## Updating the Employee Handbook

Several policies have been updated this year due to the NLRB’s Stericycle decision. In addition, three new policies are also available.

The updates should be incorporated, as applicable, into your Employee Handbook. You may determine whether to incorporate any policies designated as optional into your Employee Handbook.

## A Word About the NLRB Stericycle, Inc. Decision

The National Labor Relations Board’s (NLRB) decision in [*Stericycle, Inc.*](https://www.nlrb.gov/news-outreach/news-story/board-adopts-new-standard-for-assessing-lawfulness-of-work-rules) has a significant impact on employer handbook policies and has resulted in several policy updates for 2024.

For background, the decision establishes a new, stricter standard for determining whether an employer’s handbook provision is lawful under the National Labor Relations Act (NLRA) which grants employees the right to form or join unions; engage in protected, concerted activities to address or improve working conditions; or refrain from engaging in these activities. Under the Stericycle standard, an employer’s handbook provisions will be considered unlawful if it has a reasonable tendency to stop employees from exercising their protected rights under the NLRA. This means that even if a handbook provision does not explicitly prohibit protected activity, it can still be unlawful if it could reasonably be interpreted to do so.

With this in mind, our approach was to develop a comprehensive NLRB clause for inclusion in the handbook and cross-reference that clause in other policies. Even with appropriate policy language, the NLRB will be critical of the employer’s policies, so the inclusion of applicable policy language does not eliminate all risk. Therefore, it will be crucial for employers to ensure consistent application of a given policy and to ensure that application of those policies should not interfere with employees’ Section 7 rights under the NLRA.

Below is a summary of changes to the Employee Handbook, along with a list of new policies available for 2024.

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| Updated Policies |
| **Preface –** Policy updated to include a cross-reference to the Statement of Your Rights Under the NLRA policy for private employers due to the NLRB’s Stericycle ruling. |
| **Equal Employment Opportunity (New York)** – Policy updated to reflect the addition of citizenship or immigration status to New York Human Rights Law (NYHRL), effective December 23, 2022, and to reduce the redundant language between standalone policies for disability and religious accommodations. |
| **Equal Employment Opportunity (Federal)** – Policy updated to reduce the redundant language between standalone policies for disability and religious accommodations. |
| **Harassment & Discrimination Prevention (New York) –** Policy title changed from Non-Harassment/Non-Discrimination and also replaces former standalone Sexual Harassment and Non-Harassment policies. The policy has also been updated to reflect changes to New York’s Sexual Harassment Policy model language on April 11, 2023, and effective February 15, 2024, to reflect amendments for filing complaints of unlawful discrimination with the Division of Human Rights (DHR) from one year to three years. **\*****\*Please note: If you completed a mid-year update to your policy in 2023 due to the state’s changes to the model sexual harassment policy, you still need to update the policy to include the applicable statute of limitations with regard to discrimination claims effective February 2024.** |
| **Workplace Bullying** - Policy updated to reflect the NLRB’s Stericycle ruling. |
| **Pregnancy Accommodations (New York)** - Policy updated to include details regarding the coordination of state law with the PWFA, in addition to information for employees on requesting an accommodation and non-retaliation and discrimination provisions. |
| **Lactation Accommodations (New York)** - Policy updated to reflect amendments to New York’s Nursing Mother’s Act, effective June 7, 2023. |
| **Lactation Accommodations (Federal)** - Policy updated to reflect the requirements under the PUMP (Providing Urgent Maternal Protections) Act for nursing mothers, effective December 29, 2022.**Please note: NY employers who are including the NY version of the Lactation Accommodations policy in their employee handbook do NOT need to also include this federal version. For employers with a federal handbook and state addendums, this version should be included in the handbook and a state-specific version would be included in the addendum if applicable.** |
| **Religious Accommodation** – Policy updated to reflect the modified standard for religious accommodation in the recent Supreme Court case [*Groff v. DeJoy*](https://crsreports.congress.gov/product/pdf/LSB/LSB10999#:~:text=The%20Court's%20decision%20in%20Groff,any%20cost%20above%20the%20trivial.)*.* |
| **Code of Ethics** – Policy updated due to the NLRB’s Stericycle ruling in addition to other updates to strengthen the policy language to ensure that employees understand the organization's requirements for ethical dealings. |
| **Working Hours (New York)** – Policy updated to remove information regarding nursing mother protections which is now covered in a separate policy for Lactation Accommodation under NYS law, effective June 7, 2023. |
| **Open Communication** – Policy updated to include a statement on employee suggestions in addition to updates with respect to the NLRB’s Stericycle ruling. This update also replaces the former standalone Suggestions Program policy. |
| **Solicitation & Distribution** – Policy updated with respect to the NLRB’s Stericycle ruling. |
| **Standards for Conduct** - Policy updated to reflect the NLRB’s Stericycle ruling and to include applicability to remote work environments. |
| **Military Leave (New York & Federal)** – Policies updated to reflect the extension of USERRA protections to FEMA reservists and to include updated statements on the length of leave, non-discrimination and retaliation, and coordination with state military leave. |
| **Workers’ Compensation** – Policy updated to be more comprehensive for all states as the prior policy contained language that was specific to NYS law which could be addressed by an employer’s internal procedures. **Please note:** **If you are located in NY only, you do not need to update the prior policy. For all other clients, the policy should be treated as a required update.** |
| **Uniforms –** Policy updated due to the [*NLRB's Tesla decision*](https://www.nlrb.gov/news-outreach/news-story/board-rules-workplace-policies-limiting-wearing-union-insignia-including) which prohibits workplace dress codes and uniform policies that prevent employees from wearing pro-union insignia, messages or slogans. |
| **Workplace Searches –** Policy updated with respect to the NLRB’s Stericycle ruling. |
| **Professional Attire –** Policy updated due to the [*NLRB's Tesla decision*](https://www.nlrb.gov/news-outreach/news-story/board-rules-workplace-policies-limiting-wearing-union-insignia-including) which prohibits workplace dress codes and uniform policies that prevent employees from wearing pro-union insignia, messages or slogans. |
| **Personal Calls & Personal Electronic Devices** – Policy title updated from “Company Phones and Personal Electronic Devices.” The policy also updated with respect to the NLRB’s Stericycle ruling and to reflect common employer practices with regard to the use of phones and electronic devices during working hours. |
| **Electronic Resources** – Policy updated with respect to the NLRB’s Stericycle ruling. |
| **Outside Employment** – Policy updated with respect to the NLRB’s Stericycle ruling. |
| **Social Media** – Policy updated with respect to the NLRB’s Stericycle ruling. |
| **Use of Company Equipment and Resources** – Policy updated with respect to the NLRB’s Stericycle ruling. |
| **Employee Handbook [& State Addendum] Receipt Acknowledgement** - Acknowledgment updated with respect to the NLRB’s Stericycle ruling. |
| **New Policies** |
| **Statement of Rights Under the NLRA** – New policy statement for private employers (whether union or non-union) with respect to the NLRB’s Stericycle ruling. **Please note: This policy is NOT considered optional and should be included. The policy should be added after the Preface to the Employee Handbook.**  |
| **Hate Symbols In the Workplace** - New ***optional*** policy to address various issues that have been coming up in the workplace due to increased polarization in viewpoints. |
| **Pregnancy Accommodations & the Pregnant Workers Fairness Act (PWFA) (Federal)** - New policy regarding pregnancy accommodations under the federal Pregnant Workers Fairness Act (PWFA) for employers with 15 or more employees.**Please note: This policy is NOT considered optional and should be included if you are a multistate employer. NY employers who are including the NY version of the Pregnancy Accommodation policy into their employee handbook do NOT need to also include this federal version. For employers with a federal handbook and state addendums this version should be included in the handbook and a state-specific version would be included in the addendum if applicable.** |
| **Using Your Own Device** - New ***optional*** policy to address the use of employees’ personal devices, such as cellphones and laptops for work purposes. |
| **Policy on the Rights of Employees to Express Breast Milk in the Workplace (New York) –** This model notice from the state may be included in the Handbook Addendum to comply with notice requirements of providing this notice at hire and annually thereafter, in addition to whenever an employee returns to work following the birth of a child. **Please note: This notice may also be provided as a standalone based on your preference. However, including it in the employee handbook will assist with meeting your compliance obligations.** |

## Instructions for Making Updates to the Employee Handbook

The policy may be made by copying and pasting the updated policies into your existing Employee Handbook.

**\*Please note:** Where there is a New York (NY) and Federal version of a policy, employers should select the policy that is applicable to the type of Employee Handbook they have. Clients who have a Fed/NY combined Employee Handbook should select the NY policy version, and clients who have a Federal Employee Handbook with state specific addendums should select the Federal policy version and include any NY specific policies in their NY Handbook Addendum, if applicable.

When copying and pasting the updated policies into your Handbook:

* It is important that you review the full policy closely and customize for the specific company practices. Because the full policies are written to include all potential options for employers, you will need to customize or strip out any information listed in the policies that is not applicable to the company.
* Policies that have options or optional statements have been labeled as **[Optional:]** and will need to be reviewed and customized to reflect the appropriate option.
* Language that is bold and/or [in brackets] needs to be reviewed and customized to reflect the appropriate benefits and/or terminology for the company. \*Please note: The following words in within the Complaint Investigation, Management Responsibilities and New York State Division of Human Rights sections of the Non-Harassment, Sexual Harassment and/or Non-Harassment/Non-Discrimination policies have been intentionally bolded and should remain as such:
	+ “**Harassers can be anyone in the workplace.**”
	+ “***All***” is bolded and italicized;
	+ “**required**” to report is bolded;
	+ “**within three years**” is bolded; and
	+ “**1-800-HARASS3**”
* Adjust the formatting as necessary after the policies are customized, including updating policy numbers (if applicable) and the Table of Contents.

**Additional Information or Questions**

If you prefer a redlined version of the edits or have additional questions, please contact the HR Works Virtual Helpline at 1-888-668-1271 or hrhelp@hrworks-inc.com.

# UPDATES

## PREFACE

This Handbook\* outlines the human resources policies and benefit plans currently in effect at **Company Name**. In this **Employee Handbook**, **Company Name** is also referred to as “**Company Name**” or “**Company**.” Policies are revised or added periodically and are effective as of the date issued.

The statements regarding our **Company**’s policies, procedures and benefits are for information purposes only. They do not constitute a contract for employment, either expressed or implied. **[Do not include for Montana (See policy notes on applicable options for verbiage for Montana):** Our **Company** adheres to the principle of employment-at-will which preserves the right of either the employee or the employer to terminate the employment relationship at any time, with or without cause.] No **supervisor/manager** or employee of **Company Name** has any authority to enter into an agreement for any employment other than at will. Only **WHO** has the authority to make any such agreement and then only if it is reduced to writing.

Important Information about Benefits

As our **Company** evolves, we will continue to review and revise these human resources policies and benefit programs. The **Company** reserves the right to alter, reduce or terminate any pay practices, policies, premium contributions, benefits and benefit plans, in whole or in part, at any time for any reason to the extent permissible by law. Any such change may affect retirees and beneficiaries, as well as active employees.

The benefit information found in this Handbook is intended to provide an overview of the benefit plans. The actual benefits are controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of these plans will be answered in accordance with the actual plan documents and insurance policies, rather than the summaries contained in this Handbook. Employees may obtain copies of these documents from **WHO.**

Disclaimers

**[Include statement for private employers:** This Employee Handbook will be interpreted to comply with all applicable federal, state, and local laws. As more fully described in the **Company**’s Statement of Rights Under the NLRA, nothing in this **Employee Handbook** is intended to unlawfully restrict an employee’s right to engage in any concerted activity protected by the National Labor Relations Act.**]**

**[Include statement for unionized employers:** **Note:** If there is a conflict between the collective bargaining agreement and this Handbook, the provisions of the collective bargaining agreement are controlling for unionized employees.**]**

**[Include statement for civil service employers:** **Note:** If there is a conflict between Civil Service regulations and this Handbook, Civil Service regulations are controlling for Civil Service employees.**]**

[**Include if the company has remote/hybrid work or positions in which work may be regularly or frequently performed offsite:** In this **Employee Handbook**, the “workplace” may refer to a physical worksite, including the **Company**’s private offices, work performed at a **client**’s**/customer**’s worksite, any remote work location, including an employee’s home or any other place outside of the traditional workplace where an employee performs work on behalf of **Company Name**.**]**

\* This Handbook and its policies are effective **MONTH YEAR** and supersedes all other personnel manuals and personnel policies previously distributed by the **Company**. To avoid confusion, please discard any copies of previously published **Employee Handbooks**.

## EQUAL EMPLOYMENT OPPORTUNITY [NEW YORK]

**Company Name** is committed to a policy of Equal Employment Opportunity with respect to all employees, interns, and applicants for employment. Consistent with this commitment, our policy is to comply with all applicable federal, state and local laws concerning employment discrimination. Accordingly, the **Company** prohibits discrimination against qualified employees, interns and applicants in all aspects of employment including, but not limited to: recruitment, interviewing, hiring (or failure or refusal to hire), evaluation, compensation, promotion, job assignment, transfer, demotion, training, leaves of absence, layoff, benefits, use of facilities, working conditions, termination and employer-sponsored activities and programs, including wellness, social and recreational programs. Employment decisions will be made without regard to an applicant’s, employee’s or intern’s actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, an employee’s or dependent’s reproductive health decisions, familial status, national origin, citizenship or immigration status, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence or victim status **[include for NYC employers:** domestic partnership status, caregiver status, relationship or association with a person in one of the protected classes,**]** and any other status protected by law.

**MANAGEMENT RESPONSIBILITIES**

All members of management are responsible for understanding the **Company**’s commitment to this policy and ensuring this policy is carried out. **Supervisors/Managers** are responsible for immediately reporting and responding to a discrimination complaint, even if the reporting party does not want any action taken. It is critical that any observation of, or any formal or informal reference to discrimination is taken seriously and addressed promptly.

**REASONABLE ACCOMMODATIONS**

Consistent with our **Individuals with Disabilities** and **Religious Accommodation** policies, the **Company** will work to make reasonable accommodations for a qualified applicant, intern or employee with a known disability or arising out of an individual’s sincerely held religious beliefs or practices, unless doing so would result in an undue hardship to the **Company**. Employees who require a reasonable accommodation due to a known disability or arising out of a sincerely held religious belief or practice should refer to the applicable **Company** policies.

**QUESTIONS AND COMPLAINTS**

Questions regarding the administration of this policy or a complaint regarding Equal Employment Opportunity should be directed to the employee’s or intern’s **supervisor/manager** or to **WHO**. Consistent with our policy on **Harassment & Discrimination Prevention**, the **Company** will promptly and thoroughly investigate all complaints. Confidentiality will be maintained to the greatest degree possible, consistent with the **Company**’s obligation to thoroughly investigate the complaint.

Any individual at any time, even after separation of employment, who feels this policy has been violated should immediately contact their **supervisor/manager** or **WHO**.

If not satisfied with the resolution, an employee or intern may pursue an appeal. Appeals will generally follow the steps outlined in the Open Communication policy.

**NO RETALIATION**

It is the policy of **Company Name** that any employee, intern or applicant who makes or participates in the investigation of a discrimination complaint will not be retaliated against in any way. Employees, interns or applicants who feel they have been retaliated against for such activity should immediately contact **WHO**.

Anyone found to be engaging in any type of inappropriate conduct under this policy may be subject to disciplinary action, up to and including termination of employment.

## EQUAL EMPLOYMENT OPPORTUNITY [FEDERAL]

**Company Name** is committed to a policy of Equal Employment Opportunity with respect to all employees, interns and applicants for employment. Consistent with this commitment, our policy is to comply with all applicable federal, state and local laws concerning employment discrimination. Accordingly, the **Company** prohibits discrimination against qualified employees, interns and applicants in all aspects of employment including, but not limited to: recruitment, interviewing, hiring (or failure or refusal to hire), evaluation, compensation, promotion, job assignment, transfer, demotion, training, leaves of absence, layoff, benefits, use of facilities, working conditions, termination and employer-sponsored activities and programs, including wellness, social and recreational programs. Employment decisions will be made without regard to an applicant’s, employee’s or intern’s actual or perceived: race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability, genetic information, or any other status protected by law.

**MANAGEMENT RESPONSIBILITIES**

All members of management are responsible for understanding the **Company**’s commitment to this policy and ensuring this policy is carried out. **Supervisors/Managers** are responsible for immediately reporting and responding to a discrimination complaint, even if the reporting party does not want any action taken. It is critical that any observation of, or any formal or informal reference to discrimination is taken seriously and addressed promptly.

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**QUESTIONS AND COMPLAINTS**

Questions regarding the administration of this policy or a complaint regarding Equal Employment Opportunity should be directed to the employee’s or intern’s **supervisor/manager** or to **WHO**. Consistent with our policy on **Harassment & Discrimination Prevention**, the **Company** will promptly and thoroughly investigate all complaints. Confidentiality will be maintained to the greatest degree possible, consistent with the **Company’s** obligation to thoroughly investigate the complaint.

Any individual at any time, even after separation of employment who feels this policy has been violated should immediately contact their **supervisor/manager** or **WHO**.

If not satisfied with the resolution, an employee or intern may pursue an appeal. Appeals will generally follow the steps outlined in the Open Communication policy.

**NO RETALIATION**

It is the policy of **Company Name** that any employee, intern or applicant who makes or participates in the investigation of a discrimination complaint will not be retaliated against in any way. Employees, interns or applicants who feel they have been retaliated against for such activity should immediately contact **WHO**.

Anyone found to be engaging in any type of inappropriate conduct under this policy may be subject to disciplinary action, up to and including termination of employment.

**ADDITIONAL INFORMATION**

Additional information regarding equal employment opportunity may also be found in the state specific Handbook Addendum, if applicable.

## HARASSMENT AND DISCRIMINATION PREVENTION [NEW YORK]

**Company Name** is committed to maintaining a workplace free from all forms of harassment and discrimination. The **Company** prohibits unlawful harassment and discrimination against anyone, for any reason, including, but not limited to an individual’s actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, an employee’s or dependent’s reproductive health decisions, familial status, national origin, citizenship or immigration status, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status, **[include for NYC employers:** domestic partnership status, caregiver status, relationship or association with a person in one of the protected classes,**]** and any other status protected by applicable law.

The purpose of this policy is for employees and other covered individuals to recognize harassment and discrimination and to know what action to take when it occurs. This policy is one component of **Company Name**’s commitment to a harassment and discrimination-free work environment where all individuals are treated with dignity and respect.

**APPLICABILITY**

This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace; collectively referred to as “covered individual(s)” throughout this policy.

All covered individuals conducting business in our workplace must refrain from engaging in unlawful harassment and discrimination.

**NO TOLERANCE**

Harassment, discrimination and retaliation of any kind is a violation of our policies, is unlawful, and may subject **Company Name** to liability for harm to targets of harassment, discrimination and retaliation. Workplace harassment, discrimination and retaliation will not be tolerated at **Company Name**. All covered individuals conducting business with **Company Name** are required to conduct themselves in a manner that prevents sexual or other forms of harassment and discrimination in the workplace. Any individual covered by this policy who engages in workplace harassment, discrimination or retaliation may be subject to remedial and/or disciplinary action, up to and including termination.

Harassers may also be individually subject to liability and the **Company** or **supervisors/managers** who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees of every level who engage in harassment, discrimination or retaliation, including **supervisors/managers** who engage in harassment, discrimination, or retaliation or who allow such behavior to continue, will be penalized for such misconduct.

**DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is unacceptable. Sexual harassment is a form of sex discrimination that subjects an employee to inferior conditions of employment due to their sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender and is unlawful under federal, state and (where applicable) local law.

Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature and may include any unwelcome conduct which is directed at an individual because of that individual’s sex when:

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

There are two main types of sexual harassment:

* **Hostile Work Environment.** Behaviors that contribute to a hostile work environment may include but are not limited to words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.
* **Quid Pro Quo.** Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any covered individual who feels harassed should report the harassment to **WHO** so that any violation of this policy can be corrected promptly. Any harassing or discriminatory conduct, even a single incident, can be addressed under this policy.

**EXAMPLES OF SEXUAL HARASSMENT**

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

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

**DEFINITION OF OTHER UNLAWFUL HARASSMENT**

The creation of an intimidating or hostile working environment, based on one or more of the above protected categories, constitutes unlawful harassment. Specific types of unlawful harassment, in addition to sexual harassment covered above, include, but are not limited to:

* Physical harassment refers to pushing, hitting, crowding, cornering or unwanted physical touching;
* Verbal abuse refers to verbal comments, including but not limited to jokes or the use of slurs or other offensive language regarding, or made because of, an individual's actual or perceived membership in one of the protected categories listed above;
* Written harassment refers to derogatory or degrading written comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to e-mail, text messages, memos, notes, graffiti, other visual depictions or pictures, cartoons, drawing, videos;
* Inappropriate, unwelcomed behaviors, such as offensive gestures and wearing clothes, jewelry, signage, etc. known to be offensive to particular protected classifications; and
* Any other unwelcome conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law, or has the purpose or effect of unreasonably interfering with an individual’s work performance or otherwise adversely affecting an individual’s employment opportunities.

Unlawful harassment, whether it is physical, verbal or visual in nature, is a form of employee misconduct which undermines the integrity of the employment relationship within our **Company**.

**WHO CAN BE A TARGET?**

**Harassers can be anyone in the workplace.** Harassment can occur between any individuals, regardless of their sex or gender. New York Law protects all covered individuals. A perpetrator of workplace harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

**WHERE CAN HARASSMENT OCCUR?**

Unlawful harassment is not limited to the physical workplace itself. It can occur while covered individuals are working remotely, traveling for business or at employer-sponsored events or parties. Calls, texts, emails, communications in virtual meeting platforms and messaging apps and social media usage by covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices (i.e., cellphones) or during non-work hours.

**REPORTING HARASSMENT**

In New York, harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Any covered individual who has been subjected to behavior that may constitute unlawful harassment or discrimination is encouraged to report such behavior to their **supervisor/manager** or to **WHO**. Anyone who witnesses or becomes aware of potential instances of workplace harassment or discrimination should report such behavior to their **supervisor/manager** or to **WHO**.

Reports of workplace harassment or discrimination may be made verbally or in writing. The written complaint form is located **where**. All covered individuals are encouraged to use this complaint form. Employees who are reporting potential harassment on behalf of another covered individual should use the complaint form and note that the complaint is being made on behalf of another covered individual.

Covered individuals who believe they have been a victim of workplace harassment or discrimination may also seek assistance in other available forums, as outlined in the Legal Protections and External Remedies section of this policy.

**BYSTANDER INTERVENTION**

Any employee witnessing harassing or discriminatory behavior as a bystander is encouraged to report it. A **supervisor/manager** that is a bystander to these behaviors is **required** to report it.

To the extent in which a bystander feels safe and comfortable, they may interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior; asking a third party to help intervene in the harassment; documenting the incident; checking in with the person who has been harassed after the incident; or confronting the harassers and naming the behavior as inappropriate.

When confronting harassment, physically assaulting an individual is never an appropriate response.

**MANAGEMENT RESPONSIBILITIES**

All **supervisors/managers** who receive a complaint or information about suspected workplace harassment or discrimination, observe what may be harassing or discriminatory behavior or for any reason suspect that harassment or discrimination is occurring, are **required** to report such suspected harassment or discrimination to **WHO**.

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

**Supervisors/Managers** will also be subject to discipline for engaging in any retaliation.

**COMPLAINTS AND INVESTIGATIONS**

All complaints, information, or knowledge of suspected workplace harassment or discrimination will be investigated whether that information was reported in verbal or written form. Investigations will be thoroughly conducted in a prompt and timely manner and will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers, will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any covered individual may be required to cooperate as needed in an investigation of suspected workplace harassment or discrimination. **Company Name** will not tolerate retaliation against covered individuals who file complaints, support another’s complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations will generally be conducted in accordance with the following steps:

* Upon receipt of complaint, **WHO** will conduct an immediate review of the allegations, assess the appropriate scope of the investigation, and take any interim actions, as appropriate. If the complaint is verbal, the individual will be encouraged to complete the “Complaint Form” in writing. If the complainant chooses not to complete the Complaint Form, **WHO** will prepare a complaint form or equivalent documentation based on the complainant’s verbal report.
* When applicable, **WHO** may request, review and preserve documents relevant to the allegations, such as emails, phone records or other electronic communications.
* **WHO** will interview all parties involved, including any relevant witnesses.
* **WHO** will prepare written documentation of the investigation (such as a letter, memo or email), which may contain the following:
	+ A list of all documents reviewed, along with a detailed summary of relevant documents;
	+ A list of names of those interviewed, along with a detailed summary of their statements;
	+ A timeline of events;
	+ A summary of prior relevant incidents, reported or unreported; and
	+ The basis for the decision and final resolution of the complaint, together with any corrective actions action(s).
* Written documentation and associated documents will be maintained by the **Company** in a secure and confidential location.
* Following the investigation, **WHO** will promptly notify the complainant and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document.
* **WHO** will inform the complainant of their right to file a complaint or charge externally as outlined in the Legal Protections and External Remedies section of this policy.

**CORRECTIVE ACTION**

If a report of workplace harassment or discrimination is found to be valid, immediate and appropriate corrective action will be taken. Covered individuals who violate this policy, including the provision against retaliation, will be subject to disciplinary action, up to and including termination. This determination will be based on all the facts of the case.

**NO RETALIATION**

**Company Name** will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment or discrimination.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a workplace harassment claim including, but not limited to being discharged, disciplined, discriminated against, having their personnel file disclosed, except where such disclosure is permitted or required by applicable law, or otherwise being subject to adverse employment action. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

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

* Made a complaint of harassment, either internally or with any anti-discrimination agency;
* Testified or assisted in a proceeding involving harassment under the Human Rights Law or other anti-discrimination law;
* Opposed harassment by making a verbal or informal complaint to management, or by simply informing a **supervisor/manager** of harassment;
* Reported that another employee has been harassed; or
* Encouraged a fellow employee to report potential harassment.

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

**LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Harassment and discrimination based on a protected class is against the law. The internal process outlined in this policy is one way for covered individuals to report harassment and discrimination. Covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, legal advice from an attorney may be sought.

**New York State Division of Human Rights (DHR)**

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

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

Complaining internally to **Company Name** does not extend the time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment or discrimination.

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

DHR will investigate the complaint and determine whether there is probable cause to believe that harassment or discrimination has occurred. Probable cause cases receive a public hearing before an administrative law judge. If harassment or discrimination is found at the 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 monetary damages, punitive 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.

Go to [dhr.ny.gov/complaint](https://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a digital complaint process that can be completed on your computer or mobile device, in addition to, a complaint form that can be downloaded, filled out and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR’s regional offices across New York State.

The DHR also maintains a toll-free hotline that accepts complaints and provides limited assistance and counseling regarding workplace sexual harassment. This hotline can be reached at **1-800- HARASS3**.

**United States Equal Employment Opportunity Commission (EEOC)**

The 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 of 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.

If an employee believes that they have been discriminated against at work, they can file a “Charge of Discrimination.” The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling (800) 669-4000 (800) 669-6820 (TTY), visiting their website at <https://www.eeoc.gov/> or via email at info@eeoc.gov.

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

**Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they work to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade St, New York, NY 10007; 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 physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact the local police department.

**CONCLUSION**

All covered individuals have the right to a workplace that is free from harassment and discrimination. This policy should be considered applicable to all protected classes under federal, state and local law.

Employees who have questions regarding this policy should contact **WHO**.

## HARASSMENT & DISCRIMINATION PREVENTION [FEDERAL]

**Company Name** is committed to maintaining a workplace free from all forms of harassment and discrimination. The **Company** prohibits unlawful harassment and discrimination against anyone, for any reason, including, but not limited to an individual’s actual or perceived: race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability, genetic information, or any other status protected by law. All employees and other individuals including interns (paid or unpaid), and non-employees (i.e., applicants and contractors) performing work or other tasks in our workplace must refrain from engaging in unlawful harassment and discrimination.

Workplace harassment and discrimination will not be tolerated at **Company Name**. Any individual covered by this policy who engages in workplace harassment, discrimination or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This policy is one component of **Company Name**’s commitment to a harassment and discrimination-free work environment where all individuals are treated with dignity and respect.

**APPLICABILITY**

This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace; collectively referred to as “covered individuals” throughout this policy.

All covered individuals conducting business in our workplace must refrain from engaging in unlawful harassment and discrimination.

**DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is unacceptable. Sexual harassment is a form of sex discrimination that subjects an employee to inferior conditions of employment due to their sex, sexual orientation, gender identity and the status of being transgender and is unlawful under federal, state and (where applicable) local law.

Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature and may include any unwelcome conduct which is directed at an individual because of that individual’s sex when:

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

There are two main types of sexual harassment:

* **Hostile Work Environment.** Behaviors that contribute to a hostile work environment may include but are not limited to words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.
* **Quid Pro Quo.** Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any covered individual who feels harassed should report the harassment to their **supervisor/manager** or **WHO** so that any violation of this policy can be corrected promptly. Any harassing or discriminatory conduct, even a single incident, can be addressed under this policy.

**EXAMPLES OF SEXUAL HARASSMENT**

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

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

**DEFINITION OF OTHER UNLAWFUL HARASSMENT**

The creation of an intimidating or hostile working environment, based on one or more of the above protected categories, constitutes unlawful harassment. Specific types of unlawful harassment, in addition to sexual harassment covered above, include, but are not limited to:

* Physical harassment refers to pushing, hitting, crowding, cornering or unwanted physical touching;
* Verbal abuse refers to verbal comments, including but not limited to jokes or the use of slurs or other offensive language regarding, or made because of, an individual's actual or perceived membership in one of the protected categories listed above;
* Written harassment refers to derogatory or degrading written comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to: e-mail, text messages, memos, notes, graffiti, other visual depictions or pictures, cartoons, drawing, videos;
* Inappropriate, unwelcomed behaviors, such as offensive gestures and wearing clothes, jewelry, signage, etc. known to be offensive to particular protected classifications; and
* Any other unwelcome conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law, or has the purpose or effect of unreasonably interfering with an individual’s work performance or otherwise adversely affecting an individual’s employment opportunities.

Unlawful harassment, whether it is physical, verbal or visual in nature, is a form of employee misconduct which undermines the integrity of the employment relationship within our **Company**.

**WHO CAN BE A TARGET?**

**Harassers can be anyone in the workplace.** Harassment and discrimination can occur between any individuals, regardless of their sex or gender. A perpetrator of workplace harassment or discrimination can be anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

**WHERE CAN HARASSMENT OCCUR?**

Unlawful harassment is not limited to the physical workplace itself. It can occur while covered individuals are working remotely, traveling for business or at employer-sponsored events or parties. Calls, texts, emails, communications in virtual meeting platforms and messaging apps and social media usage by covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices (i.e., cellphones) or during non-work hours.

**REPORTING HARASSMENT AND DISCRIMINATION**

Preventing workplace harassment and discrimination is everyone’s responsibility. **Company Name** cannot prevent or remedy harassment or discrimination unless the **Company** knows about it. Any covered individual who has been subjected to behavior that may constitute unlawful harassment or discrimination is encouraged to report such behavior to their **supervisor/manager** or to **WHO**. Anyone who witnesses or becomes aware of potential instances of workplace harassment or discrimination should report such behavior to their **supervisor/manager** or to **WHO**.

Reports of workplace harassment or discrimination may be made verbally or in writing. The written complaint form is located **[where] [or can be obtained from WHO]**. All covered individuals are encouraged to use this complaint form. Covered individuals who are reporting potential harassment or discrimination on behalf of other employees should use the complaint form and note that the complaint is being made on behalf of another employee.

Any covered individual who believes they have been a victim of workplace harassment or discrimination should report the harassment or discrimination so that any violation of this policy can be corrected promptly.

**BYSTANDER INTERVENTION**

Any employee witnessing harassing or discriminatory behavior as a bystander is encouraged to report it. A **supervisor/manager** that is a bystander to these behaviors is **required** to report it.

To the extent in which a bystander feels safe and comfortable, they may interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior; asking a third party to help intervene in the harassment; documenting the incident; checking in with the person who has been harassed after the incident; or confronting the harassers and naming the behavior as inappropriate.

When confronting harassment, physically assaulting an individual is never an appropriate response.

**MANAGEMENT RESPONSIBILITIES**

All **supervisors/managers** who receive a complaint or information about suspected workplace harassment or discrimination, observe what may be harassing or discriminatory behavior or for any reason suspect that harassment or discrimination is occurring, are **required** to report such suspected harassment or discrimination to **WHO**.

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

**Supervisors/Managers** will also be subject to discipline for engaging in any retaliation.

**COMPLAINTS AND INVESTIGATIONS**

***All*** complaints, information, or knowledge of suspected workplace harassment or discrimination will be investigated whether that information was reported in verbal or written form. Investigations will be thoroughly conducted in a prompt and timely manner and will be confidential to the extent possible.

All persons involved, including complainants, witnesses and alleged harassers, will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any covered individual may be required to cooperate as needed in an investigation of suspected workplace harassment or discrimination. **Company Name** will not tolerate retaliation against covered individuals who file complaints, support another’s complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations will generally be conducted in accordance with the following steps:

* Upon receipt of complaint, **WHO** will conduct an immediate review of the allegations, assess the appropriate scope of the investigation, and take any interim actions, as appropriate. If the complaint is verbal, the individual will be encouraged to complete the “**Complaint Form**” in writing. If the complainant chooses not to complete the Complaint Form, **WHO** will prepare a complaint form or equivalent documentation based on the individual’s verbal report.
* When applicable, **WHO** may request, review and preserve documents relevant to the allegations such as emails, phone records or other electronic communications.
* **WHO** will interview all parties involved, including any relevant witnesses.
* **WHO** will prepare written documentation of the investigation (such as a letter, memo or email), which may contain the following:
* A list of all documents reviewed, along with a detailed summary of relevant documents;
* A list of names of those interviewed, along with a detailed summary of their statements;
* A timeline of events;
* A summary of prior relevant incidents, reported or unreported; and
* The basis for the decision and final resolution of the complaint, together with any corrective actions action(s).
* Written documentation and associated documents will be maintained by the **Company** in a secure and confidential location.
* Following the investigation, **WHO** will promptly notify the complainant and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document.

**CORRECTIVE ACTION**

If a report of workplace harassment or discrimination is found to be valid, immediate and appropriate corrective action will be taken. Covered individuals who violate this policy, including the provision against retaliation, will be subject to disciplinary action, up to and including termination. This determination will be based on all the facts of the case.

**NO RETALIATION**

**Company Name** will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment or discrimination.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a workplace harassment claim including, but not limited to being discharged, disciplined, discriminated against, having their personnel file disclosed, except where such disclosure is permitted or required by applicable law, or otherwise being subject to adverse employment action. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is unlawful under federal, state and (where applicable) local law.

**ADDITIONAL INFORMATION**

Additional information regarding harassment and discrimination may also be found in the state specific Handbook Addendum, if applicable.

## WORKPLACE BULLYING

The purpose of this policy is to communicate to all employees and **supervisors/managers**, that **Company Name** will not tolerate bullying behavior in the workplace.

**BULLYING PROHIBITED**

**Company Name** defines bullying as repeated activity that is meant to diminish or disempower another individual and any use of aggressive, hostile, abusive, harassing or unreasonable conduct against another individual. It occurs when a person uses strength or influence to intimidate another, typically to force a desired act or result.

Bullying may be intentional or unintentional and may consist of threats, verbal conduct or any action intended to interfere with an individual’s work.

Bullying at work may take the form of actions that are:

* Threatening, aggressive or intimidating;
* Abusive, insulting or offensive;
* Cruel or vindictive; or
* Humiliating, degrading or demeaning.

It is the effect of the behavior on the individual that is of the utmost importance.

**EXAMPLES**

**Company Name** considers the following types of behavior examples of bullying:

**Verbal Bullying**

Slandering, ridiculing or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

**Physical Bullying**

Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person’s work area or property.

**Gesture Bullying**

Nonverbal threatening gestures; glances that can convey threatening messages.

**Exclusion**

Socially or physically excluding or disregarding a person in work-related activities.

**Electronic Bullying**

Threatening, intimidating or offensive text messages, social media posts, etc.

The examples are not intended to be an exclusive list of the types of behavior that would be considered bullying.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights under the NLRA, nothing in this policy is intended to interfere with employees’ exercise of their rights under Section 7 of the National Labor Relations Act (NLRA).

**ADDITIONAL INFORMATION**

Employees who feel they have been bullied should contact their **supervisor/manager** or **WHO**. Reports of bullying will be investigated. Employees found in violation of this policy will be subject to disciplinary action, up to and including termination.

## PREGNANCY ACCOMMODATIONS [NEW YORK]

The **Company** will not discriminate against an employee or applicant with known physical or mental limitations related to the pregnancy, childbirth or pregnancy-related medical conditions who requests an accommodation due to pregnancy, childbirth and related conditions or who requests an accommodation due to pregnancy, childbirth or pregnancy-related medical conditions unless the accommodation would impose an undue hardship on the operation of the **Company**.

**REASONABLE ACCOMMODATIONS**

Employees and applicants for employment may request a reasonable accommodation for pregnancy-related conditions, including, but not limited to, lactation. For purposes of this policy, a "pregnancy-related condition" is a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques but does not prevent the employee from performing their job functions in a reasonable manner, with or without a reasonable accommodation. Reasonable accommodations may include but are not limited to: providing an accessible worksite; acquiring or modifying equipment; job restructuring and modifying work schedules provided, however, that such actions do not impose an undue hardship on the business.

The **Company** will provide a reasonable accommodation that would enable the employee or applicant to perform their job functions in a reasonable manner, unless the accommodation would impose an undue hardship on the **Company**'s business operations.

**[Include statement if employer has 15 or more employees:** Employees and applicants affected by pregnancy, childbirth or related medical conditions may also be entitled to a reasonable accommodation under the federal Pregnant Workers Fairness Act (PWFA). The **Company** will comply with all legal requirements under federal and state law, including providing greater or different benefits than those indicated in this policy.]

**REQUESTING A REASONABLE ACCOMMODATION**

Employees or applicants who would like to request a reasonable accommodation under this policy should contact **WHO**, preferably specifying in writing what barriers or limitations prompted the request. **WHO** will evaluate the information provided regarding any reported or apparent barriers or limitations and will then communicate with the applicant or employee and engage in an interactive process to determine the nature of the limitation and what, if any, reasonable accommodation(s) may be appropriate. If, through this interactive process, the **Company** identifies a reasonable accommodation that does not impose an undue hardship on the operation of the **Company**'s, the **Company** will make that accommodation.

Employees who wish to request time away from work to accommodate a limitation related to pregnancy, childbirth or a pregnancy-related medical condition should contact **WHO**. However, the **Company** will not require a qualified employee to take leave if another reasonable accommodation can be provided.

**CERTIFICATION REQUIREMENTS**

To the extent permitted by federal or state law, employees may be required to provide medical or other information that is necessary to verify the existence of the pregnancy-related condition or that is necessary for the **Company**'s consideration of a reasonable accommodation. Such medical information will be kept confidential and disclosed only as permitted by law.

**NO DISCRIMINATION AND NO RETALIATION**

The **Company** prohibits discrimination on the basis of pregnancy, childbirth or related medical conditions. The **Company** also will not interfere with any individual's rights under federal and state law or take any adverse action against a qualified applicant or employee because they request or use reasonable accommodations in accordance with this policy, report or oppose discrimination under federal or state law, or participate in a proceeding involving an alleged violation of federal or state law. Individuals who believe they have been subjected to, or believe that another individual has been subjected to, prohibited discrimination or retaliation should report it immediately to **WHO**.

**ADDITIONAL INFORMATION**

Employees or applicants for employment who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact **WHO**. Employees who need reasonable break time to express breast milk for their child should consult the **Company**'s **Lactation Accommodation** policy and the Policy on the Rights of Employees to Express Breast Milk in the Workplace which is available **[insert form WHO or how the policy can be obtained (i.e., at the end of this Employee Handbook/in the Handbook Addendum, etc.)]**.

## PREGNANCY ACCOMMODATIONS AND THE PREGNANT WORKERS FAIRNESS ACT [FEDERAL 15+ EMPLOYEES]

In accordance with the federal Pregnant Workers Fairness Act ("PWFA"), **Company Name** will make reasonable accommodations for known physical or mental limitations related to the pregnancy, childbirth or related medical conditions of a qualified applicant or employee, unless the accommodation would impose an undue hardship on the operation of the **Company**.

**KNOWN PHYSICAL OR MENTAL LIMITATIONS**

“Known physical or mental limitations” are those that the applicant, employee or their representative has communicated to the **Company**. Employees or applicants who wish to inform the **Company** of such a limitation and/or request a reasonable accommodation under this policy should contact **WHO**, preferably specifying in writing what barriers or limitations prompted the request. **WHO** will evaluate the information provided regarding any reported or apparent barriers or limitations and will then communicate with the applicant or employee and engage in an interactive process to determine the nature of the limitation and what, if any, reasonable accommodation(s) may be appropriate. If, through this interactive process, the **Company** identifies a reasonable accommodation that does not impose an undue hardship on the operation of the **Company**'s business, the **Company** will make that accommodation.

**LEAVE AS AN ACCOMMODATION**

Employees who wish to request time away from work to accommodate a limitation related to pregnancy, childbirth or a related medical condition should contact **WHO**. However, the **Company** will not require a qualified employee to take leave if another reasonable accommodation can be provided.

**NO DISCRIMINATION AND NO RETALIATION**

The **Company** prohibits discrimination on the basis of pregnancy, childbirth or related medical conditions. The **Company** also will not interfere with any individual's rights under the PWFA or take any adverse action against a qualified applicant or employee because they request or use reasonable accommodations in accordance with this policy, report or oppose discrimination under the PWFA, or participate in a proceeding involving an alleged violation of the PWFA. Individuals who believe they have been subjected to, or believe that another individual has been subjected to, prohibited discrimination or retaliation should report it immediately to **WHO**.

**OTHER REQUIREMENTS**

Several states and localities have laws that apply to employees affected by pregnancy, childbirth or related medical conditions. For individuals working in a jurisdiction that has a mandatory pregnancy accommodation law, the **Company** will comply with all legal requirements, including providing greater or different benefits than those indicated here. Additional information on state specific requirements is available in **[this Employee Handbook/the Handbook Addendum]**, if applicable.

**Policy Notes**

**PWFA Applicability.** The PWFA applies to private and public sector employers with at least 15 employees, including Congress, federal agencies, employment agencies, and labor organizations.

**PWFA and State Law.** The PWFA does not replace federal, state, or local laws that are more protective of workers affected by pregnancy, childbirth, or related medical conditions. More than 30 states and cities have laws that provide accommodations for pregnant workers.

## LACTATION ACCOMMODATION [NEW YORK]

The **Company** will provide a reasonable amount of break time for up to three years following the birth of a child to accommodate nursing employees desiring to express milk for their child.

**LACTATION BREAKS**

Nursing employees can elect to take time to express milk during their regularly scheduled meal and rest breaks. If the employee chooses a time to express milk that does not run concurrently with a scheduled break time, the lactation break time will be unpaid for non-exempt employees except where federal or state law may require otherwise. If additional lactation breaks are required or the break schedule needs to be modified from time to time, employees should work with **WHO** regarding scheduling. A non-exempt employee can elect to work before or after their normal shift to make up the amount of time used during unpaid break time for expression of milk, so long as the additional time requested falls within the **Company**'s normal work hours. However, non-exempt employees will not be required to make up any unpaid break time.

Unpaid breaks provided for the expression of milk must be at least 20 minutes. However, if the designated lactation room where such break will be taken is not close to an employee’s workstation, the provided break must be at least 30 minutes. Employees will be allowed to take longer or shorter unpaid breaks if needed. Because exempt employees receive their full salary during the weeks in which they work, all exempt employees who need lactation accommodation breaks do not need to report any extra break time as "unpaid."

**[If there are no remote/hybrid employees; this statement may be excluded:** Employees who work remotely have the same rights to unpaid time off for the purpose of expressing milk, as all other employees who perform their work in-person.**]**

**LACTATION ROOM**

Employees who work onsite have the right to request a lactation room for the purpose of expressing milk. **[Insert if the Company has a dedicated lactation room:** The lactation room is located **[insert location]**.**]** **[Insert if the Company does not have a dedicated lactation room:** Employees will be informed as soon as practicable when a lactation room or location has been designated.**]** The lactation room will be a well-lit, sanitary place, other than a restroom or toilet stall, that is shielded from view, free from intrusion and in reasonable proximity to the employee's work area. The lactation room will include **[insert if the workplace has electricity:** an electrical outlet,**]** a chair, a working surface area on which to place a breast pump and other personal items, nearby access to running water **[insert if the workplace has access to refrigeration:** and access to refrigeration for the purpose of storing the expressed milk**]**. Please note that the **Company** is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator on its premises. The employee is required to store all expressed milk in closed containers, regardless of the method of storage, and should remove such milk at the end of the workday.

**REQUESTING USE OF THE LACTATION ROOM**

To request use of a lactation room, employees **[insert appropriate submission procedure]**. The **Company** will respond to the employee's request within a reasonable amount of time, not to exceed five business days. Employees should contact **WHO** with any follow-up inquiries.

A room identified for use as a lactation room may also be used for other purposes. However, an employee’s need of a room for lactation breaks will be prioritized, and during times when an employee is using the room as a lactation room, that will be its sole function. When two or more employees need to use the room for lactation purposes or in connection with other accommodations, they should contact and work together with **WHO** to schedule room usage cooperatively and in a way that accommodates all affected employees. Employees who have questions or concerns related to lactation room scheduling conflicts can also contact **WHO**.

**EMPLOYEE’S RESPONSIBILITY**

Employees are required to provide reasonable advance notice to the **Company** that they intend to take breaks for expressing milk upon returning to work following the birth of the child. If providing the requested lactation room will place an undue hardship on the **Company**'s operations, the **Company** will engage in reasonable efforts to provide a private room or location, other than a restroom or toilet stall, that is in close proximity to the work area where an employee can express milk in private.

**NO RETALIATION AND NO DISCRIMINATION**

Employees who believe the **Company** has failed to comply with the requirements of this policy and federal or state law should immediately notify **WHO**. The **Company** will not retaliate or discriminate against an employee because they exercise their rights under this policy or file a complaint or institute any proceeding under or related to New York State law or the federal Fair Labor Standards Act.

**ADDITIONAL INFORMATION**

Pursuant to New York State requirements, a [Policy on the Rights of Employees to Express Milk in the Workplace](#Policy_On_Rights_To_Express) that further explains your rights under New York State law will be provided at hire, annually after hire, and whenever an employee returns to work following the birth of a child and is available **[insert location:** at the end of this **Employee Handbook/**in the **Handbook Addendum or from WHO]**.

## LACTATION ACCOMMODATION [FEDERAL]

The **Company** will provide employees with a reasonable amount of break time to express milk for one year after the child’s birth and as often as the employee needs to do so.

**LACTATION BREAKS AND ACCOMMODATIONS**

Employees needing breaks for lactation purposes may use ordinary paid rest breaks or may take other reasonable break time when needed. If possible, the lactation break time should run concurrently with scheduled meal and rest breaks already provided to the employee. If the lactation break time cannot run concurrently with meal and rest breaks already provided or additional time is needed, the lactation break time will be unpaid for non-exempt employees except where pay is otherwise required by federal or state law.

Employees will be relieved of all work-related duties during any unpaid break. When unpaid breaks or additional time are required, employees should work with **WHO** regarding scheduling and reporting the extra break time.

Because exempt employees receive their full salary during the weeks in which they work, all exempt employees who need lactation accommodation breaks do not need to report any extra break time as "unpaid."

**[If the company has a physical location and remote/hybrid workers:** For employees who work onsite, the **Company** will provide employees with the use of a room or other location to express milk in private, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public. The **Company** will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk. This location may be the employee's private office, if applicable.]

**OR**

**[If the company only has onsite workers:** The **Company** will provide employees with the use of a room or other location, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public. The **Company** will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk. This location may be the employee's private office, if applicable.]

Employees should discuss the location for storage of expressed milk with **WHO**. In addition, employees should contact **WHO** during their pregnancy or before their return to work to identify the need for a lactation area.

The **Company** will otherwise treat lactation as a medical condition and address lactation-related needs in the same manner that it addresses other non-incapacitating medical conditions, including requested time off for medical appointments, requested changes in schedules and other requested accommodations.

**NO RETALIATION AND NO DISCRIMINATION**

Employees who believe they have not been provided lactation break time and the use of a room or private area in accordance with this policy and federal law should immediately notify **WHO**. The **Company** will not retaliate or discriminate against an employee because they file a complaint or institute any proceeding under or related to the federal Fair Labor Standards Act, testify in any such proceeding or serve on an industry committee.

**ADDITIONAL INFORMATION**

For employees working in a jurisdiction that has an applicable state or local mandatory lactation accommodation law, the **Company** will comply with all legal requirements, including providing greater break time and space accommodations than those described in this policy.

Additional information regarding lactation accommodations may also be found in the state specific Handbook Addendum, if applicable.

## RELIGIOUS ACCOMMODATION

**Company Name** will provide reasonable accommodation for employees' religious beliefs, observances and practices when a need for such accommodation is identified, and reasonable accommodation is possible.

**RELIGIOUS ACCOMMODATION**

A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances or practices and the employee's job requirements, without causing undue hardship on the **Company**'s operations.

The **Company** has developed an accommodation process to assist employees and management through this process, by establishing a system of open communication between employees and the **Company** to discuss conflicts between religion and work and to take action to provide reasonable accommodation for employees' needs.

Any employee who perceives a conflict between job requirements and a religious belief, observance or practice should bring the conflict and their request for accommodation to the attention of **WHO** to initiate the accommodation process. The **Company** asks that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

**INTERACTIVE DIALOGUE**

Once the employee has submitted their request for an accommodation, **Company Name** will evaluate the request by meeting with the employee to discuss the request and propose a reasonable accommodation. The **supervisor/manager** **and/or WHO** will be responsible for implementing the accommodation. If the employee rejects the proposed accommodation, the employee may lodge an appeal pursuant to **Company Name**'s **Open Communication** policy.

**NO RETALIATION AND NO DISCRIMINATION**

**Company Name** will not retaliate or otherwise discriminate against an employee or applicant because they request an accommodation in accordance with this policy. Employees who have questions concerning this policy or feel they have been unreasonably denied an accommodation should contact **WHO**.

## CODE OF ETHICS

**Company Name**'s code of ethics is dependent upon our core values maintaining ethical standards and the personal integrity of every individual in our **Company**. Each employee of the **Company** is required to ensure that they and their family members do not improperly benefit personally from the employee's position as an employee for the **Company**. For this reason, it is of paramount importance that we always conduct our day-to-day activities in an ethical and responsible manner.

**CONFLICT OF INTEREST**

While we acknowledge that employees may have pursuits separate from their work at the **Company**, employees must refrain from participating in any activity or business venture which could conflict with the interests of **Company Name** and their job duties and responsibilities with **Company Name**. Specifically, employees may not accept personal payment or other benefits from any supplier, vendor or **customers/clients** of the **Company**, nor should they take any action as a representative of the **Company** for personal gain. Employees also may not accept a second job with a **customer/client**, competitor, supplier or vendor of the **Company** where there is an actual or perceived conflict **[insert if the client has the Outside Employment policy:** as outlined in our Outside Employment policy**]**.

**PROPRIETARY INFORMATION**

In working at **Company Name**, employees may learn things about our **Company** and our **customers’/clients’** operations which are proprietary or confidential, and the **Company** has a legitimate and substantial business interest in maintaining the confidentiality of such information. Every employee of the **Company** has a professional and ethical responsibility to treat this information as privileged and to ensure such information is not improperly or accidentally disclosed. Except as required in the performance of their duties for the **Company**, employees may not use or disclose any proprietary information such as **[strategic and business or operational plans, pricing lists, sales and profit data, funding sources, marketing strategies, database systems, technology, trade secrets, customers’/clients’ supplier or vendor lists, and/or customers’/clients’ supplier or vendor contracts]** to anyone who does not work for us or have a need to know the information.

Additionally, employees who have the following information by virtue of the performance of their job responsibilities should not disclose such information for any reason, except as required to complete job duties, without the permission of the employee at issue: Social Security Numbers, dates of birth, driver's license or resident identification numbers, financial accounts, credit or debit card numbers, and security and access codes or passwords that would permit access to medical, financial or other legally protected information.

Confidential information does not include information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment, if used by them for purposes protected by Section 7 of the National Labor Relations Act, such as joining or forming a union, engaging in collective bargaining or engaging in other concerted activity for their mutual aid or protection. Confidential Information also does not include conduct that was, or that an employee reasonably believes to be illegal; conduct that is recognized as against a clear mandate of public policy; or the existence of a non-confidential settlement involving any such conduct.

Upon termination of employment, employees must return and not retain any duplicates of all **Company** property and all copies of documents, notes, flash drives and other repositories containing proprietary or confidential information such as **[pricing lists, invoices, marketing methods, database systems, financial information, employee lists]** and all other information that is not general public knowledge relating to **Company Name**, except as otherwise required to retain pursuant to a legal hold notice.

**RECEIVING AND GIVING GIFTS**

Employees should avoid situations that could create an actual or perceived conflict of interest, or that could otherwise hinder an employee’s ability to perform their job in an honest and ethical manner. To this end, employees may not accept or give substantial gifts, favors or excessive business entertainment from **customers/clients**, suppliers or vendors. A gift, favor or entertainment is considered substantial or excessive if it might influence an employee’s business relationship with the donor. **[Option 1:** Generally, substantial gifts or favors are defined as having a value of **$xx** or more and should be reported to **WHO**.**]** **[Option 2:** Employees must contact **WHO** for approval prior to accepting any gifts or providing any favors regardless of the value.**]**

**EMPLOYEE’S RESPONSIBILITY**

Employees are responsible for promptly reporting any violation or suspected violation of these guidelines on conflicts of interest, proprietary information or gift giving and receiving or any violation or suspected violation of any other **Company** policy to **WHO** or any other member of management.

**NO RETALIATION**

The **Company** protects those employees from retaliation who in good faith report possible inappropriate, unprofessional, illegal or unethical actions. Any employee who believes they have been retaliated against in violation of this policy should notify **WHO** immediately. Individuals who engage in any retaliation in contravention of this policy are subject to disciplinary action in accordance with the **Company**’s Standards of Conduct policy.

**ADDITIONAL INFORMATION**

Violations of this policy are subject to disciplinary action, up to and including termination of employment and, if applicable, legal action.

Employees should meet with their **supervisor/manager** or **WHO** if they have questions regarding the application of this policy.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

In monitoring conflicts of interest, and as more fully described in the **Company**’s Statement of Rights Under the NLRA, nothing in this policy is intended to interfere with employees’ exercise of their rights under Section 7 of the National Labor Relations Act (NLRA).

## WORKING HOURS [NEW YORK]

Our **Company** observes a **how many** hour workweek. Time records are kept for each non-exempt employee showing the hours worked each week.

**WORKWEEK**

Due to the nature of our business, workdays and hours may vary with the job. Our standard workweek consists of **how many** hours per day, **how many** days per week.

**MEAL BREAK**

Employees **[Include statement if client is a factory:** other than those working in, or in connection with, the Company's factories**]** working at least a six-hour workday, which extends over the noon meal break (11 a.m. to 2 p.m.), are entitled to a 30-minute meal break to be taken between 11 a.m. and 2 p.m. **[Include statement if these work hours are applicable:** Employees who start their workday before 11 a.m. and continue after 7 p.m. are entitled to a 30-minute noon meal break and an additional 20-minute break between 5 p.m. and 7 p.m.**]**

**[Include statement if these work hours are applicable:** Employees who work more than six hours in their workday starting between the hours of 1 p.m. and 6 a.m. are entitled to a meal break of at least 45 minutes in the middle of their workday.**]**

An uninterrupted meal break lasting **30/60 minutes** will be **paid/unpaid** for non-exempt employees.

Employees may not take a shorter meal break or skip a meal break to leave early. **[OPTIONAL:** All non-exempt employees must record their meal breaks.**]**

If for any reason an employee’s meal break is interrupted, the employee must notify their **supervisor/manager** and the time should be recorded as worked. The employee will be paid for the time and will receive an uninterrupted meal break as soon as practicable. Employees should contact their **supervisor/manager** if they have any questions regarding the meal break.

**ADDITIONAL BREAKS [OPTIONAL]**

Employees receive **how many** additional **how long** paid breaks each day.

**TIME RECORDS [OPTION 1]**

Non-exempt employees are responsible for recording their hours worked and any absences **[on a timecard/timesheet each week, signing it]** **[**in the **Company**’s timekeeping system**]** and then submitting it to **WHO** no later than **what day [by (insert time and include time zone, if needed)]**. Employees are prohibited from engaging in off-the-clock work or unrecorded work.

**[Optional:** Employees are also required to record the beginning and end of meal periods.**]** Under no circumstances should an employee record time for another employee. Should an employee forget to record their time, the employee should notify their **supervisor/manager** and they will make the appropriate notations on **[the timecard/timesheet] [in the timekeeping system]**.

To ensure accurate recordkeeping of hours worked, non-exempt employees are required to enter their time into the time system as close as possible to the beginning or end of their actual working time. **[Optional:** Non-exempt employees may not work overtime and may not work or enter their time into the time system more than **five** minutes before their authorized start time or after their authorized ending time without advance written permission from their **supervisor/manager**.**]**

**[Optional:** Exempt employees are responsible for submitting hours worked to their **supervisor/manager** or **WHO** on a **[weekly/biweekly/semi-monthly]** basis no later than **what day [by (insert time and include time zone, if needed)**.**]**

**TIME RECORDS [OPTION 2 TIME CLOCK/PUNCH CARDS]**

To ensure accurate recordkeeping of hours worked, non-exempt employees are required to punch their timecard at the beginning and end of their shift. Employees are prohibited from engaging in off-the-clock work or unrecorded work. **[Optional:** Employees may not punch their timecard more than **five** minutes before their authorized start time or after their authorized ending time without permission from their **supervisor/manager**.**]**

**[Optional:** Employees also are required to punch their timecards at the beginning and end of meal periods.**]** Under no circumstances should an employee punch the timecard of another employee. Should an employee forget to punch in or out, the employee should notify their **supervisor/manager** and they will make the appropriate notations on the timecard. Employees should also notify their **supervisor/manager** if they accidentally punch another employee's card.**]**

**ABSENCE REPORTS [OPTIONAL]**

Exempt employees are responsible for recording any time away from work on an **Absence Report**, signing it and then submitting it to **WHO** no later than **what day [by (insert time and include time zone, if needed)]**.

**MANDATORY TIME OFF/DAY OF REST [Include the following statement for NYS employers in certain industries including factory, mercantile establishment, hotel, restaurant, theater or elevator (with limited exceptions)]**

**Company Name** will provide employees with at least 24 consecutive hours of rest in any calendar week.

**FLEXIBLE WORK SCHEDULES [OPTIONAL]**

Our **Company** offers a flexible work schedule to assist in balancing work and family life. **Supervisors/Managers** will discuss the flexible work schedule policy with employees. Once an employee has established their work schedule, it cannot be changed without the **supervisor’s/manager’s** approval.

## OPEN COMMUNICATION

Our **Company** is committed to the principle of open communication between employees and their **supervisor/manager** concerning any aspect of the employment relationship.

**WORKING TOGETHER, WE CAN FIND A SOLUTION TO ANY PROBLEM**

In every **Company** there are honest differences of opinion about working conditions, discipline, policies and other work-related matters. Employees should not keep concerns to themselves and are encouraged to communicate their issues to management via the steps outlined below. Problems that are unknown cannot be solved. If an employee has a work-related complaint, concern or problem of any kind, we will welcome the opportunity to discuss it with the employee and resolve it.

**FIRST STEP**

Employees who have a problem, complaint, question or suggestion about any aspect of our **Company** are encouraged to discuss the issue with their immediate **supervisor/manager**. We hope that most matters can be satisfactorily resolved by such discussions.

**SECOND STEP**

Employees who are not satisfied with the outcome of this first step or are not comfortable raising a particular issue with their **supervisor/manager**, are welcome to discuss the situation with **WHO**. They will meet with the employee and/or their **supervisor/manager** and attempt to reach a satisfactory solution.

**THIRD STEP**

Employees who are not satisfied with the outcome of the second step or are not comfortable raising a particular issue with **WHO**, are encouraged to discuss the situation with **WHO**. They will review the situation in its entirety, meet with the employee and attempt to reach a satisfactory solution.

If for any reason an employee does not feel comfortable speaking with their **supervisor/manager** or the designated management assigned in any step of this policy, the employee should feel free to discuss their concerns with any other member of management with whom the employee feels comfortable.

**SUGGESTIONS**

**Company Name** values employees' talents and abilities and seeks to foster a cooperative environment. For this reason, the **Company**’s **Open Communication** policy applies not only to complaints and concerns, but to job-related ideas, recommendations and any other suggestions an employee believes would positively benefit **Company Name**. **Company Name** values employee input and ideas, and therefore all employees should share their feedback, comments and suggestions with a **supervisor/manager** or any management employee.

**NO RETALIATION**

Employees will not be retaliated against in any way for raising concerns, asking questions or for making suggestions.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights Under the NLRA, nothing in this policy is intended to interfere with employees’ exercise of their rights under Section 7 of the National Labor Relations Act (NLRA).

## SOLICITATION & DISTRIBUTION

In order to prevent disruptions in the operations of our **Company** solicitation and distribution of advertising material, handbills or other literature during the working time of the employee soliciting or the employee being solicited, or in working areas, is restricted as described below.

**SOLICITATION DEFINED**

For purposes of this policy, solicitation includes, but is not limited to, asking employees: for funds or contributions; to purchase goods for charitable or commercial purposes; to sign petitions; to join or become members of a group; to support political candidates; or to support or commit to causes, groups, or interests. Solicitations may be made by any form of communication, including verbal, written, email, text message, direct messaging, etc. Solicitation does not include brief conversations that are so limited that they do not interrupt employees' work.

**DURING WORKING TIME**

Employees may not solicit or distribute non-work-related literature to another employee for any purpose when either the person doing the soliciting, or the person being solicited is on working time. For purposes of this policy, working time refers to that portion of any working day in which the employee is actually working or scheduled to work. It does not include such times as lunch or break time or before or after work. Employees who are on non-working time still may not solicit or distribute non-work-related literature to another employee who is on working time.

**IN WORKING AREAS**

Employees may not distribute non-work-related literature to another employee for any purpose in the working areas of our **Company**. “Working areas” do not include areas such as, but not limited to, the cafeteria, parking lot or break rooms.

**OUTSIDE INDIVIDUALS**

Individuals who are not employed at our **Company** may not distribute literature, nor solicit employees or visitors at any time on our **Company**’s grounds or inside our offices.

**POST NOTICES**

Only governmental notices required to be posted due to federal or state regulations may be posted on **Company** property.

**NON-INTERFERENCE**

As more fully described in the **Company**’s Statement of Rights Under the NLRA, this policy is not intended to interfere with, restrain, or prevent employee communications regarding terms and conditions of employment or to otherwise interfere with employees' rights under the National Labor Relations Act.

## STANDARDS OF CONDUCT

The **Company** expects employees to follow basic, common-sense rules of conduct that will protect everyone's safety and security.

**FORMS OF UNACCEPTABLE BEHAVIOR**

It is not possible to list all forms of behavior that are considered unacceptable in the workplace, but the following are examples of behaviors that are considered unacceptable and may result in disciplinary action, including suspension, demotion or termination of employment:

* Falsification of employment records, employment information or other records or work-related information of the **Company**;
* Recording the work time of another employee, allowing any employee to record another employee's work time, or allowing falsification of any **timesheet/time record/time report**, whether the employee’s or another employee's;
* Theft or damage of any **Company** property or the property of any employee or **customer/client,** contractor or visitor;
* Use of **Company** materials, resources, supplies, tools or products for personal reasons without advance permission from **WHO**;
* Violation of the **Company**'s electronic resources in a manner that interferes with the employee's work performance or violates a **Company** policy;
* Possessing, distributing, selling, transferring, using or being under the influence of alcohol or illegal drugs in the workplace;
* Provoking a physical fight or engaging in physical fighting in the work environment, during working hours, at a work event or on premises owned or occupied by the **Company**;
* Carrying firearms, weapons or dangerous substances at any time, on premises owned or occupied by the **Company**, unless state law provides otherwise;
* Using violent, threatening or unlawfully harassing language at any time in the work environment, during working hours or while on premises owned or occupied by the **Company**;
* Making knowingly false statements concerning the **Company** or any employee, client, contractor or visitor;
* Failing to obtain permission to leave work or be offline during scheduled working time (not including unpaid meal and rest breaks) unless the reason is legally protected;
* Working overtime without authorization or refusing to work assigned hours;
* Violating any policy, rule or procedure of the **Company**;
* Failure to demonstrate immediate and consistent improvement in poor work performance;
* Committing a fraudulent act or intentional breach of trust under any circumstances; and
* Discrimination or harassment in violation of the **Company**'s **Equal Employment Opportunity (EEO)** or **Harassment & Discrimination Prevention** policies **[or insert name of applicable policy or policies]** against any employee, client, contractor, visitor or other individual involved in the operations of the **Company** based upon race, religion, age, sex, national origin, disability or any other protected characteristic under applicable federal, state or local law.

**CORRECTIVE ACTION**

Before taking corrective action, the **supervisor/manager** may meet with the employee to explain why the need for corrective action is warranted.

Depending upon the severity of the matter, disciplinary measures may include counseling, verbal warning, written warning, suspension, demotion, transfer or termination. The **Company** will determine the appropriate corrective action and does not guarantee that one form of action will necessarily precede another.

**AT-WILL EMPLOYMENT [EXCEPT MONTANA]**

This statement of prohibited conduct does not alter or limit the policy of at-will employment, where applicable. Either the employee or the **Company** may terminate the employment relationship at any time for any reason, with or without cause, and with or without notice.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights Under the NLRA, this policy in no way prohibits employee affiliations or activities that are protected under applicable local, state and federal laws, including but not limited to any activity that is protected under Section 7 of the National Labor Relations Act (NLRA), which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

## MILITARY LEAVE [NEW YORK]

The **Company** recognizes the obligation of those employees serving in any branch of the military or other uniformed services of the United States. Employment status within the **Company** is protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”) and applicable state military leave provisions.

Employees should also refer to the New York State Paid Family Leave policy **[for employers with 50 or more employees:** and the Family and Medical Leave Act policy**]** to determine if they are also eligible for benefits under **[that policy/either of those policies**.**]**

**ELIGIBILITY FOR LEAVE**

The **Company** provides military leaves of absence to employees who serve in the uniformed services as required by USERRA and applicable state laws.

The uniformed services are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to provide assistance in response to a public health emergency, to be present for a short period of time when there is a risk of a public health emergency, or when they are participants in authorized training, and intermittent personnel who are appointed into Federal Emergency Management Agency (FEMA) service under the Stafford Act or to train for such service.

**LEAVE AND REEMPLOYMENT**

Employees who serve on active or reserve duty will be granted a leave of absence up to the maximum time required by law. **Company Name** is committed to preserving the job rights of employees absent on military leave in accordance with law.

**COMPENSATION**

**[**Military leave is unpaid. Employees on unpaid military leave may choose to apply **PTO/vacation, sick leave or personal leave** benefits to their absence.**]**

**OR**

**[**Upon completion of **X** months of employment an employee will be paid the difference between their normal weekly compensation (base rate) and military duty pay for **how long.** Employees on unpaid military leave may choose to apply **PTO/vacation, sick leave or personal leave** benefits to their absence.**]**

Exempt employees will not incur any reduction in pay for a partial week's absence for leave under this policy.

HEALTH CARE CONTINUATION

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue their health coverage in accordance with USERRA and COBRA. For additional information on health care continuation contact **WHO**.

**SPOUSAL LEAVE** **[Include this paragraph for employers with 20 or more employees]**

In accordance with New York State law, spouses of members of the U.S. armed forces, National Guard or reserves that have been deployed to a combat area during a period of military conflict are entitled to up to 10 days of unpaid leave. The spouse must work on average at least 20 hours per week to be eligible for this leave. The military personnel must be on leave at the time the spousal leave is taken.

EMPLOYEE’S RESPONSIBILITY

Employees are expected to inform their **supervisor/manager** of their need for military or spousal leave as far in advance as possible, unless giving notice is impossible, unreasonable, or precluded by military necessity. Employees also must submit a copy of the military orders to **WHO**.

Employees must also notify **WHO** prior to returning to work. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. If this is impossible or unreasonable, then as soon as possible. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service. Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

**REEMPLOYMENT RIGHTS**

Unless an exception applies (e.g., initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls), if the military leave is less than five (5) years, returning service-members are reemployed in the job that they would have attained had they not been absent for military service (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. The **Company** will make reasonable efforts (such as training or retraining) to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. The **Company** will explore alternative reemployment positions if the service member cannot qualify for the "escalator" position.

**OTHER LEAVES**

Where applicable, this leave may run concurrently with any available New York State Paid Family Leave, **[for employers with 50 or more employees:** Family and Medical Leave**]** or any other leave benefit that may be required by state law.

**NO DISCRIMINATION AND NO RETALIATION**

Any employee who believes they have been discriminated or retaliated against based on their past, present, or future participation in the uniformed services, request for military leave, complaint or participation in any investigation of a complaint of discrimination or retaliation based on a military leave request or service participation, or any other situation protected under this policy or applicable law should notify **WHO** immediately.

## MILITARY LEAVE [FEDERAL]

The **Company** recognizes the obligation of those employees serving in any branch of the military or other uniformed services of the United States. Employment status within the **Company** is protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”).

Employees should also refer to any applicable state policies in the applicable state specific Handbook Addendum **[For employers with 50 or more employees:** and the Family and Medical Leave Act policy**]** to determine if they are also eligible for benefits under those policies.

**ELIGIBILITY FOR LEAVE**

The **Company** provides military leaves of absence to employees who serve in the uniformed services as required by USERRA and applicable state laws.

The uniformed services are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to provide assistance in response to a public health emergency, to be present for a short period of time when there is a risk of a public health emergency, or when they are participants in authorized training, and intermittent personnel who are appointed into Federal Emergency Management Agency (FEMA) service under the Stafford Act or to train for such service.

**LEAVE AND REEMPLOYMENT**

Employees who serve on active or reserve duty will be granted a leave of absence up to the maximum time required by law. **Company Name** is committed to preserving the job rights of employees absent on military leave in accordance with law.

**COMPENSATION**

**[**Military leave is unpaid.**]**

**OR**

**[**Upon completion of **X** months of employment an employee will be paid the difference between their normal weekly compensation (base rate) and military duty pay for **how long**.**]**

Employees on unpaid military leave may choose to apply **PTO/vacation, sick leave or personal leave** benefits to their absence.

Exempt employees will not incur any reduction in pay for partial week absences for leave under this policy.

HEALTH CARE CONTINUATION

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue their health coverage in accordance with USERRA and COBRA. For additional information on health care continuation contact **WHO**.

EMPLOYEE’S RESPONSIBILITY

Employees are expected to inform their **supervisor/manager** of their need for military leave as far in advance as possible, unless giving notice is impossible, unreasonable, or precluded by military necessity. Employees also must submit a copy of the military orders to **WHO**.

Employees must also notify **WHO** prior to returning to work. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. If this is impossible or unreasonable, then as soon as possible. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service. Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

**REEMPLOYMENT RIGHTS**

Unless an exception applies (e.g., initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls), if the military leave is less than five (5) years, returning service-members are reemployed in the job that they would have attained had they not been absent for military service (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. The **Company** will make reasonable efforts (such as training or retraining) to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. The **Company** will explore alternative reemployment positions if the service member cannot qualify for the "escalator" position.

**OTHER LEAVES**

This leave may run concurrently with any available Family and Medical Leave or state-mandated leave, where applicable.

**NO DISCRIMINATION AND NO RETALIATION**

Any employee who believes they have been discriminated or retaliated against based on their past, present, or future participation in the uniformed services, request for military leave, complaint or participation in any investigation of a complaint of discrimination or retaliation based on a military leave request or service participation, or any other situation protected under this policy or applicable law should notify **WHO** immediately.

**ADDITIONAL INFORMATION**

If the employee works in a state that provides rights in addition to those provided under USERRA, the **Company** will provide those rights. Additional information can be found in the state specific Handbook Addendum, if applicable.

## WORKERS' COMPENSATION

When work-related accidents, injuries or illnesses occur, employees may be eligible for workers' compensation insurance benefits. **Company Name** provides a comprehensive workers' compensation insurance program at no cost to employees and in accordance with applicable state law. This program covers most injuries or illnesses, sustained in the course of employment, that require medical, surgical or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits or, if the employee is hospitalized, treatment immediately.

**REPORTING ACCIDENTS**

Employees who sustain a work-related injury or illness, no matter how slight, should immediately report the incident to **WHO**. This will enable an eligible employee to qualify for coverage. Consistent with applicable state law, failure to report an injury within a reasonable time period could jeopardize your claim.

**BENEFITS**

Workers’ compensation benefits are based on a formula derived by the state using the employee’s average weekly wages up to the maximum allowed under applicable state law.

**LEAVE ENTITLEMENT**

Employees are eligible for a Disability Leave. This leave runs concurrently with any available **[Family and Medical Leave or]** any other leave benefit that may be required by state law. See the Disability Leave policy for more information.

**RETURN TO WORK [OPTIONAL]**

Employees who are ready to return to work following a workers' compensation-related leave of absence must supply a certification from a health care provider confirming the employee's ability to return to work.

**FRAUD**

**Company Name** will notify the workers' compensation insurance company if we have reason to believe an employee has supplied false or misleading information in connection with a claim and/or has filed a fraudulent claim. Workers' compensation fraud is a crime and may also be grounds for disciplinary action, up to and including termination of employment.

## UNIFORMS

Our uniforms convey an important message about the **Company**’s professionalism. These uniforms also promote safety and assist employees by reducing the expense of purchasing work clothing. As **Company Name** team members, employees are expected to wear our **Company** uniforms.

**GENERAL**

**[**Our **Company** provides employees with **X uniforms** which the **Company** will launder.**]**

**OR**

**[**The **Company** provides each employee with a **$XX uniform allowance.** This allowance may only be spent on uniforms and other apparel items approved by the **Company**.**]**

Employees are expected to treat these uniforms with the same care as they would their own clothing.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

When applicable, protected concerted activity covered by the NLRA **[or a particular collective bargaining agreement]** is not prohibited by this policy. To this end, employees are not prohibited from displaying insignia, messages or slogans in connection with protected concerted activity or protest of employee wages, hours and other working conditions.

As more fully described in the **Company**’s Statement of Rights Under the NLRA, **Company Name** will not enforce this policy in a manner that would interfere with employees' rights to organize or engage in protected concerted activity under the NLRA.

**ADDITIONAL INFORMATION**

Please see **WHO** to obtain additional information regarding how to order uniforms.

## WORKPLACE SEARCHES

In order to ensure the safety of the workplace, prevent theft of **Company** and personal property and/or enforce **Company** policies, unless otherwise prohibited by applicable law, **Company Name** reserves the right to conduct searches of any person, vehicle or object on **Company** property with or without reasonable suspicion that a policy or legal violation has occurred.

**SEARCHES**

Please be aware that the **Company** reserves the right to search **lockers, desks, files or file cabinets, briefcases, baggage, toolboxes, lunch bags, clothing, purses, vehicles** parked on **Company** property and any other item in which dangerous, stolen or unauthorized objects may be hidden. **[Include statement for employers with Company vehicles:** Additionally, the **Company** may search **Company**-owned vehicles that are primarily used by the employee, regardless of whether the vehicle is located on **Company** property at the time. Searches may be conducted by **Company** management.**]** The **Company** also reserves the right to authorize searches by law enforcement on its property with or without the employee being present.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights Under the NLRA, nothing in this policy is intended to interfere with employees’ exercise of their rights under Section 7 of the National Labor Relations Act (NLRA).

## PROFESSIONAL ATTIRE

The impression that we make on visitors to **Company Name** is important. There is no substitute for neatness, propriety of dress, good grooming and speech and a professional attitude. Sensitivity to these areas will ensure that our good relationships with **customers/clients** are maintained and fostered.

**DRESS CODE**

Although no formal dress code exists, employees are asked to wear clothing that is appropriate for their position and the work that they do. Clothing should be neat, clean, in good taste and not constitute a safety hazard.

**Company Name** will make accommodations when necessary to comply with federal and/or state law. Please contact **WHO** with questions regarding this policy.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights Under the NLRA, protected concerted activity covered by the NLRA **[or a particular collective bargaining agreement]** is not prohibited by this policy. Employees are not prohibited from displaying insignia, messages or slogans in connection with protected concerted activity or protest of employee wages, hours and other working conditions.

**Company Name** will not enforce this policy in a manner that would interfere with employees' rights to organize and engage in protected concerted activity under the NLRA.

## PERSONAL CALLS & PERSONAL ELECTRONIC DEVICES

While employees are at work, they are expected to perform their job duties and responsibilities. Personal calls and the use of electronic device should take place primarily outside of working time. For purposes of this policy, “working time” is defined as the time during which employees are performing work or are actually scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working.

**PERSONAL CALLS**

Personal calls made using the **Company**’s telephones, including **company**-provided cellphones, should be limited to business purposes. However, the **Company** recognizes that employees may occasionally need to use **Company** telephones, including **company**-provided cell phones, for non-business-related matters.

Employees are requested to keep all personal calls to an absolute minimum and, except in the case of an emergency, place calls during non-working periods. The abuse of this privilege would interfere with the efficiency of our operations.

**PERSONAL ELECTRONIC DEVICES [OPTIONAL OR CUSTOMIZE]**

Although the **Company** permits employees to bring personal electronic devices, including cellphones, tablets and other portable devices, into the workplace, employees are expected to remember that working time is for work. Therefore, employees should only use personal electronic devices (such as engaging in personal phone calls) during non-working time, including meal and rest breaks. Outside of this time, use of personal devices should be kept to a minimum and for emergencies only.

**[Optional:** Personal electronic devices may be used to play music during working time as long as the devices are not distracting to others and do not interfere with work performance. Employees are required to wear **headphones/earbuds** when listening to a personal electronic device.]

**USE OF ELECTRONIC DEVICES WHILE DRIVING**

Employees are required to take all necessary safety precautions and follow all relevant traffic laws while driving. The use of cell phones and portable electronic devices while driving can be a distraction, and **Company Name** prohibits distracted driving. Employees must take full responsibility for paying attention to the road and are solely responsible for all traffic violations and all liabilities that may result from their actions while operating a vehicle for work.

**ADDITIONAL INFORMATION**

If personal calls and/or use of personal devices becomes excessive, employees may no longer be able to use their personal devices during work hours. Failure to comply could lead to disciplinary action up to and including termination of employment.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights Under the NLRA, in determining the excessiveness of personal calls and the use of personal devices, the **Company** will not interfere with employees' right to organize or engage in protected concerted activity under Section 7 of the National Labor Relations Act (NLRA) which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

## ELECTRONIC RESOURCES

This policy describes the **Company**'s general guidelines for using its electronic resources, including electronic mail (email), voicemail, Internet access and computer systems.

**IMPROPER USE**

Employees should use the **Company**'s electronic resources with the understanding that these resources are provided for the benefit of the **Company**'s business. **[Optional:** Employees may use **Company** electronic resources for personal use, during non-work times, as long as such use complies with **Company** rules and applicable law.**]** Employees should never use the **Company**'s electronic resources for personal use in a manner that interferes with their work duties or any responsibilities to **customers/clients**.

Sending, saving, accessing, or viewing obscene or similarly offensive material on the **Company**'s electronic resources is prohibited. Messages stored and/or transmitted by the **Company**'s electronic resources, including the computer, voicemail, email or the telephone system, must not contain content that may reasonably be considered to be obscene or other patently offensive material. Prohibited material includes, but is not limited to, sexual comments, jokes or images related to legally protected classifications, racial slurs, gender-specific comments, or any comments, jokes or images that would discriminate against or harass someone on the basis of their race, color, sex, age, national origin or ancestry, disability, or any other category protected by federal, state or local law. Likewise, any use of the Internet, email or any other electronic resource to engage in harassment or discrimination prohibited by **Company** policies is unlawful and strictly prohibited. Violators may be subject to discipline, up to and including termination of employment.

Unless otherwise noted, all software on the Internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without permission from the copyright holder.

**NO SOLICITATION**

The **Company**'s electronic resources must not be used for solicitation purposes during working time. The **Company**'s no solicitation rule applies to the use of electronic resources.

**SOFTWARE CODE OF ETHICS**

Employees may not duplicate any licenses, software or related documentation for use either on the **Company**'s premises or elsewhere unless the **Company** is expressly authorized to do so by agreement with the licenser. Unauthorized duplication of software may subject users and/or the **Company** to both civil and criminal penalties under the United States Copyright Act. Employees may not give software to any outsiders including contractors, **customers/clients** or others without approval from **WHO**. Employees may use software on local area networks or on multiple machines only in accordance with applicable license agreements. Employees may not download software from the Internet and install it on their computers.

The **Company** reserves the right to audit any **Company** computer to determine what software is installed on the local drive(s).

**EMPLOYEE’S RESPONSIBILITY**

Each employee is responsible for the content of all text, audio or images that they place or send using the **Company**'s electronic resources. The same standards should be utilized for the creation of email messages in connection with an employee's work as would be utilized for other **Company** correspondence or memoranda.

**COMPUTER AND SYSTEMS SECURITY**

All computers and the data stored on them are, and remain at all times, the property of **Company Name**. As such, all messages created, sent or retrieved over the Internet or the **Company**'s electronic mail systems are the property of the **Company** and should be considered **Company** information. The **Company** reserves the right to retrieve and read any message composed, sent or received using the **Company**'s electronic resources, including all computer equipment and the electronic mail system, for any business reason, including but not limited to, ensuring compliance with this and all **Company** policies.

Employees should be aware that even when a message is deleted or erased, it is still possible to recreate the message; therefore, ultimate privacy of a message cannot be ensured to anyone. Accordingly, Internet and email messages are not private. Furthermore, all communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

Employees should also be aware that duplicates of email transmitted through a personal, web-based email account using **Company** equipment could be stored on that equipment; likewise, information regarding Internet sites that an employee has accessed may also be stored.

**EMAIL CONTENT SCREENING**

The **Company** maintains the right to screen all inbound and outbound email content. Email messages or attachments that contain obscene or similarly offensive material may be quarantined and held from transmission or receipt until the sender or recipient can verify the message or attached document is work-related.

The **Company** may, in its discretion, review communications to and from a personal account, subject to applicable state laws.

If an employee wants to communicate with an attorney or send an otherwise confidential piece of communication that they do not want the **Company** to monitor, the employee should consider using a personal email address and personal computer equipment. If an employee does use **Company** equipment, they consent to any monitoring by the **Company** and should understand that they have no right to privacy with respect to such communications, to the extent permissible under applicable law.

**ELECTRONIC MONITORING [Include for NY employers, who conduct electronic monitoring]**

Employees should also refer to **Company Name**’s Notice of Electronic Monitoring for additional monitoring practices that may be conducted by the **Company**.

Employees will be required to **[sign an acknowledgement/provide an electronic acknowledgment]** of having received the Notice of Electronic Monitoring **[if a signed acknowledgment is obtained:** and provide it to **WHO]**. A copy of the **[signed acknowledgement/electronic acknowledgment]** will be kept in the employee’s personnel **file/record**.

**[OPTIONAL:** **VIRUS PROTECTION**

To prevent computer viruses from being transmitted through the system, employees are not authorized to download any software from the Internet onto their computer or any drive in that computer.

The **Company** maintains virus protection software on all network servers and filters all inbound and outbound email for virus attachments. Email containing a virus will be quarantined and both the sender and recipient will be informed. If the virus can be removed, the message will be forwarded to the recipient.**]**

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights Under the NLRA, the **Company** will not monitor employees for any unlawful purpose including monitoring, or giving the impression of monitoring, employee union activity and protected concerted activity under Section 7 of the National Labor Relations Act (NLRA).

## OUTSIDE EMPLOYMENT

The **Company** does not prohibit employees from holding other employment. If the need arises, employees may accept outside employment providing the following provisions are observed.

**CONFLICT OF INTEREST**

Outside employment must not interfere in any way with an employee’s work schedule, job duties and responsibilities to our **Company** orcreate an actual or perceived conflict of interest.

The following are examples of conflicts of interest:

* Acting as a director, officer, consultant, agent or employee of a supplier, customer, competitor or other business entity that engages in business with the **Company**;
* Owning a material interest in, being a creditor of or having other financial interest in a supplier, **customer/client**, competitor or other business entity that engages in business with the **Company**;
* Receiving from or giving to any supplier, **customer/client** or competitor gifts, gratuities, special allowances, discounts or other advantages not generally available to employees of the **Company**;
* Having any significant direct or indirect personal interest in a business transaction involving the **Company**;
* Conducting outside activities that materially detract from or interfere with the full and timely performance of an employee's services for the **Company**; or
* Influencing commercial transactions involving purchases, contracts or leases in a way that would have a negative impact on the **Company** or its business.

**NOTIFICATION**

If an employee finds that they have, or are considering the assumption of, a financial interest, an outside employment relationship or other activity that might involve a conflict of interest, as discussed in this policy, or if the employee is in doubt as to whether any conduct or activity may constitute a conflict of interest, the employee must promptly discuss the matter with **WHO** and refrain from acting on the **Company**'s behalf in any manner that might reasonably be considered to be a conflict of interest or affected by any adverse interest. If the matter is deemed to be a conflict of interest, the affected employee must withdraw from the matter.

**ADDITIONAL INFORMATION**

The **Company** will not assume any responsibility for an employee’s outside employment. Specifically, the **Company** will not provide workers' compensation coverage or any other benefit for injuries occurring from, or arising out of, such outside employment.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights Under the NLRA, this policy in no way prohibits employee affiliations, activities or communications that are protected under applicable state and federal laws, including but not limited to any activity that is protected under Section 7 of the National Labor Relations Act (NLRA), which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

## SOCIAL MEDIA

**Company Name** recognizes that many employees engage in social media activity. This policy establishes a set of rules and guidelines for any activity and participation in “social media” by all **Company Name**'s employees. These rules are intended to be adaptable to the changes in technology and norms of online communication and behavior and may be amended by **Company Name** at any time, for any reason. This policy also applies to social media activity when on or off duty, while using the **Company**'s or personal electronic resources, and whether the employee posts anonymously or using a pseudonym.

**DEFINITIONS**

For purposes of this policy, “social media activity” includes any website or forum that allows for open communication on the internet, including, but not limited to, postings on social networking sites, such as Facebook, Instagram, Snapchat and LinkedIn; blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging, such as X (formerly known as Twitter) or Threads; and postings of video or audio on media-sharing sites, such as YouTube or TikTok.

The term “social media” applies to any web-based and mobile technologies, in use now or developed in the future, that enable individuals or entities to disseminate or receive information, communicate or otherwise interact and includes, without limitation, email, texting, messaging, social networking, blogging, micro-blogging, bulletin boards and so on.

**PERSONAL OPINIONS**

Employees should express only personal opinions online and should never represent themselves as a spokesperson for **Company Name** unless given explicit permission or approval to do so. Employees who choose to post online content relating to **Company Name** should make it clear that they are not speaking on behalf of **Company Name**.

**FOLLOW EXISTING POLICIES AND TERMS OF USE**

Employees are required to observe and follow: (a) existing **Company Name** policies and agreements, such as our **Employee Handbook**; (b) the policies and terms of use of the particular social media forum or service that is being used; and (c) applicable laws and regulations. This means that employees should not use social media to post or display comments that are knowingly false, defames the **Company**, or depicts the employee engaging in conduct that is unlawful or in violation of **Company Name**’s workplace policies against workplace violence or discrimination and harassment based on any protected status under federal, state or local law.

Thus, the rules in **Company Name**’s **Employee Handbook** including but not limited to its **Equal Employment Opportunity, Harassment & Discrimination Prevention, Code of Ethics, Standards of Conduct, Electronic Resources and Workplace Violence** policies apply to employee behavior on social media and in public online spaces.

Employees may not post any information or conduct any online activity that violates applicable federal, state or local laws and regulations. Any conduct which is impermissible under the law if expressed in any other form or forum is also impermissible if expressed through social media. In addition, most social media websites/services have rules concerning the use of and activity conducted on their sites. These are sometimes referred to as “Terms of Use.” Employees must follow the established terms and conditions of use that have been established by the venue and not do anything that would violate those rules.

As more fully described in the **Company**’s Statement of Rights Under the NLRA, these prohibitions do not apply to employees' right under Section 7 of the National Labor Relations Act (NLRA) to engage in protected concerted activity, such as complaining about and discussing wages, hours and working conditions.

**SAFEGUARD CONFIDENTIAL PERSONAL AND PROPRIETARY INFORMATION**

Employees should exercise caution when posting their own or others' personal information. It is inappropriate to use or disclose “confidential personal information” (as defined below) about another individual or use or disclose **Company Name**’s “proprietary confidential information” in any form of social media.

For purposes of this policy, “confidential personal information” refers to information that could be used to commit identity theft such as an individual's Social Security Number, financial account numbers, date of birth, driver’s license number or personal medical information (including family medical history).

**Company Name**’s “proprietary confidential information” refers to internal information regarding **Company Name**’s finances, future performance and operational plans, operational and brand strategies and information which is or relates to **Company Name**’s trade secrets.

Confidential proprietary information does not include information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment, if used for purposes protected by Section 7 of the NLRA such as joining or forming a union, engaging in collective bargaining, or engaging in other concerted activity for their mutual aid or protection.

All **Company Name**’s rules regarding **Company Name**’s confidential proprietary information and confidential personal information, apply in full to social media, such as blogs or social networking sites.

**IDENTIFY YOURSELF IN ENDORSEMENTS**

Employees must clearly and conspicuously disclose their affiliation with **Company Name** if they endorse, comment on or promote the **Company**'s **[products or services]** in social media.

**EXPECTATIONS OF PRIVACY**

Consistent with **Company Name**’s **Electronic Resources** policy, **Company Name** may access and monitor its Information Systems and obtain the communications within the systems, including email, Internet usage and the like, with or without notice to users of the system, in the ordinary course of business when the **Company** deems it appropriate to do so. When using such systems, employees should have no expectation of privacy regarding time, frequency, content or other aspects of use, including the websites the employee visits and other Internet/Intranet activity. The reasons **Company Name** accesses and monitors these systems include, but are not limited to maintaining the system, preventing or investigating allegations of system abuse or misuse, assuring compliance with software copyright laws and complying with legal and regulatory requirements.

The **Company** will monitor social media to the fullest extent permitted by applicable law and will take disciplinary action against those who violate the policy. In monitoring social media, the **Company** will not in any way interfere with any employee rights under Section 7 of the NLRA.

**PERSONAL USE OF SOCIAL MEDIA DURING WORKING HOURS[OPTIONAL]**

**Company Name** respects the right of any employee to participate in social media, such as maintaining a blog or participating in online forums. However, to ensure proper employee focus on job duties and adequate functioning of **Company** equipment, employees are not permitted to engage in social media activities during working time. For purposes of this policy, “working time” is defined as the time during which employees are performing work or are scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working. Moreover, employees must avoid usage that may interfere with the system’s productivity, such as large attachments or audio/video segments.

**IDENTIFY ANY COPYRIGHTED OR BORROWED MATERIAL WITH CITATIONS AND LINKS**

When publishing any online material through social media, employees must respect and follow all copyright and other intellectual property laws and should use citations and links to original material, where possible. Employees are prohibited from using the **Company**'s logos for any business/commercial venture without prior written approval.

**ADDRESSING WORK-RELATED CONCERNS**

For the most efficient resolutions employees are encouraged to address work-related concerns consistent with the **Company**’s **Open Communication** policy by contacting their **supervisor/manager, Human Resources** or any other member of management with whom they feel comfortable rather than through social media. This statement is not intended to prohibit employees from using social media or otherwise violate Section 7 rights under the NLRA.

**NO RETALIATION**

**Company Name** will not take adverse action (e.g., discipline, transfer, termination) against any employee for reporting a possible violation of this policy or cooperating in any investigation with respect to a policy violation. Any employee who retaliates against another employee in violation of this policy will be subject to disciplinary action, up to and including termination.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights, the **Company** will not enforce the social media policy in a manner that would interfere with employees' rights under the National Labor Relations Act **[or under a collective bargaining agreement]** to discuss the terms and conditions of employment.

**ADDITIONAL INFORMATION**

Contact **WHO** for additional information or clarification of any aspect of this policy.

## USE OF COMPANY EQUIPMENT AND RESOURCES

When using **[Company vehicles or other property]**, employees are expected to exercise care, maintain the property in safe working order, and follow all operating instructions, safety standards and guidelines.

**COMPANY EQUIPMENT**

Employees should notify **WHO** if any **equipment, machines, tools or vehicles** appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Employees who have questions about their responsibility for maintenance and care of equipment or vehicles used on the job should consult **WHO**.

**[Optional for employers who have Company vehicles:** All employees are expected to comply with all federal, state and local laws while operating **Company** vehicles and other equipment. The **Company** may discipline employees who engage in unlawful conduct.**]**

**COMPANY RESOURCES**

The **Company** has significantly invested in telephone lines, **laptops/computers**, fax machines, photocopiers and other types of business equipment, internet access and software that are vital to keeping our operations flowing smoothly and effectively. The **Company**'s resources are limited and, except as provided in the **Electronic Resources** policy, should be used for business transactions only and not for personal use, unless explicitly authorized by **WHO**.

**USE OF COMPANY PROPERTY/VEHICLES**

**Company** **property** may not be removed from the premises **[**or **vehicles/equipment** may not be operated for personal use**]** without the prior written approval of **WHO**.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights Under the NLRA, **Company Name** will not monitor employees’ use of company-provided equipment for any unlawful purpose including giving the impression of monitoring, employee union activity and protected concerted activity under Section 7 of the National Labor Relations Act (NLRA).

## EMPLOYEE HANDBOOK [& STATE ADDENDUM] RECEIPT ACKNOWLEDGEMENT

I acknowledge receipt of **Company Name**’s **Employee Handbook** **[insert if there are state specific Handbook Addendums:** including the state specific Handbook Addendum for the state in which I work] which describes **Company** policies, an overview of current employee benefits and my obligations.

I understand that the policies contained in this Handbook **[insert if there are state specific Handbook Addendums:** and the state specific Handbook Addendum] are not intended to create a contract of employment nor is any other communication by a management representative, either express or implied, intended to be a contract, unless explicitly stated otherwise in a written agreement signed by **WHO** of our **Company**.

I understand that this Handbook **[insert if there are state specific Handbook Addendums:** and the state specific Handbook Addendum] **is/are** not a guarantee of employment for any set period and that either the **Company** or I may terminate my employment at any time, with or without cause. Furthermore, I understand that the policies and benefits described in this Handbook **[insert if there are state specific Handbook Addendums:** and the state specific Handbook Addendum] may be added to, revised or deleted at any time.

I further understand that the benefit information found in this Handbook **[insert if there are state specific Handbook Addendums:** and the state specific Handbook Addendum] **is/are** intended to provide an overview of the benefit plans. The actual benefits may be controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of those plans will be answered in accordance with the actual plan documents and insurance policies, rather than the summaries contained in this Handbook **[insert if there are state specific Handbook Addendums:** and the state specific Handbook Addendum]. Employees may obtain copies of these documents from **WHO**.

I understand and acknowledge that nothing in this Handbook **[insert if there are state specific Handbook Addendums:** and the state specific Handbook Addendum,**]** or in any other document or policy is intended to prohibit me from reporting concerns, making lawful disclosures or communicating with any governmental authority about conduct I believe violates any laws or regulations. I also understand and acknowledge that nothing about the policies and procedures set forth in this Handbook **[insert if there are state specific Handbook Addendums:** and the state specific Handbook Addendum] should be construed to interfere with any employee rights provided under federal, state or local law, including Section 7 of the National Labor Relations Act (NLRA), as more fully described in the **Company**’s Statement of Rights Under the NLRA.

I have read, understand and agree to comply with the contents of this Handbook **[insert if there are state specific Handbook Addendums:** and the state specific Handbook Addendum]. It is understood that **Company Name** retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the **Company**.

If I have any questions about the information contained in this Handbook **[insert if there are state specific Handbook Addendums:** and the state specific Handbook Addendum], I will discuss them with my **supervisor/manager** and/or **WHO**.

 Employee's Name (Printed)

 Employee's Signature

 Date

# NEW POLICIES

## STATEMENT OF RIGHTS UNDER THE NLRA

The policies contained in this **Employee Handbook** in no way prohibit employees from engaging in activities that are protected under applicable federal, state or local laws, including, but not limited to, any activity that is protected under Section 7 of the National Labor Relations Act (NLRA), including without limitation, employees right to engage in:

* Organizing a union to negotiate with their employer concerning their wages, hours, and other terms and conditions of employment;
* Forming, joining, or assisting a union, such as by sharing employee contact information; Talking about or soliciting for a union during non-work time, such as before or after work or during break times, or distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms;
* Discussing wages and other working conditions with co-workers or a union;
* Taking action with one or more co-workers to improve working conditions by, among other means, raising work-related complaints directly with the employer or with a government agency, or seeking help from a union;
* Striking and picketing, depending on its purpose and means;
* Taking photographs or other recordings in the workplace, together with co-workers, to document or improve working conditions, except where an overriding employer interest is present;
* Wearing union hats, buttons, t-shirts, and pins in the workplace, except under special circumstances; and
* Choosing not to engage in any of these activities.

**NO RETALIATION**

**Company Name** will not retaliate against an employee because they exercise their rights in accordance with this policy. Employees who have questions concerning this policy or feel they have been retaliated against for engaging in protected activities should contact **WHO**.

**Policy Notes**

**National Labor Relations Act.** The [NLRA](https://www.nlrb.gov/resources/faq/nlrb#t38n3208) does not apply to federal, state or local governments including public schools, libraries, and parks, Federal Reserve banks, and wholly owned government corporations. See this [Jurisdictional Standards page](https://www.nlrb.gov/rights-we-protect/law/jurisdictional-standards) for more information.

Remember to remove references to the NLRA in any applicable policies for employee handbooks that are developed for any of the aforementioned federal, state and local governments.

## HATE SYMBOLS IN THE WORKPLACE

**Company Name** is committed to creating a workplace free from harassment and discrimination, and we believe that a workplace free from hate symbols is essential for creating a productive and positive work environment.

**DEFINITION OF HATE SYMBOLS**

Hate symbols are defined as any symbols, words or phrases that are used to promote or express hatred, discrimination against or harassment of a particular group of people based on protected classes under federal, state or local law including but not limited to race, religion, ethnicity, national origin, sex, sexual orientation, gender identity, disability or veteran status.

**DISPLAY OF HATE SYMBOLS**

The display of hate symbols in the workplace are considered a violation of the **Company**’s policies on **Equal Employment Opportunity, Harassment & Discrimination Prevention and Standards of Conduct** as they can create a hostile work environment for employees who are members of the groups being targeted. Hate symbols can also damage the **Company**'s reputation and relationships with **customers/clients**.

Employees are prohibited from displaying hate symbols in the workplace, including on their clothing, tattoos, or other personal items. This policy applies to all areas of the workplace, including offices, common areas, break rooms, visible areas of a virtual or remote workspace or the **Company**’s parking lot.

**EXAMPLES OF HATE SYMBOLS**

The following are examples of symbols that have been historically associated with hate:

* Anti-Semitic symbols such as Swastikas;
* Neo-Nazi symbols;
* Numeric hate symbols;
* Certain flags such as the Confederate flag or Nazi Party flag;
* Ku Klux Clan symbols; or
* Any other hostile symbols, images or slogans that target someone’s protected identity.

This list is not exhaustive and there are many other symbols that can be considered hate symbols. If you are unsure whether or not a particular symbol is a hate symbol, please ask **WHO**.

**TATTOOS**

Employees with hate symbol tattoos are required to cover them up while at work. This can be done by wearing clothing that covers the tattoo, such as long sleeves or pants.

**ENFORCEMENT**

Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment.

**REPORTING VIOLATIONS**

Employees who see someone violating this policy should report it to **WHO** immediately. Reports will be investigated promptly and confidentially to the greatest extent possible and consistent with the investigation process outlined in our **Harassment & Discrimination Prevention** policy.

**NO DISCRIMINATION AND NO RETALIATION**

The **Company** will not demote, terminate, discriminate, retaliate or otherwise take adverse action against an employee who makes a complaint or participates in an investigation related to this policy. Employees who feel that they have been discriminated against or retaliated against should report the matter to **WHO**.

**Policy Note**

All symbols must be evaluated carefully in the context in which they appear. Few symbols represent just one idea or are used exclusively by one group. For additional information on symbols that me be associated with hate, refer to the [Anti-Defamation League’s website for resources including a Hate Symbols Database](https://www.adl.org/resources/hate-symbols/search?gad_source=1&gclid=CjwKCAiA-P-rBhBEEiwAQEXhH5IHRRvnJmv3Abv-bxPr0F2buNd5DwTgllNHLhk2yOtrQ--wrZRugBoCPIAQAvD_BwE&gclsrc=aw.ds).

## USING YOUR OWN DEVICE

Employees are permitted to use personal mobile devices such as cellphones, and personal electronic devices such as personal computers and tablets, for work-related purposes and access to the **Company**’s email, network and applications provided employees follow the procedures outlined in this policy.

**ACCEPTABLE BUSINESS USE**

The **Company** considers acceptable business use as activities that directly or indirectly relate to, concern or support **Company Name**'s operations.

**Company Name** reserves the right to terminate the use of personal mobile devices for business purposes if the employee violates any provision of this or any other **Company** policy.

**PERSONAL USE**

Employees should aim to keep personal conversations and communications on personal mobile devices to a minimum during working hours. Employees should try not to engage in personal conversation on personal mobile devices during meetings, training sessions, presentations, client meetings or at any time when **customers/clients** are present **[on the shop/retail floor or insert any prohibited locations]** unless advised otherwise by the **Company**. Employees have a right to use their personal mobile devices for communications in furtherance of their rights under Section 7 of the National Labor Relations Act (NLRA) and to engage in protected concerted activity.

**PROHIBITED USE**

Personal mobile devices used for business purposes may not be used to store or transmit pornographic, obscene, harassing or offensive material and content, to store or transfer confidential and proprietary information belonging to another individual or company, to store or transmit materials in violation of any **Company** policy, or to engage in outside business activities unrelated to the employer. In aiming to limit improper use of personal mobile devices, such prohibitions do not apply to communications related to protected concerted activity under Section 7 of the NLRA.

**PERMITTED DEVICES**

Employees may use the following devices for business use: **[Enter Device Names]**. In order to use a personal mobile device for business purposes, it must be explicitly approved by **WHO**. If an employee has a question regarding whether a device is permissible, the employee should contact **WHO**.

**PERMISSIBLE ACCESS**

Employees may use personal mobile devices for business use and to access the following **Company Name**’s networks, services, data and applications. Employees are prohibited from accessing certain websites such as **[enter websites]** during working hours and while connected to the employer's network at the discretion of the **Company** or the employee's **supervisor/manager**.

**SECURITY**

Employees may not access certain websites or applications while connected to the **Company**'s network that will be distracting, violate any **Company** policy, or pose a threat to or compromise the integrity of the employer's network. These include **[insert which applications are not permissible]**.

**PASSWORD PROTECTED**

In order to guard against unauthorized access and use, all personal mobile devices used by **Company Name**'s employees for business purposes must be password-protected and may require dual authentication.

**CONFIDENTIAL DATA**

**Company Name** 's confidential and proprietary information and trade secrets shall not be stored on an employee's personal mobile device and the employee should gain access to such information remotely through the **Company’s** secure network. In the event that the employee must store or transmit data from the device, such information should be encrypted so as to protect the confidentiality of the information. This provision does not apply to information regarding employees or employee terms and conditions of employment related to employee rights under Section 7 of the NLRA.

**IT SUPPORT**

Employees should contact **WHO** for IT support regarding issues related to the use of personal devices for work-related purposes.

**COST**

**Company Name** **(will/will not)** contribute monies to employees to cover the cost of the mobile device. **Company Name** **(will/will not)** reimburse the employee for the cost of the plan and all applicable charges.

**BACK UP**

By using a personal mobile device for business purposes, employees are explicitly agreeing to have information backed up by the employer's server or cloud-based storage.

**MONITORING**

If an employee chooses to use a personal device for business purposes, the **Company** may monitor business-related communications occurring on the personal mobile device and that the employee is on notice that the expectation of privacy is limited under these circumstances. **Company Name** will not monitor employees for any unlawful purpose including monitoring, or giving the impression of monitoring, employee union activity and protected concerted activity under Section 7 of the NLRA.

**[Include for NY employers, who conduct electronic monitoring:** Employees should also refer to **Company Name**’s Notice of Electronic Monitoring for additional monitoring practices that may be conducted by the **Company**.

**LOSS OF DEVICE OR UNAUTHORIZED ACCESS**

If a personal mobile device that is used for business purposes is lost, stolen or misplaced or accessed without authorization by a third party, the employee should notify **WHO** immediately. **Company Name** retains the right to remotely wipe the device in order to protect **Company Name**'s systems and so that the **Company**'s network is not compromised.

**VIRUS/SECURITY THREAT**

Employees are required to have all devices contain approved virus detection and prevention software as well as personal firewall protection to separate personal information and business information. In the event of a virus or threat to the **Company Name** data, information and computer networks, **Company Name** retains the right to remotely wipe the device in order to protect the employer's systems and so that the employer's network is not compromised.

**SAFE DRIVING**

**[Insert if Operations of Vehicles for Company Business is also included:** Consistent with the guidelines in the Operations of Vehicles for Company Business policy,**]** **employees/Employees** are expected to follow all laws regarding the use of cellular phones and personal mobile devices while driving a **Company Name** vehicle or while conducting employer-related business on a personal mobile device. This includes the use of a personal mobile device to send or receive text messages or emails. Employees are not permitted to use a personal mobile device while driving unless using a hands-free feature and must engage in safe operation of all vehicles.

**APPLICABILITY OF ALL OTHER POLICIES**

Employees must abide by all policies of the employer including those policies regarding **Equal Employment Opportunity, Harassment & Discrimination Prevention, Workplace Bullying, Code of Ethics, and Standards of Conduct**. The provisions regarding the protection of confidential information belonging to the employer and **customers/clients** does not apply to information regarding employees or employee terms and conditions of employment related to employee rights under Section 7 of the NLRA.

**EMPLOYEE TERMINATION**

If the employee terminates employment or employment is terminated by **Company Name**, the **Company** retains the right to remotely wipe the device in order to protect the employer's systems and so that the employer's network is not compromised.

**DISCIPLINARY ACTION**

**Company Name** reserves the right to take appropriate disciplinary measures, up to and including termination, if an employee fails to comply with the provisions of this policy.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights Under the NLRA, when applicable, protected concerted activity covered by the NLRA **[or the particular collective bargaining agreement]** is not prohibited by this policy. This policy in no way prohibits employee communications that are protected under applicable state and federal laws, including but not limited to any activity that is protected under Section 7 of the NLRA which includes the right of employees to speak with others about their terms and conditions of employment.

# POLICY UPDATES ACKNOWLEDGMENTS

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| --- |
| EMPLOYEE HANDBOOK RECEIPT2024 POLICY UPDATES |

**The following policies have been revised or updated:**

* Policy **[insert policy number and/or title, description of change based on client preference]**
* Policy **[insert policy number and/or title, description of change based on client preference]**

**The following policies have been added to the Employee Handbook:**

* Policy **[insert policy number and/or title, description of change based on client preference]**
* Policy **[insert policy number and/or title, description of change based on client preference]**

**The following policies have been removed from the Employee Handbook:**

* Policy **[insert policy number and/or title, description of change based on client preference]**
* Policy **[insert policy number and/or title, description of change based on client preference]**

I acknowledge receipt of the updated **Company Name** Employee Handbook. I understand that these policies, as well as the policies contained in the **Company**’s Employee Handbook, are not intended to create a contract of employment nor is any other communication by a management representative, either expressed or implied, intended to be a contract, unless explicitly stated otherwise in a written agreement signed by the **WHO** of the **Company**.

I understand that neither these policies nor other Employee Handbook policies are a guarantee of employment for any set period and that either the **Company** or I may terminate my employment at any time, with or without cause. Furthermore, I understand that the policies and benefits described in the Employee Handbook may be added to, revised or deleted at any time.

I further understand that the benefit information found in this **Handbook** is intended to provide an overview of the benefit plans. The actual benefits may be controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of those plans will be answered in accordance with the actual plan documents and insurance policies, rather than the summaries contained in this **Handbook**. Employees may obtain copies of these documents from **WHO**.

**I have read, understand and agree to comply with** **these policies**.

If I have any questions about the information contained in this Handbook, I will discuss them with my **supervisor/manager** and/or **WHO**.

Employee's Name (Printed)

Employee's Signature

Date