replacement must be hired for the day. Thus, absenteeism has a particularly disruptive effect on both the Center and the Children. Employees who take excessive time off, or abuse the benefits of sick and vacation provided are subject to discipline, up to and including termination.

It is your responsibility to follow the scheduling details provided to you in your employment folder. The scheduling details outline calling out times, procedures and provide you with the name and phone number of the IC3 Scheduler. Failure to call in personally to report absence or lateness is a violation of Center rules, and the absence or lateness will be considered unexcused. Calls from friends or relatives on your behalf will not be accepted as an authorized notice of absence or lateness, except in emergency situations.

In the case of repeated absence or lateness, you may be required to submit evidence verifying the reason for your absence or lateness. Refer to the Attendance and Tardy policy provided to you in your employment folder upon hiring.

I. STAFF MEETINGS, TRAINING & EDUCATION

All staff members are required to attend monthly staff meetings. Details about staff meeting attendance are provided to you at orientation. The Center's commitment to quality care is best met by warm, experienced and well-trained staff members. The Office of Children and Family Services requires that each new staff member receive 15 hours of training in the first 6 months of employment and each staff member obtain 30 hours of continuing education training every two years, as designated by the Center. All employees are required to maintain the Center's designated certifications and the Center encourages individual employees to further professional development through attendance at work shops, conferences, etc. In addition, on a case-by-case basis, individual schedules may be altered to meet the needs of outside coursework. Approval of the latter must be made by the Executive Director or Program Director.

J. NURSING CHILDREN

New York State legally requires an employer to provide reasonable unpaid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following the child's birth. IC3 is an employer who wants the best for its employees as well as the children in our care. IC3 supports nursing mothers and will assist you in making accommodations for nursing and/or expressing milk. However, these accommodations can not violate OCFS regulations and/or NAEYC standards and must not interfere with the work of others.

K. VISITORS

A variety of visitors enter our building each day. All visitors must sign in at the front desk and wear an identification badge at all times. It is important for all employees to present a warm, welcoming, and professional impression at all times. To ensure a safe environment for the children, employees should notice that all visitors have an identification badge. If a visitor is not wearing an identification badge, employees should politely inquire into the purpose of the visit and redirect the visitor to the front desk. Suspicious persons or activities should immediately be brought to the attention of the Executive Director or Program Director.

1. Staff Guests

All personal visits should be scheduled during the employee's break time. Guests may wait in the lobby or staff lounge until the end of the employee's shift.

2. Employee Children who are Not Enrolled at IC3

IC3 employees should make appropriate advance arrangements for their child's (children's) care during their scheduled work hours.

Children up to age 10, may not stay in any classroom or remain unsupervised at the Center. On snow days and planned school vacations, school age children (up to 10 years old) may attend IC3's after school program, for a nominal fee, provided space is available and arrangements have been made with the Executive Director. If IC3 is open on a school district snow day, every effort will be made to accommodate staff children at the School Age Program

Because children who are at least 11 years of age generally have the skills and responsibility to safely occupy themselves, they may use the staff lounge to do quiet activities. The parent must make arrangements with the Executive Director or Program Director in advance.

Children 13 years of age or older may assist as a volunteer, keeping in mind that the needs of the Center take precedent. The parent must discuss this arrangement with the Executive Director or Program Director in advance and the same process and procedures will be followed as other interns/volunteers. Volunteers/interns under age 18 are not considered staff members and should not be counted in classroom ratios.

NOTE: a child who is home from school due to illness will not be allowed to spend the day at the Center or in the School Age Program.

Children may visit their parent during the work day for no more than 2 hours. Visits must be pre-approved by the Executive Director or Program Director.

4. Employee Children who are Enrolled at IC3

Staff who have children enrolled at IC3 may visit their child during their scheduled break. Staff children may visit their parents in their classroom before enrolled children arrive and at the very end of the day. When doing so, the needs of the parent's classroom take precedent, the regulations of The Office of Children and Family Services are followed and the views of the co-teacher, Teacher Assistant and other classroom parents must be respected. *(Staff that are nursing mothers: please see nursing policy)*

The following guidelines must be followed:

1. OCFS Regulations are being followed, specifically group size and adult/child ratios.
2. The visit is a short experience to say hello, get a hug, have a short conversation, etc... It is not a play experience.

3. The visit doesn't disrupt the classroom programming and the parent is capable of maintaining their professional responsibilities during their child's visit.

VII. CONCLUDING YOUR EMPLOYMENT

A. VOLUNTARY TERMINATION

In order to ensure proper staffing through out the year and minimize disruption to the children, the Center requests that employees leaving voluntarily give as much notice as possible. In any event, the minimum standard of notice is two weeks so that a finalization of benefits and exit interview can occur.

B. JOB ABANDONMENT

An employee will be considered to have abandoned their job when the employee fails to call in and notify the Center of the reason for absence from work for two consecutive work days. When an employee has abandoned his/her job, the Program Director will be notified, and that employee shall be immediately terminated from the Center. Such termination will be considered termination for misconduct and shall not be subject to any form of grievance procedure or review.

C. EXIT INTERVIEW

If you terminate your employment with the Center, you will be expected to meet with a Center representative for an exit interview. During that meeting, we will review certain information with you including your final compensation. The exit interview also will provide an opportunity to share information concerning your experience with and views of the Center. Your suggestions for improvements regarding any aspect of our business are invited at this time.

During this interview, you will be required to immediately return all documentary or tangible confidential information, and all other property of the Center that is in your possession, custody, or control including all office or other keys, security cards, passes, credit cards, equipment, and the Center documents, including this Handbook.

required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Ithaca Community Childcare Center does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has

Sexual Harassment Policy for All Employers in New York State



Combating Sexual Harassment

Introduction

Ithaca Community Childcare Center is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Ithaca Community Childcare Center's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Ithaca Community Childcare Center. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Ithaca Community Childcare Center's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Ithaca Community Childcare Center. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Ithaca Community Childcare Center will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Ithaca Community Childcare Center who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, the Program Director or Executive Director. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Ithaca Community Childcare Center to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Ithaca Community Childcare Center will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Ithaca Community Childcare Center will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Ithaca Community Childcare Center will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Program Director or Executive Director.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;

- Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. Ithaca Community Childcare Center cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Program Director or Executive Director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Program Director or Executive Director.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Program Director or Executive Director.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Ithaca Community Childcare Center will not tolerate retaliation against employees who

file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Program Director or Executive Director will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by Ithaca Community Childcare Center but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Ithaca Community Childcare Center employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not

required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Ithaca Community Childcare Center does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has

occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Model Complaint Form for Reporting Sexual Harassment



Combating
Sexual Harassment

Ithaca Community Childcare Center

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to Program Director or Executive Director; 607-257-0200, program@icthre.org, director@icthre.org; *submit form electronically by email or in hard copy in mailbox*. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

☐ Email ☐ Phone ☐ In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker ☐ Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

Appendix B

IC3 Community Resource List

Tompkins County 211

Need help getting help contact 211 Tompkins Cortland to search our community services database. Dial 211

211 connects people in need with services designed to address that need. Callers are referred to service providers according to their situation. No question is too big or too small. Wondering about Food Pantries in the area? Trying to find after school programs for your child? Would you like more help finding employment? Need to find housing or health care? They can answer all of these questions, and more.

- **Get help from the website:**
 - Search the extensive database of local and national organizations dedicated to getting you what you need. <https://hsctc.org/211-services-directory/>
 - Developmental Disabilities Resources <https://hsctc.org/211ddinfo/>
- **Get help by phone:**
 - Dial 211 on your phone (or 1.877.211.8667) 24 hours a day, 365 days a year to get help from a live person! The 211 Tompkins/Cortland Help-line connects people with community services.
- **Get help by email:**
 - Email 211 at iandr@hsctc.org.
- **Get help by live chat:**
 - Chat live Mon-Fri 8:30 am to 5 pm from your computer.
<http://messenger.providesupport.com/messenger/211tompkins.html>

Family and Children's Services of Ithaca Employee Assistance Program

The Center contracts with Family and Children's Services of Ithaca to provide free confidential individual and family support with a variety of services. For more information visit www.fcsith.org/eap or call (607)273-7494 and ask to speak with the EAP Services Coordinator.

Ithaca Free Clinic

Provides 100% free medical and holistic services for people with no health insurance or who cannot afford holistic care. Financial assistance is available for those who qualify, and greater health literacy, prevention and self-care is promoted through events and resources. For more information visit www.ithacahealth.org/ or call (607) 330-1254

VIII. CERTIFICATE OF RECEIPT

I have received a copy of the **ITHACA COMMUNITY CHILDCARE CENTER EMPLOYEE HANDBOOK**, and I understand that it is solely for the purpose of summarizing the Center's current policies, benefits and rules and that it is not intended to be a contract or guarantee of employment or of any specific terms or conditions of employment or procedural rights, and that certain portions of this Handbook may need to be amended or eliminated from time to time without advance notice.

Dated: _____

Employee's Signature

Dated: _____

Witness' Signature