

PERSONNEL POLICY
ESSEX COUNTY INDUSTRIAL DEVELOPMENT AGENCY

EQUAL EMPLOYMENT OPPORTUNITY (EEO) STATEMENT

The Essex County IDA is an equal opportunity employer and provides equal opportunity in employment, advancement, compensation and enforcement of personnel policies.

It is our policy with respect to these and other matters that there shall be no discrimination against any person because of race, color, religion, sex, age, national origin, physical or mental disability, veteran status, or any other legally protected status.

EMPLOYMENT AT WILL

Employment between you and the Essex County IDA is determined by mutual consent. Both you and your employer have the right to terminate employment at any given time. Violation of any policies or procedures may result in immediate termination, without prior incidence.

All new hires will be on a 6-month probationary period. Prior to the conclusion of this probationary period an evaluation will be conducted. This evaluation is designed to assess current skill level and development plans for the future. However, all employees are “at will” employees and can be dismissed or may resign prior to the expiration of the six-month probationary period.

HARASSMENT

The Essex County IDA is strongly committed to the principle of providing employees a work environment that is free from all forms of discrimination. Discrimination or harassment of or by employees on the basis of race, color, religion, sex, age, national origin, physical or mental disability, veteran status, or any other legally protected status will not be tolerated.

The Essex County IDA is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Essex County IDA has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Essex County IDA’s commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Essex County IDA, or with a government agency or in court under federal, state or local antidiscrimination laws.

The Essex County IDA policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and people conducting business with the Essex County IDA.

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, up to and including termination.

Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Essex County IDA has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of the Essex County IDA who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination.

Any employee, paid or unpaid intern, or non-employee¹ working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or the Chairman of the Essex County IDA Board of Directors. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.

¹ 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.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Essex County IDA to liability for harm to victims 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 knowingly allow such behavior to continue, will be penalized for such misconduct.

The Essex County IDA will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. 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.

All employees are encouraged to report any harassment or behaviors that violate this policy. The Essex County IDA will provide all employees a complaint form for employees to report harassment and file complaints.

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe to the Chairman of the Essex County IDA Board of Directors.

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 posted prominently in all work locations and be provided to employees upon hiring.

Sexual harassment brochure as well as complaint form are attached to this Personnel Manual for reference.

WORKERS' COMPENSATION

Should you become injured while engaged in the performance of your duties with the Agency, immediately notify your supervisor. A critical incident report should be filled out for all injuries. If medical attention is required all appropriate forms must be filled out. Employees should keep a copy of these forms for their records.

ALCOHOL AND DRUG ABUSE

Drug and alcohol abuse endanger health and can adversely affect employees' personal lives, families and others in the community at large. The Agency is committed to providing a healthy, safe, secure workplace, free from substance abuse. Employees are prohibited from using or being under the influence of alcohol or any controlled substance on Agency property or elsewhere during work related activities, or while operating Agency equipment. This includes manufacturing, distribution, dispensation and possession.

Violation of this policy is grounds for immediate termination.

Employees may be required to take a drug test.

GENERAL STANDARDS OF CONDUCT

The Essex County IDA is a professional business environment and our employees reflect the standards of our Agency. Employees should always act in a professional manner.

PERFORMANCE EVALUATIONS

Performance evaluations will occur at least once annually, and more frequently for probationary employees. Evaluations will be based on the criteria of the job description,

progression of development plans that have been discussed between you and your supervisor, attendance, and general job performance.

All new hires will be on a 6-month probationary period. Prior to the conclusion of this probationary period an evaluation will be conducted. This evaluation is designed to assess current skill level and development plans for the future. However, all employees are “at will” employees and can be dismissed or may resign prior to the expiration of the six-month probationary period.

CORRECTIVE ACTION

In the event of employee misconduct or poor job performance, The Essex County IDA may attempt to correct behavior prior to termination. The Essex County IDA will consult with the employee to help determine an agreeable course of action. However, management maintains sole discretion in determining the appropriate course of corrective action, and in certain situations, an employee may be terminated for violating a policy on only one occasion.

TERMINATION

You or the Essex County IDA may initiate termination of employment. If you choose to leave, a written notice 10 working days before you plan to leave is appreciated to help make adjustments prior to your departure. Should the Essex County IDA initiate your termination, the circumstance of your termination will be discussed during an exit interview. All benefits cease as of the date of termination.

TIME RECORD PROCEDURES

Employees should record their time promptly at the start of their shift and immediately following the completion of their shift. Employees are required to submit weekly time sheet at the end of each week.

LUNCH POLICY

Employees are expected to take a lunch meal period of not less than 30 minutes or more than one hour. Employees are not paid for their meal periods. In the event that an employee is directed by his/her supervisor to work on Agency business so as to prevent the employee from taking a lunch meal period, the employee will be entitled, as the case may be, to compensatory or overtime compensation for 30 minutes.

WORK DAY, WORK WEEK, & SCHEDULING

The Agency’s workday shall consist of 7.0 hours per day.

Lunch periods have statutory requirements per New York State Labor Law as follows: (1) Every employee must be provided with at least thirty (30) minutes for the noonday meal. (2) The noonday meal period is recognized under New York State Labor Law as

extending from 11:00 o'clock in the morning to 2:00 o'clock in the afternoon. (3) An employee who works a shift of more than six (6) hours, which extends over the noon day meal period, is entitled, and required to have at least thirty (30) minutes off within that timeframe for the meal period.

The Agency's work week shall be from Monday through Friday.

Work schedules will be determined by the Agency.

To request time off you must submit your request in writing at least 2 days prior to the date for which time off is first being requested; except that in the event that circumstances prevent such advance notice then the written request shall be submitted as soon as possible prior to the date for which time off is first being requested.

If you need more than 2 days off other than for sick leave or funeral/bereavement leave, a vacation request must be submitted.

If you cannot work your shift as scheduled due to sickness or other reason, it is your responsibility to notify your supervisor immediately.

ATTENDANCE

Your attendance will be monitored on an attendance record. This record will keep track of all tardiness, absences, as well as vacation time and sick time.

Punctuality is important. If you cannot arrive to work on time, notify your supervisor immediately.

COMPENSATORY TIME/OVERTIME

Compensatory time is available to salaried employees who have worked more than 35 hours per week during a workweek. Compensatory time is defined as time off in lieu of monetary overtime compensation. The compensatory time rate is one-half hour for each half hour worked in excess of 35 hours. As per US Department of Labor Fair Labor Standards Act after July 1, 2024 salary-compensated employees who make \$43,888 or less a year, are eligible for overtime pay. On January 1, 2025 the threshold increases to those who make \$58,656 or less a year and the threshold increases again July 1, 2027 and every three years after. Employees may choose to be paid for hours worked over 35 hours per week at a rate of 1.5 times the employee's hourly rate is elected.

PAY PERIODS

Pay periods are every 2 weeks, and payday shall be the last Friday of the pay period.

Checks can be picked up after 9:00AM on payday or direct deposit is available.

If you have any questions regarding your paycheck, contact your supervisor. Do not discuss your pay rate with another Agency employee.

STARTING PAY RATE & CHANGES

The Agency Board shall determine the starting pay rate for a new employee.

The Agency Board has the sole authority and discretion to change the pay rate for any employee.

FULL TIME EMPLOYEE BENEFITS

Holidays – You will receive 12 paid holidays per year for the following holidays:

New Year's Day	Independence Day	Veteran's Day
Martin Luther King Day	Labor Day	Thanksgiving Day
President's Day	Columbus Day	Christmas Eve Day
Memorial Day	Juneteenth	Christmas Day

When any such holiday falls on a Saturday, employees shall be given the preceding Friday off; and when falling on a Sunday, employees shall be given the next Monday off.

Personal Time – Employees will receive three personal days (21 hours) at the beginning of each calendar year to be used for personal matters. Unused days/hours will not rollover into the next year.

Vacation – Employees will receive paid vacation at the rate of 1¼ days per month of full-time service in years 1-4 (maximum 15 days), a rate of 1.42 days per month of full time service in years 5-9 (maximum 17 days) and 1.66 days per month for service exceeding 10 years (maximum 20 days); except that no vacation credit shall be allowed for any probationary period. Vacation time may be accrued to a maximum of 165 vacation days for Tier 1, 2, 3, 4 and 5 NYS Retirement employees and a maximum of 100 vacation days for NYS Retirement Tier 6 employees. In the event, an employee exceeds the maximum number of accrued vacation days, the employee will no longer be able to accrue additional time. No vacation leave shall be taken for a Holiday.

Sick Leave – You will receive 0.66 days for every month worked in a calendar year, up to a maximum of 8 days per year. Sick leave may be taken in segments of not less than one hour. No sick leave shall be taken for a Holiday. The Agency may require a physician's certificate to substantiate use of sick leave and the employee's fitness to return to work; and whenever sick leave of more than 3 consecutive days occurs such a certificate shall be required to be furnished by the employee. Subdivision J of Section

41 and Subdivision J of Section 341 of the Retirement and Social Security Law allows a participating employer to elect to provide additional service credit toward retirement for its employees who are entitled to accumulate sick leave. The additional service credit is available only for those members who are included in a plan established by law, rule, regulation, written order or written policy that provides for the regular earning and accumulation of sick leave. For Employee Retirement System (ERS) members that are in a Tier(s) 1, 2, 3, 4 and 5; the maximum additional service credit allowed under Section 41, subdivision J is 165 days. For Tier 6 members' credit is available for a maximum of 100 days. The additional service credit is applied on a workday basis (260 days = one year). Members who receive a cash payment based on their accumulated sick leave at retirement are not eligible for additional service credit. Payments for unused sick leave cannot be considered in the calculation of a member's final average salary.

Funeral/Bereavement Leave – You will receive 3 consecutive paid days for immediate family (father, mother, spouse residing in employee's household, brother, sister, child, grandfather, grandmother, mother-in-law or father-in-law of current spouse, step-parents or step-children); and 1 day for other relatives (sister-in-law and brother-in-law). This leave period shall commence on the later of the calendar day of death or the day when the employee is first notified of death. No bereavement leave shall be taken for a Holiday.

Group Insurance

Employees shall be entitled to individual coverage under the Agency's health, dental and vision insurance plans, with the costs of such coverage to be paid by the Agency. Coverage and benefits shall be as determined from time to time by the Agency Board. If an employee desires family coverage, the additional costs shall be paid by the employee and deducted from the employee's pay.

Employees who have opted for health and dental insurance coverage through the IDA and decide to drop that coverage, said employees shall be entitled yearly to one-half the annual premium of the rate of the insurance, up to a maximum of \$3,000.00 (individual plan) and up to a maximum of \$5,000 (family plan) subject to proportional calculation in the event the employee makes his/her election other than before the insurance policy start date of December 1st.

Cash payments will be made the first day in December each year. In order to obtain the health and dental insurance buy-out, the employee must document to the IDA that other health insurance is available and the employee must sign a release to the IDA waiving any rights to health and dental insurance coverage and releasing the IDA from any other health related liability.

If an employee who has elected the buy-out option loses his/her health insurance coverage, he/she must immediately notify the personnel office and his/her coverage will be reinstated upon the employee making the appropriate payment of the premium, if such

premium is due, and otherwise satisfies any eligibility requirements.

New York State Retirement – You are entitled to enroll in the New York State Retirement System, and any contributions required to be made by an employee shall be deducted from your pay.

New York State Deferred Compensation – You are entitled to enroll in the New York State Deferred Compensation Plan (when eligible) and any contributions required to be made by an employee shall be deducted from your pay.

Paid Family Leave Policy - Effective January 1, 2018, IDA will provide paid leave (up to a certain percentage of your weekly wages) to eligible employees pursuant to Paid Family Leave Benefits Law. To be eligible, employees must: (i) regularly work 20 or more hours per week and be employed for at least 26 consecutive workweeks preceding the first full day family leave is taken; or (ii) regularly work less than 20 hours per week and be employed for at least 175 days preceding the first full day leave is taken. Eligible employees will be entitled to paid time away from work (i) to care for a family member with a serious health condition, (ii) to bond with a child after birth or placement for adoption or foster care within the first 12 months after the birth or placement, or (iii) because of any qualifying exigency arising from the fact that an employee's spouse, domestic partner, child or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States. An employee must provide at least 30 days advance notice before leave is to begin if the qualifying reason for leave is foreseeable. When not foreseeable, the employee must provide notice as soon as practicable under the facts and circumstances and within the time prescribed by our usual and customary notice requirements. Failure to provide timely notice may result in leave being delayed or denied. Eligible employees who wish to take paid leave must comply with applicable certification requirements and may be required to provide additional documentation (such as copies of military orders), as permitted by law. To the extent permitted by law, employees may elect to charge all or part of their paid family leave time to unused vacation days and receive full pay. In such case, IDA will seek reimbursement from the carrier out of any family leave benefits due prior to the carrier's payment of such family leave benefit to you. Leave taken under this policy is job protected. Thus, IDA must generally restore an employee who returns from leave to the same or a comparable position. While on leave, employees will continue to receive existing health insurance coverage, provided that they continue to pay their share of health insurance premiums. You may lose coverage retroactively to the date an unpaid premium was due (upon proper notice from our carrier) if you fail to pay your portion of the premium in a timely fashion. Paid family leave may only be taken in full day increments, unless otherwise provided by law. Disability leave and paid family leave may not be used at the same time. You will not be entitled to paid family leave if your family leave combined with disability benefits previously received exceeds 26 weeks during the same 52 consecutive calendar weeks. In accordance with state law, paid leave

benefits are funded through payroll deductions at a prescribed amount from each eligible employee. Employees who are ineligible for paid family leave will be given the option of filing a waiver of benefits, exempting them from payroll deductions, as permitted by law.

BENEFITS FOR ALL EMPLOYEES

Jury Duty – When jury duty conflicts with work schedule, employees will be paid for the scheduled work hours for the days of jury duty provided that the employee turns over to the Agency any monies received for such jury duty for attendance and/or travel.

Unpaid Leave of Absence – Maternity or medical leave shall be unpaid and may be used after all sick days and vacation days have been used. The length of any such leave shall be at the discretion of the Agency Board, but in no event shall it exceed 6 months (inclusive of vacation and sick time used).

EMPLOYEE STATEMENT OF ACKNOWLEDGMENT

I have received a copy of the Employee Information Handbook ("Handbook"), which outlines policies, procedures and employee responsibilities. I will familiarize myself with the information contained in the Handbook and will seek verification or clarification where necessary. I understand the information in this Handbook supersedes any written or verbal policies and procedures I may have received in the past, except that this information complements, and should be read in conjunction with, the information contained in the Policies & Procedures Manual.

I understand that the information contained in the Handbook is subject to change as circumstances warrant and that changes in Agency policy or procedures may supersede, modify or eliminate any or all policies and procedures in the Handbook. Changes in policies or procedures may be communicated to me by my supervisor or through other notices issued to me in writing or on bulletin boards. I accept responsibility for keeping informed of these additions to and changes in Agency policies and procedures. I also understand that additional policies and procedures required for the administration of Agency programs may be implemented outside the scope of this Handbook, including but not limited to, the information contained in the Policies & Procedures Manual.

I further understand that the policies and procedures contained in the Handbook do not constitute an employment contract, either express or implied, between the Essex County Industrial Development Agency and me. My employment is not for any stated period of time. My employment relationship with the Agency is by mutual consent and may be terminated by me or by the Agency at any time for any reason.

Approved By Essex County IDA Board of Directors March 25, 2003

Re-Adopted By Essex County IDA Board of Directors February 27, 2007
Amended By Essex County IDA Board of Directors November 20, 2007 – added insurance buy-out option
Re-Adopted By Essex County IDA Board of Directors February 26, 2008
Re-Adopted By Essex County IDA Board of Directors March 17, 2009
Amended By Essex County IDA Board of Directors March 16, 2010 – added temporary waiver for excess vacation time accrual
Amended By Essex County IDA Board of Directors September 21, 2010 – added NYS Deferred Compensation Plan
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Re-Adopted By Essex County IDA Board of Directors March 26, 2013
Re-Adopted By Essex County IDA Board of Directors March 26, 2014
Re-Adopted By Essex County IDA Board of Directors March 25, 2015
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Re-Adopted By Essex County IDA Board of Directors March 23, 2017
Amended By Essex County IDA Board of Directors March 21, 2018 – added family medical leave act
Amended By Essex County IDA Board of Directors March 27, 2019 – added family buy-out policy
Re-Adopted By Essex County IDA Board of Directors March 25, 2020
Re-Adopted By Essex County IDA Board of Directors March 25, 2021
Re-Adopted By Essex County IDA Board of Directors March 24, 2022
Re-Adopted By Essex County IDA Board of Directors March 29, 2023
Re-Adopted By Essex County IDA Board of Directors March 26, 2024
Amended By Essex County IDA Board of Directors on May 31, 2024 – added personal time, changed holidays, added maximum accrued vacation days, added maximum accrued sick days for NYS Retirement 41J policy.
Amended By Essex County IDA Board of Directors on November 18, 2024 – omitted dress code, added lunch requirement, added vision insurance