



DOWNSTATE HEALTH
PHYSICIANS

Employee Handbook



ABOUT THIS HANDBOOK/DISCLAIMER

We prepared this handbook to help employees find the answers to many questions that they may have regarding their employment with Downstate Health Physicians. Please take the necessary time to read it.

We do not expect this handbook to answer all questions. Supervisors and Human Resources also serve as a major source of information.

Neither this handbook nor any other verbal or written communication by a management representative is, nor should it be considered to be, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation, nor does it confer any contractual rights whatsoever. Downstate Health Physicians adheres to the policy of employment at will, which permits the Organization or the employee to end the employment relationship at any time, for any reason, with or without cause or notice.

No Organization representative other than the Head of Human Resources and/or the CFO and/or Executive Director may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in a signed writing.

Many matters covered by this handbook, such as benefit plan descriptions, are also described in separate Organization documents. These Organization documents are always controlling over any statement made in this handbook or by any member of management.

This handbook states only general Organization guidelines. The Organization may, at any time, in its sole discretion, modify or vary from anything stated in this handbook, with or without notice, except for the rights of the parties to end employment at will, which may only be modified by an express written agreement signed by the employee and the Head of Human Resources and/or the CFO and/or Executive Director.

This handbook supersedes all prior handbooks.

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Section 1 - Introduction

1-1. Welcome from the Executive Director

Downstate Health Physicians (DHP) represents the faculty of SUNY Downstate Health Sciences University, Brooklyn's only academic medical center. Downstate Health Physicians is comprised of seventeen clinical departments, encompassing numerous specialties and subspecialties.

DHP physicians have been nationally recognized by Castle Connolly, Consumer's Research Council of America, and Best Doctors in America®. In addition to providing world-class medical care, our physicians actively participate in the latest research efforts and contribute to the development of cutting-edge technology and techniques in medicine. Our goal is to provide services of the highest quality, with care and compassion, to members of the Brooklyn community.

At Downstate Health Physicians, our employees are our most valuable asset. The policies, benefits and services described in this Handbook are intended to serve as a guide throughout your employment and support your professional development within the organization.

Please accept our warmest welcome as you begin or continue your employment at Downstate Health Physicians.

Sincerely,

Lori Donnell, MBA

Executive Director, Downstate Health Physicians

Vice President for Health Affairs

SUNY Downstate Health Sciences University

1-2. Our History

The history of SUNY Downstate Health Sciences University traces back to 1860, when a school of medicine was founded at Long Island College Hospital. The model of extending teaching from the lecture hall to the patient's bedside revolutionized medical education in the United States. SUNY Downstate Health Sciences University remains the only academic medical center in Brooklyn. As a major provider of care to the borough's nearly three million residents, SUNY Downstate Health Sciences University has evolved into one of the nation's leading urban medical centers.

In accordance with Article XVI of the SUNY Board of Trustees policies, the Clinical Practice Management Plan (CPMP) was formed to support the mission of the school and oversee the management of clinical practice income. A governing board, consisting of a representative from each clinical department and Basic Science discipline, oversees the activities of the plan. In 1993, Downstate Health Physicians, Inc., a 501(c)(3) corporation, was formed to assist the CPMP Governing Board in carrying out its management responsibilities.

1-3. Our Mission

The mission of the Downstate Health Physicians is to assist, support, and monitor the operations of affiliated clinical departments to achieve a sustainable competitive advantage that promotes excellence in patient care and compliance with SUNY policies, while helping departments recruit and retain academic faculty physicians.

1-4. Our Values

Our values include:

- Leadership and innovation-our tradition.
- Diversity-holistic and compassionate respect for all individual differences, perspectives and contributions.
- Partnership-collaborative efforts to meet organizational goals.
- Stewardship-responsible, accountable management of all resources.

Section 2 - Governing Principles of Employment

2-1. Equal Employment Opportunity

Downstate Health Physicians is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state or local laws and ordinances. Downstate Health Physicians's management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, access to facilities and programs and general treatment during employment.

The Organization will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's: physical or mental disability; sincerely held religious beliefs and practices; and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon the Organization's business operations.

Any applicant or employee who needs an accommodation in order to perform the essential functions of the job should contact Human Resources Department to request such an accommodation. The individual should specify what accommodation is needed to perform the job and submit supporting documentation explaining the basis for the requested accommodation, to the extent permitted and in accordance with applicable law. The Organization then will review and analyze the request, including engaging in an interactive process with the employee or applicant, to identify if such an accommodation can be made. The Organization will evaluate requested accommodations, and as appropriate, identify other possible accommodations, if any. The individual will be notified of The Organization's decision regarding the request within a reasonable period. The Organization treats all medical information submitted as part of the accommodation process in a confidential manner.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of Human Resources Department. The Organization will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If employees feel they have been subjected to any such retaliation, they should contact Human Resources Department. To ensure our workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations conducted pursuant to this policy.

2-2. New York City Pregnancy Accommodations

Pursuant to the New York City Human Rights Law, Downstate Health Physicians prohibits unlawful discrimination on the basis of pregnancy or perceived pregnancy and will endeavor to reasonably accommodate the needs of the employee for her pregnancy, childbirth or related medical condition to allow her to perform the essential requisites of the job, provided that such employee's pregnancy, childbirth or related medical condition is known or should have been known by the Organization, and

the proposed accommodation does not impose an undue hardship on the Organization.

Any employee who needs to request an accommodation due to pregnancy, childbirth or a related medical condition should contact the Employee's Supervisor and/or Human Resources Department. If the employee requested an accommodation but has not received an initial response within five (5) business days, she should contact the Department Director and/or Human Resources Department.

After receiving a request for an accommodation due to pregnancy, childbirth or a related medical condition, or learning indirectly that the employee requires such an accommodation, the Organization will engage in a cooperative dialogue with the employee. Even if the employee has not formally requested an accommodation, the Organization, in compliance with applicable law, may initiate a cooperative dialogue under certain circumstances, such as when the Organization has knowledge that the employee's performance at work has been negatively affected and also has a reasonable basis to believe that the issue is related to pregnancy, childbirth or related medical condition.

The cooperative dialogue may take place in person, by telephone or by electronic means. As part of the cooperative dialogue, the Organization will communicate openly and in good faith with the employee in a timely manner in order to determine whether and how the Organization may be able to provide a reasonable accommodation. To the extent necessary and appropriate based on the request, the Organization will attempt to explore the existence and feasibility of alternative accommodations as well as alternative positions for the employee. The Organization is not required to provide the specific accommodation sought by the employee, provided the alternatives are reasonable and either meet the specific needs of the employee or specifically address the employee's limitation.

As part of the cooperative dialogue, the Organization reserves the right to request medical documentation from the employee under the following circumstances:

- when the employee requests time away from work, including for medical appointments, other than time off requested during the six- (6) to eight- (8) week period following childbirth (for recovery from childbirth); or
- when the employee requests to work from home, either on an intermittent basis or a longer-term basis.

If the Organization believes that the provided documentation is insufficient, and before denying the request based on insufficient documentation, the Organization reserves the right to request additional documentation from the employee or, upon the employee's consent, speak with the health care provider who provided the documentation. If applicable, the employee whose time off is covered by the Family Medical Leave Act (FMLA) may also be required to provide medical documentation, depending on the circumstances of the leave request, pursuant to federal law.

At the conclusion of the cooperative dialogue, the Organization will provide written notice to the employee in a timely manner indicating that the Organization:

- will be able to offer and provide a reasonable accommodation;
- will not be able to provide a reasonable accommodation to the employee because there is no accommodation available that will not cause an undue hardship on the Organization's operations; or
- will not be able to provide a reasonable accommodation to the employee because no accommodation exists that will allow the employee to perform the essential requisites of the job.

The Organization will endeavor to keep confidential communications regarding requests for reasonable accommodations and all circumstances surrounding an employee's pregnancy, childbirth or related medical condition.

Employees with questions regarding this policy should contact the Employee's Supervisor and/or Human Resources Department.

2-3. New York City Supplemental Gender Discrimination

In accordance with New York City law, Downstate Health Physicians prohibits unlawful discrimination in employment on the basis of gender. For purposes of this policy, gender is an individual's actual or perceived sex, gender identity and gender expression, including a person's actual or perceived gender-related self-image, appearance, behavior, expression or other gender-related characteristic regardless of the sex assigned to that person at birth.

The Organization is dedicated to ensuring the fulfillment of this policy as it applies to all terms and conditions of employment, including recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, accommodation requests, access to programs and facilities, employee activities and general treatment during employment.

In furtherance of this policy:

- The Organization gives employees the option of indicating their preferred gender pronoun. The Organization's systems allow employees to self-identify their names and genders and do not limit such identifications to male and female only.
- All employees and other individuals have access to single-sex facilities consistent with their gender identity or expression. To the extent possible, the Organization provides single-occupancy restrooms and provides multi-user facilities for individuals with privacy concerns, but will not require use of a single-occupancy bathroom because an individual is transgender or gender non-conforming.
- The Organization's dress code and grooming standards are gender neutral, and therefore do not differentiate or impose restrictions or requirements based on gender or sex.
- The Organization evaluates all requests for accommodations (including requests for medical leaves) in a fair and non-discriminatory manner.
- Employees who engage with the public as part of their job duties are required to do so in a respectful, non-discriminatory manner by respecting gender diversity and ensuring that members of the public are not subject to discrimination (including discrimination with respect to single-sex programs and facilities).

Employees with issues or concerns regarding gender discrimination or who feel they have been subjected to such discrimination can contact the Downstate Health Physicians Human Resources Department. The Organization prohibits and does not tolerate retaliation against employees who report issues or concerns of gender discrimination pursuant to this policy in good faith.

2-4. Reproductive Health Decision Making Discrimination

Downstate Health Physicians may not:

- discriminate or take any retaliatory personnel action against employees with respect to compensation, terms, conditions or privileges of employment because of, or on the basis of, the employee's or dependent's reproductive health decision making, including but not limited to a decision to use or access a particular drug, device or medical service; or
- require employees to sign a waiver or other document that purports to deny employees the right to make their own reproductive health care decisions, including use of a particular drug, device or medical service.

The Organization also may not access the employee's personal information regarding the employee's or the dependent's reproductive health decision making, including but not limited to the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent.

Employees may bring a civil action in any court of competent jurisdiction against the Organization for any alleged violations of this policy. In any civil action alleging a violation of this policy, the court may: award damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs incurred to a prevailing plaintiff; afford injunctive relief against the Organization if it commits or proposes to commit a violation of the provisions of this policy; order reinstatement; and/or award liquidated damages equal to 100 percent of the award for damages unless the Organization proves a good faith basis to believe that its actions in violation of this policy were in compliance with the law.

Any act of retaliation for employees exercising any rights granted under this policy shall subject the Organization to separate civil penalties. For the purposes of this policy, retaliation or retaliatory personnel action means discharging, suspending, demoting or otherwise penalizing employees for: making or threatening to make a complaint to the Organization, co-worker or to a public body, that rights guaranteed under this policy have been violated; causing to be instituted any proceeding under or related to this policy; or providing information to or testifying before any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule or regulation by the Organization.

Employees with issues or concerns regarding this policy or who feel they have been subjected to any alleged violation of this policy should contact Human Resources Department.

2-5. Non-Harassment

It is Downstate Health Physicians' policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or

local laws (referred to as "protected characteristics"). The Organization also prohibits retaliation as defined below. All such conduct will not be tolerated by the Organization.

The Organization is committed to a workplace free of harassment (including sexual harassment) and retaliation. These behaviors are unacceptable in the workplace and in any work-related settings such as business trips and Organization-sponsored social functions, regardless of whether the conduct is engaged in by a supervisor, co-worker, client, customer, vendor or other third party. In addition to being a violation of this policy, harassment (including sexual harassment) and retaliation based on any protected characteristic as defined by applicable federal, state or local laws are unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment are unlawful.

Definition of Harassment

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion toward an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

Definition of Sexual Harassment

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that violate this policy include:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. propositions or suggestive or insulting comments of a sexual nature;
6. derogatory cartoons, posters and drawings;

7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. teasing or other conduct directed toward a person because of the person's gender.

Definition of Retaliation

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- any action that would discourage the employee from reporting harassment (including sexual harassment) or retaliation;
- shunning and avoiding an individual who reports harassment (including sexual harassment) or retaliation;
- express or implied threats or intimidation intended to prevent an individual from reporting harassment (including sexual harassment) or retaliation; and
- denying employment benefits because an applicant or employee reported or encouraged another employee to report harassment (including sexual harassment) or retaliation or participated in the reporting and investigation process described below.

Reporting Procedures

If the employee believes someone has violated this policy, the employee should promptly bring the matter to the immediate attention of the Head of Human Resources at the following address MSC 80, 450 Clarkson Avenue, Brooklyn NY 11215 and phone number 718-804-7808 or to the Employee's Supervisor at the following address TBD and phone number TBD.

If the person toward whom the complaint is directed is one of the individuals indicated above, employees should contact any higher-level manager in their reporting hierarchy.

Written complaints can be submitted internally using the form provided in this handbook.

If the employee makes a complaint under this policy and has not received an initial response within five (5) business days, the employee should contact Executive Director immediately at the following address MSC 80, 450 Clarkson Avenue, Brooklyn NY 11215 and phone number 718-221-6547.

Every supervisor who learns of any employee's concern about conduct in violation of this policy, whether in a formal complaint or informally, or who otherwise is aware of conduct in violation of this policy, must immediately report the issues raised or conduct to the Head of Human Resources.

Investigation Procedures

Upon receiving a complaint, the Organization will promptly conduct a fair and thorough investigation into the facts and circumstances of any claim of a violation of this policy to ensure due process for all parties. To the extent possible, the Organization will endeavor to keep the reporting individual's concerns confidential. However, complete confidentiality may not be possible in all circumstances. All individuals are required to cooperate in all investigations conducted pursuant to this policy.

During the investigation, the Organization generally will interview the complainant and the accused, conduct further interviews as necessary and review any relevant documents or other information. Upon completion of the investigation, the Organization will determine whether this policy has been violated based upon its reasonable evaluation of the information gathered during the investigation. The Organization will inform the complainant and the accused of the results of the investigation.

The Organization will take corrective measures against any person who it finds to have engaged in conduct in violation of this policy, if the Organization determines such measures are necessary. These measures may include, but are not limited to, counseling, suspension or immediate termination. Anyone, regardless of position or title, whom the Organization determines has engaged in conduct that violates this policy will be subject to discipline, up to and including termination. This includes individuals engaging in harassment (including sexual harassment) or retaliation, as well as supervisors who fail to report violations of this policy, or knowingly allow prohibited conduct to continue. Individuals who engage in conduct that rises to the level of a violation of law can be held personally liable for such conduct.

Legal Protections and External Remedies

Aside from the internal complaint process at the Organization, individuals may choose to pursue external legal remedies with the following governmental entities.

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 HRL 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 three (3) years of the sexual harassment or within one (1) year of any other harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three (3) years of the alleged harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Organization does not extend the time to file with DHR or in court.

An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate complaints 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 the 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; (718) 741-8400; 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 individual 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 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, those 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.

Remember, Downstate Health Physicians cannot remedy claimed harassment (including sexual harassment) or retaliation unless individuals bring these claims to the attention of management. Please report any conduct that violates this policy.

2-6. Workplace Violence

Downstate Health Physicians is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to Organization and personal property.

Downstate Health Physicians does not expect employees to become experts in psychology or to physically subdue a threatening or violent individual. Indeed, Downstate Health Physicians specifically discourages employees from engaging in any physical confrontation with a violent or potentially violent individual. However, Downstate Health Physicians does expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled

individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in Organization policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; or demonstrating a propensity to behave and react irrationally.

Prohibited Conduct

Threats, threatening language or any other acts of aggression or violence made toward or by any Organization employee WILL NOT BE TOLERATED. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto Organization premises.

Procedures for Reporting a Threat

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede Downstate Health Physicians's ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the Organization determines, after an appropriate good faith investigation, that someone has violated this policy, the Organization will take swift and appropriate corrective action.

If the employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this section. It is important for the Organization to be aware of any potential danger in its offices. Indeed, the Organization wants to take effective measures to protect everyone from the threat of a violent act by employees or by anyone else.

2-7. Health Insurance Portability and Accountability Act (HIPAA)

The purpose of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) is to improve the efficiency and effectiveness of the healthcare system by standardizing the electronic exchange of administrative and financial data and to protect the security and privacy of protected health information (PHI). As a healthcare provider who conducts transactions electronically, the Organization is considered a covered entity under the rule and required by federal law to implement these standards and regulations.

The regulations are comprised of three essential areas:

- Privacy: Provides new rules in regard to how an individual's health information may be used and disclosed.
- Transaction and Code Sets: requires the use of standard transaction formats and code sets

when an individual's financial health information is transmitted electronically.

- Security: requires specific security measures to be in place to protect an individual's health information that is sent or stored electronically.

The Organization adopts and utilizes the policies of SUNY Downstate Health Sciences University Office of Compliance and Audit Services related to adherence to HIPAA standards. Violations of HIPAA are extremely serious and may result in disciplinary action up to and including termination.

2-8. Legal Eligibility for Employment

Downstate Health Physicians is committed to employing only those individuals legally authorized to work in the United States. As a condition of employment, each new employee must complete Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. If an employee is authorized to work in the United States for a limited period of time, they will be required to submit proof of renewed employment eligibility prior to expiration of that time period in order to continue being employed.

2-9. Code of Ethics and Business Conduct

Downstate Health Physicians's reputation demands legal and ethical conduct of every employee. The Downstate Health Physicians Compliance Program adheres to the same policies and procedures as SUNY Downstate Health Sciences University. The Compliance Program defines conduct expected of colleagues and employees, provides guidance on legal and ethical questions, and establishes a mechanism for reporting possible violations of law or ethical principles within SUNY Downstate Health Sciences University. Employees should report any potential violations of compliance standards to the Vice President, Office of Compliance and Audit Services, by calling 877-349-SUNY (7869), or by clicking on the "Compliance Line" link on the [Office of Compliance and Audit Services webpage](#). Reports to the Compliance Line may be made anonymously and are confidential.

2-10. Reasonable Accommodations & Interactive Dialogue

Downstate Health Physicians is committed to complying with applicable federal, state, and local laws governing reasonable accommodations of individuals, including, but not limited to, the Americans with Disabilities Act (ADA). To that end, we will endeavor to make a reasonable accommodation to applicants and employees who have requested an accommodation or for whom Downstate Health Physicians has notice may require such an accommodation, without regard to any protected classifications, related to an individual's:

- Disability, meaning any physical, medical, mental, or psychological impairment, or a history or record of such impairment;
- Sincerely held religious beliefs and practices;
- Needs as a victim of domestic violence, sex offenses, or stalking;
- Needs related to pregnancy, childbirth, or related medical conditions; and/or
- Any other reason required by applicable law, unless the accommodation would impose an

undue hardship on the operation of our business.

Any individual who would like to request an accommodation based on any of the reasons set forth above should contact Human Resources Department. Accommodation requests can be made in writing using a form which can be obtained from Human Resources Department. If an individual who has requested an accommodation has not received an initial response within five (5) business days, the employee should contact Human Resources Department.

After receiving a request for an accommodation or learning indirectly that the employee may require such an accommodation, Downstate Health Physicians will engage in an interactive dialogue with the employee.

Even if employee has not formally requested an accommodation, Downstate Health Physicians may initiate an interactive dialogue under certain circumstances, such as when Downstate Health Physicians has knowledge that employee's performance at work has been negatively affected and a reasonable basis to believe that the issue is related to any of the protected classifications set forth above, in compliance with applicable law. In the event Downstate Health Physicians initiates an interactive dialogue with an employee, it should not be construed as Downstate Health Physicians's belief an individual requires an accommodation, but will serve as an invitation for the employee to share with Downstate Health Physicians any information the employee desires to share, or to request an accommodation.

The interactive dialogue may take place in person, by telephone, or by electronic means. As part of the interactive dialogue, Downstate Health Physicians will communicate openly and in good faith with the employee in a timely manner in order to determine whether and how Downstate Health Physicians may be able to provide a reasonable accommodation. To the extent necessary and appropriate based on the request, Downstate Health Physicians will attempt to explore the existence and feasibility of alternative accommodations as well as alternative positions for the employee. Downstate Health Physicians is not required to provide the specific accommodation sought by the employee, provided the alternatives are reasonable and either meet the specific needs of the employee or specifically address the employee's limitations.

As part of the interactive dialogue, Downstate Health Physicians reserves the right to request supporting documentation to the maximum extent permitted by applicable law.

Downstate Health Physicians will endeavor to keep confidential all communications regarding requests for reasonable accommodations and all circumstances surrounding the employee's underlying reason for needing an accommodation.

Downstate Health Physicians will not allow any form of retaliation against employees who have requested an accommodation, for whom Downstate Health Physicians has notice may require such an accommodation, or who otherwise engage in the interactive dialogue process.

Employees with questions regarding this policy should contact Human Resources Department.

2-11. Pregnancy Accommodations

In compliance with New York law, Downstate Health Physicians will not discriminate against employees in relation to pregnancy, childbirth or related conditions and will endeavor to provide reasonable accommodations for any pregnancy-related conditions, unless doing so would impose an

undue hardship on the operation of the Organization's business.

Reasonable accommodations that may be provided include:

1. occasional breaks to rest or drink water;
2. a modified work schedule;
3. leave for related medical needs;
4. available light duty assignments; and
5. transfers away from hazardous duty.

The employee must cooperate in providing medical or other information that is necessary to verify the existence of the pregnancy-related condition or that is necessary for consideration of the accommodation. Such medical information will be kept confidential by the Organization.

The Organization will not require any employee to take leave because the employee is pregnant. If the employee takes medical leave due to a pregnancy-related condition or childbirth, the Organization will hold the employee's job for the employee as long as the Organization does for employees who take medical leave for other reasons.

The Organization will not retaliate against any employee because the employee is pregnant or may become pregnant or change the terms, conditions and privileges of employment because of pregnancy, childbirth or related conditions. The Organization also will not refuse to hire or to promote a candidate because the individual is pregnant or may become pregnant.

Employees with questions or concerns regarding this policy or who would like to request a reasonable accommodation pursuant to this policy should contact the Head of Human Resources.

Section 3 - Operational Policies

3-1. Employee Classifications

For purposes of this handbook, all Downstate Health Physicians employees fall within one of the classifications below.

Full-Time Employees - Employees who are regularly scheduled to work at least 30 hours per week who were not hired on a short-term basis. These employees generally are eligible for all Organization benefits.

Regular Part-Time Employees - Employees who are regularly scheduled to work at least 20 hours but less than 30 hours per week who were not hired on a short-term basis. These employees generally are eligible for Organization benefits that rely entirely on voluntary deductions such as the 401(k) plan, Flexible Spending Accounts, and transit benefit program (see Benefits section for further eligibility information), as well as statutory benefits.

Other Part-Time/Per Diem Employees - Employees who are regularly scheduled to work fewer than 20 hours per week, or on a per diem, seasonal, or temporary basis. These employees generally are not eligible for Organization benefits, but may be eligible to receive statutory benefits.

In addition to the above classifications, employees are categorized as either "**exempt**" or "**non-exempt**" for purposes of federal and state wage and hour laws. Employees classified as exempt do not receive overtime pay; they generally receive the same salary per pay period regardless of hours worked. An example of an exempt worker might be a physician or a manager. Employees classified as non-exempt do receive overtime pay, and their pay per pay period may vary. An example of a non-exempt worker might be a medical assistant or a front desk receptionist. The employee will be informed of these classifications upon hire and informed of any subsequent changes to the classifications.

All employees of Downstate Health Physicians are employed "At Will." This means that either the employee or the Organization is free to end the employment relationship at any time, for any reason, with or without cause and with or without notice.

Probationary Period: Completion of the trial period of 90 days does not entitle you to remain employed by the Organization for any definite period of time. Both you and the Organization are free, at any time, with or without notice and with or without cause, to end the employment relationship. After completion of the trial period, eligible employees will receive the benefits described in this handbook.

3-2. Working Hours and Schedule

To provide our patients with the best care and service, Downstate Health Physicians must maintain flexible hours of operation. The standard work week is Monday through Sunday. Hours of operation and employee schedules vary by clinical department and/or practice location. Employees will be assigned a work schedule and will be expected to begin and end work according to the schedule. Full-time employees are assigned to a thirty seven and a half (37.5) hour work week, with a half hour unpaid lunch. Employees will be provided break periods as required by law, to be

determined and assigned by departmental management. A supervisor will provide further details.

To accommodate the needs of the business, at some point Downstate Health Physicians may need to change individual work schedules or work location on either a short-term or long-term basis. Under extraordinary circumstances, these changes may include a reduction in an employee's weekly work hours or a furlough. A furlough is a temporary leave without pay for a specified number of hours or days within a specified time frame. Employees will be informed in writing of a reduction in work hours or a furlough with as much notice as possible.

Under special circumstances, employees may also be permitted to work remotely instead of at their usual workplaces on a short-term or long-term basis. These determinations will be made at supervisor discretion based on the needs of the business, the nature of the employee's job, Downstate Health Physicians or SUNY Downstate Health Sciences University policies, and government orders. While working remotely employees must still work their assigned schedules as directed by their supervisors and are still bound by the same policies as they would be in their usual workplaces.

Scheduling and payment for on-call coverage is at the discretion of the respective clinical department.

3-3. New York City Temporary Schedule Change

Employees who work 80 or more hours in New York City in a calendar year and have been employed by Downstate Health Physicians for 120 or more days are eligible for two (2) temporary changes to their work schedules each calendar year for certain "personal events."

Personal Events

A "personal event" includes the following:

- the need to care for a child under the age of 18 for whom the employee provides direct and ongoing care;
- the need to care for an individual ("care recipient") with a disability who is a family member or who resides in the caregiver's household for whom the employee provides direct and ongoing care to meet the needs of daily living;
- the need to attend a legal proceeding or hearing for public benefits to which the employee, a family member or the employee's minor child or care recipient is a party; or
- any other reason for which the employee may use leave under New York City's Paid Safe and Sick Leave law.

For purposes of this policy a "family member" includes: a child (biological, adopted, or foster child, legal ward, child of the employee standing in loco parentis); a grandchild; a spouse (current or former regardless of whether they reside together); a domestic partner (current or former regardless of whether they reside together); a parent; a grandparent; a child or parent of the employee's spouse or domestic partner; a sibling (including a half-, adopted or step-sibling); any other individual related by blood to the employee; and any individual whose close association with the employee is the equivalent of family.

Temporary Schedule Change

A temporary schedule change may last up to one (1) business day on two (2) separate occasions or

up to two (2) business days on one (1) occasion each calendar year. A business day is any 24-hour period during which the employee is required to work any amount of time.

A temporary change means an adjustment to the employee's usual schedule including in the hours, times or locations the employee is expected to work. The change can include:

- using short-term unpaid leave;
- using paid time off;
- working remotely; or
- swapping or shifting working hours with a co-worker.

The Organization has the option of granting unpaid leave in lieu of the temporary change requested by the employee.

Request for Schedule Change

Request for a temporary schedule change must be made orally or in writing to the Organization or to the employee's direct supervisor as soon as practicable after the employee becomes aware of the need for the change. The request should include:

- the date of the temporary schedule change;
- that the change is due to a personal event; and
- proposed type of temporary schedule change (unless the employee would like to use leave without pay).

The Organization will respond immediately to such requests. Assuming the employee has not exceeded the number of allowable requests and the request is for a qualifying reason, the Organization will either approve the proposed type of temporary schedule change or provide leave without pay. The Organization also may offer employees the ability to use paid time off. Employees will not be required to use leave under New York City's Paid Safe and Sick Leave law for a temporary schedule change.

If the employee requested the schedule change in person or by phone, the employee must submit a written request no later than the second business day after the employee returns to work. The employee should include in the written request the date of the temporary schedule change and that the change was due to a personal event.

The Organization will provide a written response to any written request for temporary schedule change within 14 days. The response will include:

- if the request was granted or denied;
- how the request was accommodated (if granted) or the reason for denial (if denied);
- number of requests the employee has made for temporary schedule changes; and
- how many days the employee has left in the year for temporary schedule changes.

Employees have the right to temporary schedule changes and may file a complaint for alleged violations of this policy and applicable law with the New York City Department of Consumer Affairs. The Organization prohibits retaliation or the threat of retaliation against the employee for exercising or attempting to exercise any right provided in this policy and applicable law, or interference with any investigation, proceeding or hearing related to or arising out of employees' rights pursuant to this

policy and applicable law.

Employees with questions concerning this policy should contact Human Resources Department.

3-4. Punctuality and Attendance

Employees are hired to perform important functions at Downstate Health Physicians. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are very important. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on fellow employees and supervisors. We expect excellent attendance from all employees. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

We do recognize, however, there are times when absences and tardiness cannot be avoided. In such cases, employees are expected to notify supervisors as early as possible, but no later than two hours before the start of the shift. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Employees should call, stating the nature of the illness and its expected duration, for every day of absenteeism.

A note from a physician is required for absence from work due to illness for three or more consecutive days. The note must document the illness during this period, as well as medical ability to return to work. DHA reserves the right to require notes from physicians for illness-related absences of fewer than three days' duration.

Unreported absences of three (3) consecutive work days generally will be considered a voluntary resignation of employment with the Organization.

3-5. Timekeeping Procedures

Employees must record their actual time worked both in the office and remotely for payroll and benefit purposes using the Organization approved format. Non-exempt employees must record the time work begins and ends, as well as the beginning and ending time of any departure from work for any non-work-related reason, via the electronic time and attendance system in a timely manner. Exempt employees are required to record their daily work attendance and report full days of absence from work for reasons such as leaves of absence, sick leave or personal business. Employees may also be required to submit a record of tasks done during their work hours to their supervisor at the supervisor's discretion.

Each employee must maintain a confidential User ID and password in order to utilize the time and attendance system. It is a violation of policy to disclose or share a User ID or password. Altering, falsifying or tampering with time records is prohibited and subjects the employee to discipline, up to and including discharge.

Non-exempt employees may not start work until their scheduled starting time.

It is the employee's responsibility to certify the accuracy of all time recorded. Any errors in the time record should be reported immediately to a supervisor, who will attempt to correct legitimate errors.

3-6. Overtime

Downstate Health Physicians sometimes experiences periods of extremely high activity. During these busy periods, additional work is required from all of us. Supervisors are responsible for monitoring business activity and requesting overtime work if it is necessary. Effort will be made to provide employees with adequate advance notice in such situations.

Any non-exempt employee who works overtime will be compensated at the rate of one and one-half times (1.5) their normal hourly wage for all time worked in excess of 40 hours each week, unless otherwise required by law.

Employees may work overtime only with prior management authorization.

For purposes of calculating overtime for non-exempt employees, the workweek begins at 12 a.m. on Monday and ends 168 hours later at 12 a.m. on the following Monday.

3-7. Travel Time for Non-Exempt Employees

Overnight, Out-of-Town Trips

Non-exempt employees will be compensated for time spent traveling (except for meal periods) during their normal working hours, on days they are scheduled to work and on unscheduled work days (such as weekends). Non-exempt employees also will be paid for any time spent performing job duties during otherwise non-compensable travel time; however, such work should be limited absent advance management authorization.

Out-of-Town Trips for One Day

Non-exempt employees who travel out of town for a one-day assignment will be paid for all travel time, except for, among other things: time spent traveling between the employee's home and the local railroad, bus or plane terminal; and meal periods.

Local Travel

Non-exempt employees will be compensated for time spent traveling from one job site to another job site during a workday. The trip home, however, is non-compensable when the employee goes directly home from the final job site, unless it is much longer than the regular commute home from the regular worksite. In such case, the portion of the trip home in excess of the regular commute is compensable.

Commuting Time

Under the Portal to Portal Act, travel from home to work and from work to home is generally non-compensable. However, if a non-exempt employee regularly reports to a worksite near their home, but is required to report to a worksite farther away than the regular worksite, the additional time spent traveling is compensable.

If compensable travel time results in more than 40 hours worked by a non-exempt employee, the employee will be compensated at an overtime rate of one and one-half (1-1/2) times the regular rate.

To the extent that applicable state law provides greater benefits, state law applies.

3-8. Safe Harbor Policy for Exempt Employees

It is Downstate Health Physicians's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure proper payment and that no improper deductions are made, employees must review pay stubs promptly to identify and report all errors.

Those classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for Downstate Health Physicians. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires otherwise, salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing wage replacement benefits for such absences (deductions also may be made for the exempt employee's full-day absences due to sickness or disability before the employee has qualified for the plan, policy or practice or after the employee has exhausted the leave allowance under the plan);
- full-day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave Act absences (either full- or partial-day absences);
- to offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
- the first or last week of employment in the event the employee works less than a full week; and
- any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness or disability;
- an absence because the Organization has decided to close a facility on a scheduled work day;
- absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
- any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If employees believe they have been subject to any improper deductions, they should immediately

report the matter to a supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), they should immediately contact Human Resources Department or any other supervisor in Downstate Health Physicians with whom the employee feels comfortable.

3-9. Your Employment Records

In order to obtain their position, employees have provided personal information, such as address and telephone number. This information is contained in their personnel file.

Employees should keep their personnel file up to date by informing the Director of Payroll and/or the employee's supervisor and/or Human Resources Department of any changes. Employees also should inform the Director of Payroll and/or the employee's supervisor and/or Human Resources Department of any specialized training or skills they acquire, as well as any changes to any required visas. Unreported changes of address, marital status, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach employees in a crisis could cause a severe health or safety risk or other significant problem.

3-10. Payroll Process

Employees who are paid bi-weekly receive paychecks every other Friday. Employees who are paid monthly receive paychecks on the 15th of the month. When the usual payday is a holiday, paychecks are normally issued on the last working day before the holidays.

Payroll stubs itemize deductions made from gross earnings. By law, Downstate Health Physicians is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Federal tax withholding forms (W-4) as well as applicable state and local tax withholding forms must be signed and on file for each employee. Payroll stubs also will differentiate between regular pay received and overtime pay received.

If there is an error in any employee's pay, the employee should bring the matter to the attention of the Director of Payroll immediately so the Organization can resolve the matter quickly and amicably.

Paychecks will be given only to the employee, unless the employee requests that they be mailed or authorizes in writing that another person may accept the check.

Downstate Health Physicians strongly encourages employees elect to be paid by direct deposit. Authorization forms are available from the Director of Payroll and/or Human Resources Department.

3-11. Career Development

At the time of hire, each employee should receive a job description, which outlines duties, responsibilities, and competencies required for the position. This will be used as a tool as a part of the performance evaluation.

Depending on the employee's position and classification, Downstate Health Physicians will review performance annually. Professional appraisals play an integral role in guiding and managing career development and allowing for a mutual understanding of an employee's performance in relation to

organizational goals and objectives. However, a positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management. Employees must participate actively in the review process and identify areas for growth and development. In the event a review identifies areas of deficiency, an employee will be provided with a corrective action plan and time frame for improvement.

In addition to these formal performance evaluations, the Organization encourages employees and supervisors to discuss job performance on a frequent and ongoing basis.

Career advancement is rewarding for both the employee and the Organization. Opportunities for advancement will be made available to qualified employees whenever possible. Qualification for a new position requires good standing in the current position for one year. This period may be waived with the chairperson's approval.

3-12. Record Retention

Downstate Health Physicians acknowledges its responsibility to preserve information relating to litigation, audits and investigations. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the Organization and its employees and possible disciplinary action against responsible individuals (up to and including discharge of the employee). Each employee has an obligation to contact the CEO to inform them of potential or actual litigation, external audit, investigation or similar proceeding involving the Organization that may have an impact on record retention protocols.

3-13. Certification, Licensing, and Other Requirements

Certification or license requirements as defined by the Organization's position descriptions are conditions of employment. Clinical departments may require non-clinical staff to meet testing requirements as a condition of continued employment. The SUNY Downstate Health Sciences University Staff Bylaws define standards for physicians.

Pursuant to an offer of employment, all candidates must satisfactorily complete a medical evaluation, which may involve drug screening. The Organization reserves the right to require such testing annually.

The Organization reserves the right to conduct background checks, including criminal and credit checks, as a condition of employment

3-14. Artificial Intelligence

The Organization recognizes that the use of AI tools can potentially assist employees with the performance of job duties. However, there are many risks. To ensure the protection of confidential information and the integrity of our operations, as set forth below, all employees who wish to use AI tools must receive management approval and, if granted, comply with the below best practices.

Evaluation of AI tools. Employees must evaluate the utility and security of any AI tool before using

it. This includes reviewing the tool's security features, terms of service, and privacy policy. Employees should also review the reputation of the tool developer and any third-party services used by the tool. But most importantly, employees **must** receive management approval prior to using any AI tool after explaining the manner in which it will be used and the benefits to the business.

Protection of confidential data. In using any AI tool, employees must not upload or share any confidential, proprietary, or protected data without prior written approval from TBD. This includes data related to customers, employees, or partners. Similarly, employees must ensure any AI tool does not utilize confidential or copyrighted information of a third party.

Access control. Employees must not give access to any AI tools approved for business use to anyone outside the company without prior approval from TBD and implementation of processes as required to meet security compliance requirements. This includes sharing login credentials or other sensitive information with third parties.

Compliance with security policies. Employees must apply the same security best practices we use for all company and customer data. This includes using strong passwords, keeping software up-to-date, and following the Organization's data retention and disposal policies.

3-15. Open Door Policy

All employees have the opportunity to express ideas and opinions to management. The Organization believes that open communication is essential to a successful work environment, as well as to the Organization's success. All employees may express ideas and opinions directly to Organization management. Employees who would like to bring an idea or suggestion to the Organization's attention, or just simply wishes to discuss an issue not covered by a separate reporting procedure, are always welcome to send an email or make a call to Human Resources.

Section 4 - General Standards of Conduct

4-1. Workplace Conduct

Downstate Health Physicians endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the Organization's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.
2. Stealing, removing or defacing Downstate Health Physicians property or a co-worker's property, and/or disclosure of confidential information.
3. Completing another employee's time records.
4. Violation of safety rules and policies.
5. Violation of Downstate Health Physicians's Drug and Alcohol-Free Workplace Policy.
6. Fighting, threatening or disrupting the work of others or other violations of Downstate Health Physicians's Workplace Violence Policy.
7. Failure to follow lawful instructions of a supervisor.
8. Failure to perform assigned job duties.
9. Violation of the Punctuality and Attendance Policy, including but not limited to irregular attendance, habitual lateness or unexcused absences.
10. Gambling on Organization property.
11. Willful or careless destruction or damage to Organization assets or to the equipment or possessions of another employee.
12. Wasting work materials.
13. Performing work of a personal nature during working time.
14. Violation of the Solicitation and Distribution Policy.
15. Violation of Downstate Health Physicians's Harassment or Equal Employment Opportunity Policies.
16. Violation of the Communication and Computer Systems Policy.
17. Unsatisfactory job performance.
18. Any other violation of Downstate Health Physicians policy.

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and Downstate Health Physicians reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The Organization will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, Downstate Health Physicians will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate the employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

4-2. Employee Dress and Personal Appearance

Downstate Health Physicians success depends upon its ability to maintain a service-oriented, professional practice environment that meets patient and community expectations. Whether or not job responsibilities place an employee in direct patient contact, their actions and appearance represent the Organization. Employees are expected to maintain a professional, business-like appearance while in the workplace, appropriate for their working environment, and the requirements of their position. Employees are expected to dress in accordance with accepted social, business, and medical standards at all times. Employees are expected to maintain the highest standards of personal cleanliness and grooming to maximize patients' well-being. Some employees may be required to wear uniforms or safety equipment/clothing. Employees are not permitted to wear ripped, frayed, or disheveled clothing or clothing with political statements or advertisements. Likewise, tight, revealing, or otherwise workplace-inappropriate dress is not permitted.

Department leadership may establish a reasonable standard of attire for their departments depending on its functions. Reasonable accommodation may be made in regard to religious, cultural, or disability requests on a case-by-case basis. Employees should contact their supervisor for specific information regarding acceptable attire for their position. If employees report to work dressed or groomed inappropriately, they may be prevented from working until they return to work well groomed and wearing the proper attire.

An SUNY Downstate Health Sciences University identification badge is issued upon hire. This badge must be kept current and be worn where it can be seen at all times while on duty.

4-3. Drug-Free and Alcohol-Free Workplace

To help ensure a safe, healthy and productive work environment for our employees and others, to protect Organization property, and to ensure efficient operations, Downstate Health Physicians has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for the Organization.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances (including medical marijuana), drug paraphernalia or alcohol by an individual anywhere on Organization premises, while on Organization business (whether or not on Organization premises) or while representing the Organization, is strictly prohibited. Employees and other individuals who work for the Organization also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, which may impact the employee's ability to perform their job or otherwise pose safety concerns, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. However, this exception does not extend any right to report to work under the influence of medical marijuana or to use medical marijuana as a defense to a positive drug test, to the extent the employee is subject to any drug testing requirement, except as permitted by and in accordance with applicable law. This restriction does not apply to responsible drinking of alcohol at business meetings and related social outings.

Violation of this policy will result in disciplinary action, up to and including discharge.

The Organization maintains a policy of non-discrimination and will endeavor to make reasonable

accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs, or jeopardizes the health and safety of any Organization employee, including themselves.

4-4. Smoking

Our organization is committed to providing a safe and healthy environment for employees and visitors. Smoking, including the use of e-cigarettes, is prohibited on Organization premises and in all Organization vehicles.

4-5. Conflict of Interest

It is Downstate Health Physicians's policy that all employees avoid any conflict between their personal interests and those of the Organization. The purpose of this policy is to ensure that the Organization's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the Organization.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include but are not limited to:

1. holding an interest in or accepting free or discounted goods from any organization that does, or is seeking to do, business with the Organization, by any employee who is in a position to directly or indirectly influence either the Organization's decision to do business, or the terms upon which business would be done with such organization;
2. holding any interest in an organization that competes with the Organization;
3. being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with the Organization or which competes with the Organization; and/or
4. profiting personally, e.g., through commissions, loans, expense reimbursements or other payments, from any organization seeking to do business with the Organization.

A conflict of interest would also exist when a member of the employee's immediate family is involved in situations such as those above.

This policy is not intended to prohibit the acceptance of modest courtesies, openly given and accepted as part of the usual business amenities, for example, occasional business-related meals or promotional items of nominal or minor value.

It is the employee's responsibility to report any actual or potential conflict that may exist between the employee (and the employee's immediate family) and the Organization.

4-6. Financial Integrity

The integrity of information is essential for business operations. All records, information and accounts must be maintained accurately. Employees with responsibility for performing, updating or maintaining financial data must adhere to institutional policies, industry accepted standards and applicable state and federal law. Employees may not make any false statements, misleading or artificial entries, or material omissions or misrepresentations in any of the organization's financial records, documents or communications. Any employee who wishes to report concerns related to the organizations' accounting practices, financial reporting or internal controls should contact the DHP Chief Financial Officer, Executive Director, or the SUNY Compliance Line at (877) 349-7869. All reports will be treated confidentially to the extent reasonable and possible.

4-7. Hiring Relatives/Employee Relationships

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, Downstate Health Physicians may refuse to hire or place a relative in a position where the potential for favoritism or conflict exists.

In other cases, such as personal relationships where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or discharged from employment, at the discretion of the Organization. Accordingly, all parties to any type of intimate personal relationship must inform management.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. The Organization generally will attempt to identify other available positions, but if no alternate position is available, the Organization retains the right to decide which employee will remain with the Organization.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

4-8. Confidential Company Information

During the course of work, employees may become aware of confidential information about Downstate Health Physicians's business, including but not limited to information regarding Organization finances, pricing, products and new product development, software and computer programs, marketing strategies, suppliers and customers and potential customers. Employees also may become aware of similar confidential information belonging to the Organization's clients. It is extremely important that all such information remain confidential, and particularly not be disclosed to Downstate Health Physicians's competitors. Any employee who improperly copies, removes (whether physically or electronically), uses or discloses confidential information to anyone outside of the Organization may be subject to disciplinary action up to and including termination. Employees may be required to sign an agreement reiterating these obligations.

4-9. Care of Patient Records and Information

Employees shall maintain the confidentiality of patient and other confidential information in accordance with applicable legal and ethical standards.

Medical records must reflect the scope of clinical services provided and be maintained in compliance with SUNY Downstate Health Sciences University standards, accrediting body guidelines and federal/ state law. The Organization maintains ownership of all patient records and retains them in accordance with state and federal requirements. Requests for information will adhere to HIPAA guidelines.

4-10. Use of Facilities, Equipment and Property, Including Intellectual Property

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Employees should notify their supervisor if any equipment, machines, or tools appear to be damaged, defective or in need of repair. Prompt reporting of loss, damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Supervisors can answer any questions about the employees' responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of the Organization's intellectual property, such as audio and video tapes, print materials and software.

Organization supplies, equipment, computers, personnel and other resources may not be used for non-work purposes. Official stationary may not be used for non-work purposes and Organization resources may not be used to mail personal correspondence. Organization mail, postage, internal office mail and inter-city couriers may not be used for personal purposes.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including discharge.

Further, the Organization is not responsible for any damage to employees' personal belongings unless the employee's supervisor provided advance approval for the employee to bring the personal property to work.

4-11. Use of Communications and Computer Systems

Downstate Health Physicians's communication and computer systems are intended primarily for business purposes; however limited personal usage is permitted if it does not hinder performance of job duties or violate any other Organization policy. This includes the voice mail, e-mail and Internet systems.

All computer equipment must be installed, physically secured and inventoried by appropriate internal IT staff. Employees must not share IDs, passwords or access cards. Employees must log off the network or activate a password-protected screensaver whenever the computer terminal or data

device is unattended or unsecured. Use of non-Organization sponsored or personal communication systems, including use of personal email addresses, to conduct company business is strictly prohibited.

Email messages, computer information, fax communications and voicemail are considered Organization property. Users have no legitimate expectation of privacy in regard to their use of the Downstate Health Physicians systems. Downstate Health Physicians may access the voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the Organization deems it appropriate to do so. The reasons for which the Organization may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Organization operations continue appropriately during the employee's absence.

Further, Downstate Health Physicians may review Internet usage to ensure that such use with Organization property, or communications sent via the Internet with Organization property, are appropriate. The reasons for which the Organization may review employees' use of the Internet with Organization property include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Organization operations continue appropriately during the employee's absence.

The Organization may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The Organization's policies prohibiting harassment, in their entirety, apply to the use of Organization's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law.

Further, since the Organization's communication and computer systems are intended for business use, all employees, upon request, must inform management of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited. Only software and applications purchased through the Organization and/or IT services purchased from SUNY Downstate may be utilized on Organization computers.

No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action, up to and including discharge.

4-12. Personal and Company-Provided Portable Communication Devices

Downstate Health Physicians-provided portable communication devices (PCDs), including cell phones and personal digital assistants, should be used primarily for business purposes. Employees have no reasonable expectation of privacy in regard to the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law. This includes, as permitted, the

right to monitor personal communications as necessary.

Some employees may be authorized to use their own PCD for business purposes either on a temporary or permanent basis. Any such use must be approved by both the IT department and the employee's supervisor. These employees should work with the IT department to configure their PCD for business use to ensure that they can maintain organizational confidentiality. Communications sent via a personal PCD also may be subject to monitoring if sent through the Organization's networks and the PCD must be provided for inspection and review upon request.

All conversations, text messages and e-mails must be professional. When sending a text message or using a PCD for business purposes, whether it is an Organization-provided or personal device, employees must comply with applicable Organization guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use and operation of vehicles. Using an Organization-issued PCD to send or receive personal text messages is prohibited at all times and personal use during working hours should be limited to emergency situations.

If employees who use a personal PCD for business resign or are discharged, they will be required to submit the device to the IT department for resetting on or before their last day of work. At that time, the IT department will reset and remove all information from the device, including but not limited to, Organization information and personal data (such as contacts, e-mails and photographs). The IT department will make efforts to provide employees with the personal data in another form (e.g., on a disk) to the extent practicable; however, the employee may lose some or all personal data saved on the device.

Employees may not use their personal PCD for business unless they agree to submit the device to the IT department on or before their last day of work for resetting and removal of Organization information. This is the only way currently possible to ensure that all Organization information is removed from the device at the time of termination. The removal of Organization information is crucial to ensure compliance with the Organization's confidentiality and proprietary information policies and objectives.

Please note that whether employees use their personal PCD or an Organization-issued device, the Organization's electronic communications policies, including but not limited to, proper use of communications and computer systems, remain in effect.

Portable Communication Device Use While Driving

Employees who drive on Organization business must abide by all state or local laws prohibiting or limiting PCD (cell phone or personal digital assistant) use while driving. Further, even if usage is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while driving, and permitted by law, employees must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a cell phone while driving, employees who

are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

4-13. Personal Telephone Calls and Visits

Disruptions during work time can lead to errors and delays. Therefore, personal telephone calls must be kept to a minimum. Organization telephones may be used for incidental and necessary personal calls, limited in number and duration, which do not interfere with an employee's duties. Telephones may not be used for non-work long-distance calls, other than toll-free calls, collect calls and calls billed to a personal account.

For safety and security reasons, a security officer must be notified of all expected visitors to Organization offices located on SUNY Downstate Health Sciences University premises. Individuals visiting Organization offices must check in, obtain a Visitor Pass and abide by medical center procedures. Under no circumstances will visitors be allowed in confidential, unauthorized or potentially hazardous areas.

4-14. Use of Social Media

Downstate Health Physicians respects the right of any employee to maintain a blog or web page or to participate in a social networking, Twitter or similar site, including but not limited to Facebook and LinkedIn. However, to protect Organization interests and ensure employees focus on their job duties, employees must adhere to the following rules:

Employees may not post on a blog or web page or participate on a social networking platform, such as Twitter or similar site, during work time or at any time with Organization equipment or property.

All rules regarding confidential and proprietary business information apply in full to blogs, web pages and social networking platforms, such as Twitter, Facebook, LinkedIn or similar sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog, web page or social networking site.

Whether the employees are posting something on their own blog, web page, social networking, Twitter or similar site or on someone else's, if the employee mentions the Organization and also expresses either a political opinion or an opinion regarding the Organization's actions that could pose an actual or potential conflict of interest with the Organization, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is his/her personal opinion and not the Organization's position. This is necessary to preserve the Organization's good will in the marketplace.

Any conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, web page, social networking, Twitter or similar site. For example, posted material that is discriminatory, obscene, defamatory, libelous or violent is forbidden. Organization policies apply equally to employee social media usage.

Downstate Health Physicians encourages all employees to keep in mind the speed and manner in which information posted on a blog, web page, and/or social networking site is received and often misunderstood by readers. Employees must use their best judgment. Employees with any questions

should review the guidelines above and/or consult with their manager. Failure to follow these guidelines may result in discipline, up to and including discharge.

4-15. Camera Phones/Recording Devices

Due to the potential for issues such as invasion of privacy, sexual harassment and loss of productivity, as well as inappropriate disclosure of confidential information, no employee may use a camera phone function on any phone on Downstate Health Physicians property or while performing work for the Organization, unless the device has been approved for such use by IT and the employee's supervisor and is used solely for legitimate business purposes.

The use of tape recorders, Dictaphones or other types of voice recording devices anywhere on Organization property, including to record conversations or activities of other employees or management, or while performing work for the Organization, is also strictly prohibited, unless the device has been approved for such use by IT and the employee's supervisor and is used solely for legitimate business purposes.

4-16. Publicity/Statements to the Media

All media inquiries regarding the position of the Organization as to any issues must be referred to Executive Director. Only Executive Director is authorized to make or approve public statements on behalf of the Organization. No employees, unless specifically designated by Executive Director, are authorized to make those statements on behalf of Organization. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the Organization must first obtain approval from Executive Director.

4-17. Bulletin Boards

Important notices and items of general interest are continually posted on Downstate Health Physicians bulletin boards. Employees should make it a practice to review bulletin boards frequently. This will assist employees in keeping up with what is current at Downstate Health Physicians. To avoid confusion, employees should not post or remove any material from the bulletin board.

4-18. Solicitation and Distribution

To avoid distractions, solicitation by the employee of another employee is prohibited while either employee is on work time and in all immediate patient care areas. "Work time" is defined as the time the employees are engaged, or should be engaged, in performing their tasks for Downstate Health Physicians. Solicitation of any kind by non-employees on Organization premises is prohibited at all times.

Distribution of advertising material, handbills, printed or written literature of any kind in immediate patient care areas and all other working areas of Organization is prohibited at all times. Distribution of literature by non-employees on Organization premises is prohibited at all times.

Use of the Organization's internet access, email, fax, or voicemail systems for non-job-related solicitations, including but not limited to religious or political causes, is also prohibited.

4-19. Inspections

To protect the property and ensure the safety of all employees and patients, Downstate Health Physicians reserves the right to require employees while on Organization property, or on client property, to agree to the inspection of their persons, personal possessions and property, personal vehicles parked on Organization or client property, and work areas. This includes lockers, vehicles, desks, cabinets, work stations, packages, handbags, briefcases and other personal possessions or places of concealment, as well as personal mail sent to the Organization or to its clients. Employees are expected to cooperate in the conduct of any search or inspection, consistent with state and federal law.

4-20. Business Expense Reimbursement

Employees will be reimbursed for reasonable approved expenses incurred in the course of business. These expenses must be approved in advance by the employee's Supervisor, and may include air travel, hotels, motels, meals, cab fare, rental vehicles, or gas and car mileage for personal vehicles. All expenses incurred should be submitted to the employee's Supervisor along with the receipts in a timely manner.

Employees are expected to exercise restraint and good judgment when incurring expenses. Employees should contact their Supervisor in advance if they have any questions about whether an expense will be reimbursed.

4-21. Recycling and Waste Prevention

Downstate Health Physicians is committed to the environment and its future. Employees are encouraged to utilize recycling containers located throughout the building.

Section 5 - Safety in the Workplace

5-1. Health and Safety

The health and safety of employees and others on Organization property are of critical concern to Downstate Health Physicians. The Organization intends to comply with all health and safety laws applicable to our business. To this end, the Organization must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the Organization's premises, or in a product, facility, piece of equipment, process, or business practice for which the Organization is responsible should be brought to the attention of management immediately.

Periodically, the Organization may issue rules and guidelines governing workplace safety and health. The Organization may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

5-2. In An Emergency

Emergencies include, but are not limited to, life threatening medical situations, bomb threats, threats of violence or the smell of smoke. An employee who witnesses an emergency situation should contact 911 immediately. Management must be notified immediately thereafter.

When events warrant evacuation of the building, follow instructions of the supervisor or other management or building official. Leave the building in a quick and orderly manner as directed. Assemble at the predetermined location communicated by the management person to await further instructions or information.

Fire drills and evacuation procedures are scheduled periodically. Employees are required to understand the appropriate procedures for evacuation.

Employees must keep their personal emergency contact information up to date to ensure they can be contacted during off-work hours. The Human Resources Department should be contacted with changes of information.

5-3. Hazard Communication

Downstate Health Physicians may use some chemicals (e.g., cleaning compounds, inks, etc.) in its operations. Through departmental training, employees must be familiar with the handling, use, storage and control measures related to these substances they may encounter in the work place.

Material Safety Data Sheets (MSDS) are available for inspections in work areas. All labeling requirements must be followed.

Employees must consult the designated safety coordinator prior to purchasing and/or using chemicals within the Organization. For additional information, refer to the Organization's written Hazard Communication Program. Questions should be referred to the respective department supervisor.

5-4. Infectious Disease and Bloodborne Pathogens Exposure Control

In order to help ensure the health and safety of the Downstate Health Physicians community and the public, employees may be required to wear additional clothing or PPE items such as a mask or face covering in the workplace even if they do not have direct patient contact. These requirements may be instated based on current health emergencies in the region, new federal, state, or local mandates, Organization and SUNY Downstate Health Sciences University campus policies, or department and supervisor discretion. Under these same circumstances, the Organization may create additional policies regarding workplace conduct depending on the nature of infectious diseases to which employees may be exposed. Employees who believe they have been exposed to an infectious disease should immediately inform their supervisors and contact Employee Health Services for instruction.

To protect employees who may reasonably anticipate being occupationally exposed to blood and other potentially infectious materials during work tasks, Downstate Health Physicians has instituted a bloodborne pathogens exposure control program.

The program includes an employee exposure determination, information and training about bloodborne pathogens, the availability of hepatitis B vaccinations, engineering controls, universal precautions, safe work practices, personal protective equipment, and housekeeping measures to help reduce the risks of occupational exposure. Procedures to be used following an exposure incident and necessary record keeping are included in the program. Specific information is contained in the Organization's written infection control plan, available to employees as required.

In accordance with OSHA regulations, the Organization offers the hepatitis B vaccine at no cost to any employee reasonably anticipated to have exposure to blood or other potentially infectious materials. Information concerning the vaccine's effects, safety considerations, method of administration, risks and benefits is available to employees upon request.

Employees will be eligible for the vaccine within ten working days of their first day of work, according to OSHA standard.

5-5. Concealed Weapons

Unauthorized possession, use, or sale of weapons, firearms, or explosives on work premises, while operating Downstate Health Physicians machinery, equipment or vehicles, or while engaged in organization business off-premises, is forbidden.

This policy applies to all employees, including but not limited to, those who have a valid permit to carry a firearm.

Employees who are aware of violations or threats of violations of this policy are required to

immediately report such violations or threats to their supervisor. Violations of this policy will result in disciplinary action, up to and including termination.

Section 6 - Benefits

6-1. Benefits Overview

Downstate Health Physicians offers all eligible employees a comprehensive and competitive benefits program. These benefits include time-off benefits, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to better meet present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs. Enrollment in benefits programs are offered at the time of hiring and during annual open enrollment events.

The next few pages contain a brief outline of the benefits programs Downstate Health Physicians provides employees and their families. Of course, the information presented here is intended to serve only as guidelines. The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from Human Resources Department. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, Downstate Health Physicians (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While the Organization intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, they should contact Human Resources Department.

6-2. Health Insurance

Eligible employees regularly scheduled to work 30 or more hours per week may participate in Downstate Health Physicians's insurance programs immediately upon hire. Under these plans, eligible employees will receive medical, dental, and vision insurance for themselves and their families if they so choose. The Organization pays a portion of insurance premium costs, and the balance is paid through payroll deductions. These costs vary by department and are subject to change.

Upon becoming eligible to participate in these plans, employees will receive summary plan descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Of course, feel free to contact Human Resources Department with any further questions.

6-3. Retirement Plan

Downstate Health Physicians provides eligible employees with a 401(k) Qualified Retirement Plan as a means of long-term savings for retirement. Eligible employees are able to make immediate contributions to the 401(k) on a pre-tax basis upon hiring, with money invested in one of several funds offered by our investment providers.

The Organization maintains an Incentive Savings Trust Plan for eligible employees. The amount of the Organization's contribution to the plan is determined annually at the discretion of each Department Chair. The contributions made, if any, are based on the fiscal performance of the Organization and respective department.

6-4. Transportation Benefit Program

All full-time and regular part-time employees can elect to participate in transit benefits to pay for eligible transportation expenses with pre-tax income. Employees may participate on the first of the month after one (1) month of employment. The program works similarly to a Flexible Benefits Program, in which employees elect to have a portion of pre-tax income transferred to an account for future reimbursement for transportation expenses. The amount of contributions is subject to IRS limits which generally change every year. Upon becoming eligible to participate in this plan, employees will receive a Summary Plan Document (SPD) describing the benefit in greater detail. Employees should refer to the SPD for detailed plan information. Of course, employees also should feel free to speak to Human Resources Department if they have any further questions.

6-5. Flexible Spending Account (FSA)

Downstate Health Physicians offers full-time and regular part-time employees a pre-tax benefit known as a Flexible Spending Account (FSA). Employees may open two separate accounts under the FSA program: an Unreimbursed Medical Account and a Dependent Care Account. The plan allows employees to set aside a specific pre-tax dollar amount for unreimbursed medical, dental, vision and over-the-counter items, and for dependent care expenses. A Flexible Spending Account offers an option for employees with predictable out-of-pocket expenses. The amount of contributions is subject to IRS limits which generally change every year. Of course, employees also should feel free to speak to Human Resources Department if they have any further questions.

Changes to the designated dollar amount can be made during the open enrollment period only, unless the family status changes or the employee becomes eligible for a special enrollment period due to a loss of coverage. Family status changes include marriage, divorce, death of a spouse or child, birth or adoption of a child, or termination of spousal employment. A change in election due to a change in family status is effective on the date the change occurs.

Any money remaining in the FSA account at the end of the year is forfeited.

6-6. Life Insurance

Eligible employees regularly scheduled to work 30 or more hours per week may enroll in Downstate Health Physicians life insurance benefit plans immediately upon hire, and are automatically enrolled in the Basic Life and AD&D Insurance.

Basic Life Insurance coverage provides important supplemental financial protection for employees and their families in the event of death. The life insurance benefit is equal to two times basic annual earnings (annual base salary) up to a maximum benefit of \$300,000.

AD&D insurance coverage provides financial protection in the event of death or loss of hands, feet and/or vision when an employee experiences a loss within 365 days of a related accident. The AD&D benefit is equal to two times basic annual earnings (annual base salary) up to a maximum of \$300,000.

Supplemental life insurance between one and five times basic annual earnings, up to a maximum of \$500,000, is available at an additional cost to the employee. Evidence of insurability must be submitted and approved for amounts in excess of the lesser of three times annual compensation or \$300,000. Optional dependent life insurance (spouse and/or child) may be elected by employees enrolled in the Supplemental Life Insurance program at an additional cost. Evidence of insurability for dependent coverage must be submitted and approved for amounts in excess of \$20,000.

6-7. Paid Holidays

Downstate Health Physicians normally observes the following holidays during the year:

New Year's Day
Martin Luther King, Jr. Day
Lincoln's Birthday
Washington's Birthday
Memorial Day
Juneteenth National Independence Day
Independence Day
Labor Day
Columbus Day
Election Day
Veterans' Day
Thanksgiving Day
Christmas Day

If one of the above holidays falls on a Saturday, it will normally be observed on the preceding Friday.

If one falls on a Sunday, it will normally be observed on the following Monday. A full annual list of holidays with current dates is available upon request from the Human Resources Department.

When holidays fall or are celebrated on a regular work day, employees who are normally scheduled to work on that day will receive one (1) day's pay at their regular straight-time rate. Full-time and part-time employees are eligible for paid holidays immediately upon hire. Part-time employees are eligible for holiday pay in proportion to the number of hours they are routinely scheduled to work. If a holiday falls within an eligible employee's approved vacation period, the eligible employee will receive an additional vacation day.

Election Day and Lincoln's Birthday have been designated as floating holidays. Employees must obtain prior supervisory approval to observe these holidays or utilize the time on a different day.

6-8. Paid Time Off

Downstate Health Physicians appreciates how hard employees work and recognizes the importance of providing time for rest and relaxation. Downstate Health Physicians fully encourages employees to get this rest by taking paid time off. Time off under this policy includes extended time off, such as for a vacation, and incidental time due to sickness or to handle personal affairs.

PTO accrues every pay period, effective with the date of hire or eligibility, and may not be taken until it has accrued.

Full-time employees accrue paid time off as follows:

Non-exempt employees:

Length of Service	PTO (Days)	PTO (Hours)
0 to 1 year	up to 20	up to 150
Years 1 and 2	22	165
Years 3 and 4	24	180
Years 5 - 9	25	187.5
10 years +	30	225

Exempt employees:

Length of Service	PTO (Days)	PTO (Hours)
0 to 1 year	up to 25	187.5
Years 1 and 2	27	202.5
Years 3 and 4	29	217.5
Years 5 - 9	30	225
10 years +	35	262.5

Regular part-time employees accrue PTO in proportion to the hours they are regularly scheduled to work, pro-rated from the full-time accrual rate.

Pay is not granted in lieu of taking the actual time off. However, PTO time can be carried over to the following year, up to a maximum of one-half of the annual accrued allotment. For example, if an exempt employee has accrued 27 PTO days for the year and has used 11 PTO days during the same year, the employee can carry over a maximum of 14 days.

If employees wish to use three (3) or more full days of paid time off consecutively, they must submit a request to their manager at least two (2) weeks in advance of the requested time off. Similar notice should be provided for planned time off of shorter duration. Every effort will be made to grant requests, consistent with operating schedules. However, if too many people request the same period of time off, the Organization reserves the right to choose who may take time off during that period. Individuals with the longest length of service generally will be given preference.

If employees will be out of work due to illness or due any other emergency for which notice could not be provided, they must call in and notify their supervisor as early as possible, but at least by one hour before the start of their workday. If they call in sick for three (3) or more consecutive days, they may be required to provide their supervisor with a doctor's note on the day they return to work.

PTO can only be taken in whole days or in 4 hour blocks of time.

Accrued, unused paid time off is paid out upon separation if the employee provides at least two (2) weeks notice of their resignation or if the employee is terminated for cause, unless otherwise required by law. Advanced but unaccrued paid time off will be deducted from the employee's final paycheck, to the extent permitted by law.

6-9. Bereavement Leave

The death of a family member is a time when employees wish to be with their families. If the employee is full-time or part-time and loses a close relative, the employee will be allowed paid time off of up to three (3) workdays to assist in attending to obligations and commitments. For the purposes of this policy, a close relative includes a spouse, domestic/civil union partner, child, parent, sibling, grandchildren, grandparents, parents-in-law or any other relation required by applicable law. Paid leave days only may be taken on regularly scheduled, consecutive workdays following the day of death. Employees must inform their supervisor prior to commencing bereavement leave. In administering this policy, Downstate Health Physicians may require verification of death.

6-10. New York City Safe and Sick Leave (Includes The New York Paid Sick Leave Law)

Eligibility

Downstate Health Physicians provides paid safe and sick time to employees who work in New York City. For employees who work in New York City who are eligible for sick time under the general Sick Days policy, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Sick Days policy. This sick time is included within the Organization's regular PTO policy for eligible employees.

Accrual

Employees begin accruing paid safe and sick time pursuant to this policy at the start of employment. Eligible employees will accrue one (1) hour of safe and sick time for every 30 hours worked, up to a maximum accrual of 56 hours each calendar year. Exempt employees are assumed to work 40 hours in each workweek unless their normal workweek is less than 40 hours, in which case safe and sick time accrues based upon that normal workweek. For purposes of this policy, the calendar year is the consecutive 12-month period beginning January 1 and ending on December 31.

Usage

Employees may begin using paid safe and sick time once it is accrued. Safe and sick time may be used in a minimum increment of four (4) hours, provided this is reasonable under the circumstances. Employees may not use more than 56 hours of safe and sick time in any calendar year.

Employees may use paid safe and sick time for absences due to:

1. the employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care;
2. the care of the employee's family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care;
3. closure of the employee's place of business by order of a public official due to a public health emergency or such employee's need to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency; or
4. the employee or a family member being the victim of domestic violence, family offense matters, sexual offenses, stalking or human trafficking:
 - to obtain services from a domestic violence shelter, rape crisis center or other shelter or services program for relief from domestic violence, a family offense matter, sexual offense, stalking or human trafficking;
 - to participate in safety planning, temporarily relocate or take other actions to increase the safety of the employee or family members from future domestic violence, family offense matters, sexual offenses, stalking or human trafficking;
 - to meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to matters related to domestic violence, a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
 - to file a complaint or domestic incident report with law enforcement;
 - to meet with a district attorney's office;
 - to enroll children in a new school; or
 - to take other actions necessary to maintain, improve or restore the physical, psychological, or economic health or safety of the employee or family member or to protect those who associate or work with the employee.

For purposes of this policy, family member means a child (biological, adopted or foster child, a legal ward or a child of the employee standing in loco parentis), spouse, domestic partner, parent (biological, foster, step, adoptive, legal guardian or person who stood in loco parentis when the employee was a minor child), sibling (including half siblings, step siblings or siblings related through adoption), grandchild, grandparent, the child or parent of the employee's spouse or domestic partner, any other individual related by blood to the employee, and any other individual whose close association with the employee is the equivalent of a family relationship.

Use of safe and sick time will not be conditioned upon searching for or finding a replacement worker.

Unless advised otherwise, the Organization will assume, subject to applicable law, that employees want to use available safe and sick time for absences for reasons set forth above. Employees will be

paid for such absences to the extent they have paid safe and sick time available.

Employees will be advised of the amount of time accrued and used during a pay period and the total balance of accrued safe and sick time on the pay statement or other form of written documentation provided each pay period.

Notice and Documentation

Employees may make requests to their Supervisor to use paid safe and sick time orally or in writing prior to using accrued safe and sick time.

The Organization may require supporting documentation if employees use paid safe and sick time for more than three (3) consecutive workdays, to the maximum extent permitted by applicable law. For paid safe and sick time used for reasons #1 or #2 above, documentation signed by a licensed health care provider indicating the need for the amount of safe and sick time taken and that safe and sick time was used for a covered reason under this policy and/or applicable law will be considered reasonable documentation, and such documentation need not specify the nature of the injury, illness or condition, except as required by law. For paid safe and sick time used for reason #4 above, documentation signed by another employee, agent or volunteer of a victim services organization, an attorney, a member of the clergy or a medical or other professional service provider from whom the employee or family member has sought assistance in addressing domestic violence, family offense matters, sex offenses, stalking or human trafficking and their effects; a police or court record; or a notarized letter from the employee explaining the need for such time will be considered reasonable documentation, and such documentation need not specify the details of the domestic violence, family offense matter, sexual offense, stalking or human trafficking. Where a health care provider charges employees a fee for providing supporting documentation, the Organization will reimburse employees for such fee. The Organization also will reimburse employees for all reasonable costs or expenses incurred for obtaining supporting documentation requested for safe and sick time used for reason #4 above.

The Organization will not require the disclosure of confidential information relating to a mental or physical illness, injury or health condition or information relating to absence from work due to domestic violence, a sexual offense, stalking or human trafficking as a condition of providing safe and sick time. Moreover, the Organization cannot require that employees or a health care or service provider disclose personal health information or the details of the matter for which the employee requests safe leave under the New York City Paid Safe and Sick Leave Law. The Organization must keep information about employees or their family members obtained solely because of the Paid Safe and Sick Leave law confidential unless the employee consents to disclosure in writing or disclosure is required by law.

The Organization may take disciplinary action, up to and including termination, against employees who use safe and sick time provided under this policy for purposes other than those described above, to the maximum extent permitted by applicable law.

Payment

Safe and sick time will be paid at the same rate as the employee earns at the time the employee uses such time, unless otherwise required by applicable law, but no less than the applicable minimum wage. Safe and sick time will be paid no later than the payday for the next regular payroll period beginning after the safe and sick time was used. Use of paid safe and sick time is not considered hours worked for purposes of calculating overtime.

Carryover and Payout

Employees may carry over any unused sick and safe leave to the following calendar year. However, employees only may use up to 56 hours in each calendar year. Unused safe and sick time will not be paid at separation.

Enforcement and Retaliation

Employees have the right to request and use safe and sick time and may file a complaint for alleged violations of this policy with the New York City Department of Consumer and Workforce Protection or the New York State Department of Labor. The Organization prohibits retaliation or the threat of retaliation against employees for exercising or attempting to exercise any right provided in this policy or interference with any investigation, proceeding or hearing related to or arising out of employee rights pursuant to this policy and applicable law.

Employees with questions concerning this policy should contact Human Resources Department.

New York City COVID-19 Child Vaccination Time (effective until December 31, 2022)

Downstate Health Physicians provides COVID-19 child vaccination time to employees who work in New York City. For employees who work in New York City who are eligible for time off that may be used for these purposes under the general Sick Days policy, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Sick Days policy.

In addition to the general paid safe and sick time provided to employees under the New York City Paid Safe and Sick Leave Law (see policy, above), effective November 2, 2021 through December 31, 2022, employees who are a parent of a child under the age of 18, or the parent of an older child who is incapable of self-care because of a mental or physical disability, may take an additional four (4) hours of paid COVID-19 child vaccination time per vaccine injection, for each child, for an absence from work due to any of the following reasons associated with the child's COVID-19 vaccination:

1. Accompanying the child to receive a COVID-19 vaccine injection; or
2. Caring for the child if the child is experiencing temporary side effects from a COVID-19 vaccine injection.

For purposes of this section, parent means a biological, foster, step, or adoptive parent, a legal guardian of a person or a person who currently stands in loco parentis to another person.

Employees' use of COVID-19 child vaccination time will not be conditioned upon searching for or finding a replacement worker.

Employees must provide seven (7) days advance notice of the need to use COVID-19 child vaccination time to their Supervisor if the need is foreseeable. Where the need is not foreseeable, employees should provide notice as early as practicable. The Organization may require employees to provide reasonable documentation within seven (7) days of use of COVID-19 child vaccination time that the child for whose care the COVID-19 vaccine time is claimed has received a COVID-19 vaccine injection.

The Organization may take disciplinary action, up to and including termination, against any employee who uses COVID-19 child vaccination time provided pursuant to this policy for purposes other than those described above.

COVID-19 child vaccination time will be paid at the same rate as the employee earns from employment at the time the employee uses such time, unless otherwise required by applicable law, but no less than the applicable minimum wage. COVID-19 child vaccination time will be paid no later than the payday for the next regular payroll period beginning after the time was used. Use of COVID-19 child vaccination time is not considered hours worked for purposes of calculating overtime.

Employees have the right to request and use COVID-19 child vaccination time and may file a complaint for alleged violations of this policy with the New York City Department of Consumer and Workforce Protection. The Organization prohibits retaliation or the threat of retaliation against any employee for exercising or attempting to exercise any right provided in this policy or interference with any investigation, proceeding or hearing related to or arising out of the employee's rights pursuant to this policy and applicable law.

Employees with questions concerning this section should contact Human Resources Department.

6-11. Lactation Accommodation

Downstate Health Physicians provides employees who are nursing with break time to express breast milk for up to three (3) years after the birth of a child. Employees will not be discriminated against or retaliated against for exercising their rights under this policy, and reasonable efforts will be made to provide a private room or location in close proximity to the work area for this purpose.

Employees should advise management if they need break time and an area for this purpose. Please consult Human Resources Department with questions regarding this policy.

6-12. New York City Lactation Accommodation

Pursuant to New York City law, employees needing to express breast milk have a right to request access to a lactation room. Downstate Health Physicians will provide a lactation room, unless doing so would impose an undue hardship on the Organization. If doing so poses an undue hardship, the Organization will engage in a cooperative dialogue with employees to discuss reasonable alternatives in an attempt to accommodate their needs.

For purposes of this policy, the term lactation room means a sanitary place, other than a restroom, that can be used to express breast milk shielded from view and free from intrusion and that includes at minimum an electrical outlet, a chair, a surface on which to place a breast pump and other personal items, and nearby access to running water. Unless doing so poses an undue hardship, the Organization will provide a lactation room in reasonable proximity to the employee's work area and a refrigerator suitable for breast milk storage also in reasonable proximity to the work area. If the room designated to serve as a lactation room is also used for another purpose, the sole function of the room will be as a lactation room while the employee is using the room to express breast milk. While the room is being used to express milk, notice will be provided that the room is given preference for use as a lactation room.

Employees may submit a request for a lactation room by contacting the Employee's Supervisor and/or Human Resources Department. The Organization will respond to such requests within five (5) business days.

If two (2) or more employees need to use the lactation room at the same time, they should contact

the Employee's Supervisor and/or Human Resources Department so that arrangements can be made to ensure all individuals have access to the lactation room amenities. Employees should contact the Employee's Supervisor and/or Human Resources Department with any follow-up questions.

The Organization will provide a reasonable amount of break time each day for employees to express breast milk pursuant to section 206-c of the New York Labor Law. Please refer to the Lactation Breaks policy for more information.

The Organization will not tolerate discrimination or harassment based on the request for or usage of lactation accommodations. Any discrimination, harassment, or other violations of this policy can be reported to the Employee's Supervisor and/or Human Resources Department.

Employees can contact the Employee's Supervisor and/or Human Resources Department with questions regarding this policy.

6-13. Statutory Short-Term Disability Benefits

Downstate Health Physicians provides short-term disability insurance coverage, which provides important financial protection for employees and their families in the event of an extended absence due to accident or illness. This insurance is designed to provide income when absence beyond seven calendar days is due to non-occupational illness, injury or pregnancy-related disability. To apply for short-term disability benefits, employees are required to provide written notice, including a doctor's certificate, stating the nature of the disability and expected date of return to work. Benefits are calculated as a percentage of salary, up to a maximum each week as specified by law, for up to 26 weeks.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

6-14. Supplemental Short-Term Disability Benefits

Downstate Health Physicians provides enhanced supplemental short-term disability benefits to full-time employees. These enhanced monetary benefits are inclusive of any monetary workers' compensation or statutory short-term disability benefits.

This is not a leave of absence provision. Employees who will be out of work must request a leave of absence. See the Leave of Absence sections of this handbook for more information. Employees will be required to submit medical certification as requested by Downstate Health Physicians. Required medical certification under this policy may differ from the medical certification required for any leave of absence requested.

6-15. Long-Term Disability Benefits

Long-term disability coverage provides important financial protection for employees and their families in the event of an extended recovery from accident or illness. Eligible full-time employees may enroll in this plan immediately upon hire, subject to all terms and conditions of the agreement between

Downstate Health Physicians and the insurance carrier.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

6-16. Workers' Compensation

On-the-job injuries are covered by Downstate Health Physicians's Workers' Compensation Insurance Policy, which is provided at no cost. If employees are injured on the job, no matter how slightly, they should report the incident immediately to their supervisor. Failure to follow Organization procedures may affect the ability of employees to receive Workers Compensation benefits.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

Section 7 - Leaves of Absence

7-1. Personal Leave

If employees are ineligible for any other Organization leave of absence, Downstate Health Physicians, under certain circumstances, may grant a personal leave of absence without pay. A written request for a personal leave should be presented to management at least two (2) weeks before the anticipated start of the leave. If the leave is requested for medical reasons and employees are not eligible for leave under the federal Family and Medical Leave Act (FMLA) or any state leave law, medical certification also must be submitted. The request will be considered on the basis of staffing requirements and the reasons for the requested leave, as well as performance and attendance records. Normally, a leave of absence will be granted for a period of up to eight (8) weeks. However, a personal leave may be extended if, prior to the end of leave, employees submit a written request for an extension to management and the request is granted. During the leave, employees will not earn vacation, personal days, or sick days. Downstate Health Physicians will continue health insurance coverage during the leave if employees submit their share of the monthly premium payments to the Organization in a timely manner, subject to the terms of the plan documents.

When the employees anticipate returning to work, they should notify management of the expected return date. This notification should be made at least one (1) week before the end of the leave.

Upon completion of the personal leave of absence, the Organization will attempt to return employees to their original job or a similar position, subject to prevailing business considerations. Reinstatement, however, is not guaranteed.

Failure to advise management of availability to return to work, failure to return to work when requested or a continued absence from work beyond the time approved by the Organization will be considered a voluntary resignation of employment. Employees will be notified in this case by a formal letter from the department of Human Resources.

Personal leave runs concurrently with any Organization-provided Short-Term Disability Leave of Absence.

7-2. Military Leave

If employees are called into active military service or enlist in the uniformed services, they will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, employees must provide management with advance notice of service obligations unless they are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice. Provided the absence does not exceed applicable statutory limitations, employees will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Employees should ask management for further information about eligibility for Military Leave.

If employees are required to attend yearly Reserves or National Guard duty, they can apply for an unpaid temporary military leave of absence not to exceed the number of days allowed by law

(including travel). They should give management as much advance notice of their need for military leave as possible so that Downstate Health Physicians can maintain proper coverage while employees are away.

7-3. Family Military Leave

Employees who work an average of at least 20 hours per week and are spouses of military members generally are entitled to up to 10 days of unpaid leave during any period when the spouse in the military is on leave from active duty. Prior notice is requested for staffing reasons. Employees will not be retaliated against for exercising their rights under this policy.

Leave runs concurrently with FMLA Qualifying Exigency leave to the extent both are applicable.

7-4. Family and Medical Leave

The Leave Policy

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact Human Resources Department.

I. Eligibility

FMLA leave is available to "eligible employees." To be an "eligible employee," the employee must: 1) have been employed by the Organization for at least 12 months (which need not be consecutive); 2) have been employed by the Organization for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and 3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

Special hours of service eligibility requirements apply to airline flight crew employees.

II. Entitlements

As described below, the FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

A. Basic FMLA Leave Entitlement

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on a rolling 12-month period measured backward from the date the employee uses their FMLA leave. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter or parent (but not in-law) who has a **serious health condition**;
- For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job; and/or
- Because of any **qualifying exigency** arising out of the fact that the employee's spouse, son,

daughter or parent is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserves component of the Armed Forces for deployment to a foreign country in support of contingency operation or Regular Armed Forces for deployment to a foreign country.

A **serious health condition** is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents employees from performing the functions of their job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

B. Additional Military Family Leave Entitlement (Injured Servicemember Leave)

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered servicemember** is entitled to take up to 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A "**covered servicemember**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." **Covered servicemembers** also include a veteran who is discharged or released from military services under condition other than dishonorable at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans."

The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

C. Intermittent Leave and Reduced Leave Schedules

FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember. Qualifying exigency leave also may be taken on an intermittent basis.

D. No Work While on Leave

The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate discharge, to the extent permitted by law.

E. Protection of Group Health Insurance Benefits

During FMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

F. Restoration of Employment and Benefits

At the end of FMLA leave, subject to some exceptions including situations where job restoration of "key employees" will cause the Organization substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. The Organization will notify employees if they qualify as "key employees," if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA leave.

G. Notice of Eligibility for, and Designation of, FMLA Leave

Employees requesting FMLA leave are entitled to receive written notice from the Organization telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) Organization's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The Organization may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the Organization's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the Organization and employee can mutually agree that leave be retroactively designated as FMLA leave.

III. Employee FMLA Leave Obligations

A. Provide Notice of the Need for Leave

Employees who take FMLA leave must timely notify the Organization of their need for FMLA leave. The following describes the content and timing of such employee notices.

1. Content of Employee Notice

To trigger FMLA leave protections, employees must inform their Supervisor and/or Human Resources Department of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for leave so as to allow the Organization to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency caused by a military member being on covered active

- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the Organization's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the Organization has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

2. Timing of Employee Notice

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the Organization notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

B. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules

When planning medical treatment, employees must consult with the Organization and make a reasonable effort to schedule treatment so as not to unduly disrupt the Organization's operations, subject to the approval of the employee's health care provider. Employees must consult with the Organization prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the Organization and the employees, subject to the approval of the employee's health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the Organization may require employees to attempt to make such arrangements, subject to the approval of the employee's health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, the Organization may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the Organization of the reason why such leave is medically necessary. In such instances, the Organization and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the Organization's operations, subject to the approval of the employee's health care provider.

C. Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an **initial certification**, a **recertification** and a **return to work/fitness for duty certification**.

It is the employee's responsibility to provide the Organization with timely, complete and sufficient medical certifications. Whenever the Organization requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after the Organization's request, unless it is not practicable to do so despite the employee's diligent, good faith efforts. The Organization will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The Organization will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the Organization (through individuals other than the employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the Organization with authorization allowing it to clarify or authenticate certifications with health care providers, the Organization may deny FMLA leave if certifications are unclear.

Whenever the Organization deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

1. Initial Medical Certifications

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the Organization has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the Organization's expense. If the opinions of the initial and second health care providers differ, the Organization may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the Organization and the employee.

2. Medical Recertifications

Depending on the circumstances and duration of FMLA leave, the Organization may require employees to provide recertification of medical conditions giving rise to the need for leave. The Organization will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

3. Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the Organization with medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The Organization may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

D. Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the Organization may require employees to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the Organization may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the Organization may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

E. Substitute Paid Leave for Unpaid FMLA Leave

Employees must use any accrued paid time while taking unpaid FMLA leave.

The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leave and the paid time will run concurrently with the employee's FMLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

F. Pay Employee's Share of Health Insurance Premiums

During FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the Organization notifies employees of other arrangements, whenever employees are receiving pay from the Organization during FMLA leave, the Organization will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working.

If FMLA leave is unpaid, employees must pay their portion of the group health premium through a method determined by the Organization upon leave.

The Organization's obligation to maintain health care coverage ceases if the employee's premium payment is more than 30 days late. If the employee's payment is more than 15 days late, the Organization will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the Organization for the cost of the premiums the Organization paid for maintaining coverage during their unpaid FMLA leave.

IV. Exemption for Highly Compensated Employees

The Organization may choose not to return highly compensated employees (highest paid 10% of

employees at a worksite or within 75 miles of that worksite) to their former or equivalent positions following a leave if restoration of employment will cause substantial economic injury to the Organization. (This fact-specific determination will be made by the Organization on a case-by-case basis.) The Organization will notify employees if they qualify as a "highly compensated", if the Organization intends to deny reinstatement, and of the employee's rights in such instances.

V. Questions and/or Complaints about FMLA Leave

If you have questions regarding this FMLA policy, please contact Human Resources Department. The Organization is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact Human Resources Department immediately. The Organization will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

VI. Coordination of FMLA Leave with Other Leave Policies

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law that provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the Organization's other leave policies in this handbook or contact Human Resources Department.

7-5. State Paid Family Leave

Eligibility Requirements

Employees who have a regular work schedule of 20 or more hours per week and have been employed at least 26 consecutive weeks before the date Paid Family Leave (PFL) begins (or who have a regular work schedule of less than 20 hours per week and have worked at least 175 days to the date PFL begins) are eligible for PFL. Paid time off can be counted toward the employee's eligibility determination. Employees are eligible for PFL regardless of citizenship and/or immigration status. Employees have the option to file a waiver of PFL and therefore not be subject to deductions when their regular employment schedule is:

- 20 or more hours per week but the employee will not work 26 consecutive weeks; or
- fewer than 20 hours per week and the employee will not work 175 days in a 52-consecutive-week period

Entitlement

PFL is available to eligible employees for up to 12 weeks within any 52-consecutive-week period. PFL is available for any of the following reasons:

- to participate in providing care, including physical or psychological care, for the employee's

family member (child or step-child or anyone for whom the employee has legal custody, spouse, domestic partner, parent, step-parent, parent-in-law, grandchild or grandparent) with a serious health condition;

- to bond with the employee's child during the first 12 months after the child's birth, adoption or foster care placement; or
- for qualifying exigencies, as interpreted by the Family and Medical Leave Act (FMLA), arising out of the fact that the 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.

The 52-consecutive-week period is determined retroactively with respect to each day for which PFL benefits are currently being claimed.

PFL benefits are financed solely through employee contributions via payroll deductions.

The weekly monetary benefit will be 67 percent of the employee's average weekly wage up to 67 percent of the state average weekly wage.

The Organization and the employee may agree to allow the employee to supplement PFL benefits up to their full salary with paid time off, to the maximum extent permitted by applicable law.

The employee who is eligible for both statutory short-term disability benefits and PFL during the same period of 52-consecutive-calendar weeks may not receive more than 26 total weeks of disability and PFL benefits during that period of time. Statutory short-term disability benefits and PFL benefits may not be used concurrently. If the employee is unable to work and qualifies for workers' compensation benefits, the employee may not use PFL benefits at the same time the employee is receiving workers' compensation benefits. The employee receiving reduced earnings may be eligible for PFL.

PFL may not be taken for any one of, or for a combination of, the following reasons:

- for a birth mother's pregnancy or prenatal conditions;
- for the employee's own health condition; and/or
- for the employee's own qualifying military event.

Definition of a Serious Health Condition

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.

Use of Leave

The employee does not need to use this leave entitlement in one (1) block. Leave can be taken intermittently in daily increments. Leave taken on an intermittent basis will not result in a reduction of the total amount of leave to which the employee is entitled beyond the amount of leave actually taken.

Employee Responsibilities

The employee must provide 30 days' advance notice before the date leave is to begin if the qualifying event is foreseeable. When 30 days' notice is not practicable for reasons such as a lack of

knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, the employee must provide notice as soon as practicable and generally must comply with the Organization's normal call-in procedures. Failure by the employee to give 30 days' advance notice of a foreseeable event may result in partial denial of the employee's benefits for a period of up to 30 days from the date notice is provided.

Employees must provide sufficient information to make the Organization aware of the qualifying event and the anticipated timing and duration of the leave. Employees must specifically identify the type of family leave requested. Employees also must provide medical certifications and periodic recertification or other supporting documentation or certifications supporting the need for leave. The employee requesting PFL must submit a completed Request for Paid Family Leave or PFL-1 form and additional certification form(s) as follows to the Organization's insurance carrier: 1) Bonding Certification: PFL-2 Form plus documentation; 2) Health Care Provider Certification: PFL-4 Form plus Personal Health Information (PHI) Release (PFL-3 Form); or 3) Military Qualifying Event: PFL-5 Form plus documentation. These documents are available from Human Resources Department.

The Organization's insurance carrier is Mutual of Omaha.

To submit a request for PFL, employees must complete the employee's portion of the insurance carrier's PFL-1 Form, and submit it to ##NYCompnayContact##. The Organization will complete its section of the form and will return it to the employee within three (3) business days. If the Organization fails to respond, employees may submit all materials directly to the insurance carrier. Depending on the type of PFL leave employees are seeking, employees will be required to complete additional PFL forms as described in the communication that employees will receive from the insurance carrier. Employees must submit the completed PFL forms before or within 30 days after the start of their leave. The insurance carrier must pay or deny leave requests within 18 calendar days of receiving the employee's completed forms.

Job Benefits and Protection

During any PFL taken pursuant to this policy, the Organization will maintain coverage under any existing group health insurance benefits plan as if the employee had continued to work. The employee must make arrangements with Human Resources and/or Payroll prior to taking leave to pay their portion of any applicable health insurance premiums each month.

The Organization's obligation to maintain health insurance coverage ceases if the employee's premium payment is more than 30 days late. If the employee's payment is more than 15 days late, the Organization will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

Employees who exercise their right to PFL will, upon the expiration of that leave, be entitled to be restored to the position they held when the leave commenced, or to a comparable position with comparable benefits, pay and other terms and conditions of employment. The taking of leave covered by PFL will not result in the loss of any employment benefit accrued before the date on which the leave commenced. While on PFL, employees will not continue to accrue sick or vacation time.

Leave Concurrent with FMLA

The Organization will require the employee, who is entitled to leave under both the Family & Medical Leave Act (FMLA) and PFL, to take PFL concurrently with any leave taken pursuant to the FMLA. When the total hours taken for FMLA in less than full-day increments reaches the number of hours in the employee's usual workday, the Organization may deduct one (1) day of PFL from the employee's

annual available PFL.

Questions and/or Complaints About PFL

If employees have any questions regarding this policy, they should contact Human Resources Department. For additional information concerning leave entitlements and obligations that might arise when PFL is either not available or exhausted, employees should consult the Organization's other leave policies or contact Human Resources. The Organization is committed to complying with the PFL and will interpret and apply this policy in a manner consistent with the PFL. Employees who disagree with a denial of their claim for PFL may submit their dispute to arbitration. Employees will be provided with information about how to request arbitration.

Employees are protected from discrimination and retaliation for requesting or taking PFL. If employees believe their rights have been violated and/or they have been denied job restoration as a result of requesting and/or taking PFL, they must send the Department Head and/or Human Resources Department a formal request for job reinstatement using the Formal Request for Reinstatement Regarding Paid Family Leave (Form PFL-DC-119), which can be found in the forms section of <https://www.ny.gov/PaidFamilyLeave>. Employees must file the completed form with the Organization and send a copy to: Paid Family Leave, P.O. Box 9030, Endicott, NY 13761-9030.

If the Organization does not comply with the employee's request for reinstatement within 30 days, the employee may file a PFL discrimination complaint with the Workers' compensation Board using the Paid Family Leave Discrimination Complaint (Form PFL-DC-120), which is also available on the New York PFL website. Once the employee's complaint is received, the Board will assemble the employee's case and schedule a preliminary hearing in front of a workers' compensation law judge.

7-6. Voting Leave

Employees who are eligible to vote in an election and who do not have at least four (4) consecutive hours before or after work while polls are open may request up to two (2) hours with pay to be used at the beginning or the end of their normally scheduled workday as designated by the employer to enable them to vote.

Employees must notify Downstate Health Physicians of their intention to take time off to vote at least two (2) working days prior to Election Day.

7-7. Jury Duty Leave

Downstate Health Physicians supports the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected, however, to provide proper notice of a request to perform jury duty and verification of their service, including fees received for jury duty service.

Employees also are expected to keep management informed of the expected length of jury duty service and to report to work for the major portion of the day if excused by the court. If the required absence presents a serious conflict for management, employees may be asked to try to postpone jury duty.

Exempt employees will be paid their full salary less jury duty fees for any week in which they performed work for the Organization and missed work due to jury service. Non-exempt employees

must submit the court-issued document confirming jury duty to their supervisor and the Human Resources Department to receive regular pay for the time spent on jury duty.

7-8. Witness Leave

Employees called to serve as a witness in a judicial proceeding must notify their supervisor as soon as possible. Employees will not be compensated for time away from work to participate in a court case, but may use available vacation and personal time to cover the period of absence. Employees that appear in court to testify as a witness or victim, or to consult with a district attorney or obtain an order of protection, will not be disciplined or discharged for their absence.

7-9. Blood Donation Leave

Employees who work an average of at least 20 hours per week are eligible for up to three (3) hours of unpaid leave in any 12-month period for donating blood. Employees must provide advance notice of at least three (3) working days of their intention to avail themselves of this leave, except in emergency situations. Employees may use accrued paid time off for this purpose.

7-10. Bone Marrow Donation Leave

Employees who work 20 or more hours per week are entitled to up to 24 hours of unpaid leave for the purposes of donating bone marrow. Verification of donation and the length of necessary leave may be required by the Organization. Reasonable notice of leave must be provided. Employees may use accrued paid time off for this purpose.

Section 8 - If You Must Leave Us

8-1. Departure

Should any employees decide to leave the Organization, we ask that they provide a Supervisor with advance notice of departure, of at least two (2) weeks for non-exempt employees or one (1) month for exempt employees. To minimize disruption in the care of our patients, physicians are asked to provide a minimum of 90 days' notice unless a contractual arrangement dictates otherwise. Thoughtfulness will be appreciated.

Once notice is given, paid time off cannot be utilized unless it was approved in the time period prior to the receipt of notice.

All Organization, property including, but not limited to, keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc., must be returned at separation. Employees also must return all of the Organization's Confidential Information upon separation. To the extent permitted by law, employees will be required to repay the Organization (through payroll deduction, if lawful) for any lost or damaged Organization property.

As noted previously, all employees are employed at-will and nothing in this handbook changes that status.

Employees should notify the Human Resources Department with a change of address during the calendar year in which termination occurs to their annual tax information can be properly delivered.

8-2. Exit Interviews

Employees who resign are requested to participate in an exit interview with the Human Resources Representative, if possible.

8-3. References

Downstate Health Physicians will respond to reference requests through the Human Resources Department. The Organization will provide general information concerning the employee such as date of hire, date of discharge, and positions held. Requests for reference information must be in writing, and responses will be in writing. Please refer all requests for references to the Human Resources Department.

Only the Human Resources Department may provide references.

Section 9 - In Closing

9-1. Talk to Us

Should you have any questions or comments, you may contact the Human Resources Department, confidentially, via phone at (718) 804-7808, or by email at: upbhumanresources@downstate.edu

9-2. A Few Closing Words

This handbook is intended to give employees a broad summary of things they should know about Downstate Health Physicians. The information in this handbook is general in nature and, should questions arise, any member of management should be consulted for complete details. While we intend to continue the policies, rules and benefits described in this handbook, Downstate Health Physicians, in its sole discretion, may always amend, add to, delete from or modify the provisions of this handbook and/or change its interpretation of any provision set forth in this handbook. Employees should not hesitate to speak to management if they have any questions about the Organization or its personnel policies and practices.

General Handbook Acknowledgment

This Employee Handbook is an important document intended to help employees become acquainted with Downstate Health Physicians. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the Organization's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Handbook.

I have received and read a copy of Downstate Health Physicians's Employees Handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the Organization at any time.

I further understand that my employment is terminable at will, either by myself or the Organization, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.

I understand that no representative of Downstate Health Physicians other than the Head of Human Resources and/or the CFO and/or Executive Director may alter "at will" status and any such modification must be in a signed writing.

I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the Organization's Employee Handbook.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.

Receipt of Non-Harassment Policy

It is Downstate Health Physicians' policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). The Organization also prohibits retaliation as defined below. All such conduct will not be tolerated by the Organization.

The Organization is committed to a workplace free of harassment (including sexual harassment) and retaliation. These behaviors are unacceptable in the workplace and in any work-related settings such as business trips and Organization-sponsored social functions, regardless of whether the conduct is engaged in by a supervisor, co-worker, client, customer, vendor or other third party. In addition to being a violation of this policy, harassment (including sexual harassment) and retaliation based on any protected characteristic as defined by applicable federal, state or local laws are unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment are unlawful.

Definition of Harassment

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion toward an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

Definition of Sexual Harassment

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working

environment.

Examples of conduct that violate this policy include:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. propositions or suggestive or insulting comments of a sexual nature;
6. derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. teasing or other conduct directed toward a person because of the person's gender.

Definition of Retaliation

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- any action that would discourage the employee from reporting harassment (including sexual harassment) or retaliation;
- shunning and avoiding an individual who reports harassment (including sexual harassment) or retaliation;
- express or implied threats or intimidation intended to prevent an individual from reporting harassment (including sexual harassment) or retaliation; and
- denying employment benefits because an applicant or employee reported or encouraged another employee to report harassment (including sexual harassment) or retaliation or participated in the reporting and investigation process described below.

Reporting Procedures

If the employee believes someone has violated this policy, the employee should promptly bring the matter to the immediate attention of the Head of Human Resources at the following address MSC 80, 450 Clarkson Avenue, Brooklyn NY 11215 and phone number 718-804-7808 or to the Employee's Supervisor at the following address TBD and phone number TBD.

If the person toward whom the complaint is directed is one of the individuals indicated above, employees should contact any higher-level manager in their reporting hierarchy.

Written complaints can be submitted internally using the form provided in this handbook.

If the employee makes a complaint under this policy and has not received an initial response within five (5) business days, the employee should contact Executive Director immediately at the following address MSC 80, 450 Clarkson Avenue, Brooklyn NY 11215 and phone number 718-221-6547.

Every supervisor who learns of any employee's concern about conduct in violation of this policy, whether in a formal complaint or informally, or who otherwise is aware of conduct in violation of this policy, must immediately report the issues raised or conduct to the Head of Human Resources.

Investigation Procedures

Upon receiving a complaint, the Organization will promptly conduct a fair and thorough investigation into the facts and circumstances of any claim of a violation of this policy to ensure due process for all parties. To the extent possible, the Organization will endeavor to keep the reporting individual's concerns confidential. However, complete confidentiality may not be possible in all circumstances. All individuals are required to cooperate in all investigations conducted pursuant to this policy.

During the investigation, the Organization generally will interview the complainant and the accused, conduct further interviews as necessary and review any relevant documents or other information. Upon completion of the investigation, the Organization will determine whether this policy has been violated based upon its reasonable evaluation of the information gathered during the investigation. The Organization will inform the complainant and the accused of the results of the investigation.

The Organization will take corrective measures against any person who it finds to have engaged in conduct in violation of this policy, if the Organization determines such measures are necessary. These measures may include, but are not limited to, counseling, suspension or immediate termination. Anyone, regardless of position or title, whom the Organization determines has engaged in conduct that violates this policy will be subject to discipline, up to and including termination. This includes individuals engaging in harassment (including sexual harassment) or retaliation, as well as supervisors who fail to report violations of this policy, or knowingly allow prohibited conduct to continue. Individuals who engage in conduct that rises to the level of a violation of law can be held personally liable for such conduct.

Legal Protections and External Remedies

Aside from the internal complaint process at the Organization, individuals may choose to pursue external legal remedies with the following governmental entities.

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 HRL 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 three (3) years of the sexual harassment or within one (1) year of any other harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three (3) years of the alleged harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Organization does not extend the time to file with DHR or in court.

An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate complaints 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 the 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; (718) 741-8400; 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 individual 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 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, those 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.

Remember, Downstate Health Physicians cannot remedy claimed harassment (including sexual harassment) or retaliation unless individuals bring these claims to the attention of management. Please report any conduct that violates this policy.

I have read and I understand Downstate Health Physicians's Non-Harassment Policy.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

Downstate Health Physicians, which represents the faculty of SUNY Downstate Health Sciences University, is comprised of 17 clinical departments with numerous specialties, subspecialties and specialty programs.

**Downstate Health
University Hospital at Downstate**
445 Lenox Road
Brooklyn, NY 11203
888-270-SUNY

**SUNY Downstate
Health Sciences University**
450 Clarkson Avenue
Brooklyn, NY 11203
718-270-1000