

**CORTLAND COUNTY BUSINESS DEVELOPMENT CORP.  
PERSONNEL POLICY  
DECEMBER 2019**

For the purpose of this personnel policy, individuals who are employees of the Cortland County Business Development Corp. ("Corporation") shall be considered "Personnel," including full time administrative staff, interns and part-time employees. "Personnel" shall not include vendors, service providers or other independent contractors.

**Implementation of Personnel Policy**

The board of directors shall be responsible for the implementation and administration of this personnel policy. The Executive Director shall be responsible for the distribution of the policy and day-to-day oversight of the policy guidelines.

**Equal Employment Opportunity**

It is the policy of the Corporation to grant equal opportunity to all persons without regard to race, color, sex, creed, age, gender, national origin, ancestry, sexual orientation, or physical handicap. The Corporation will comply, to the best of its ability, with all applicable employment opportunity requirements. Complete records of the hiring process will be kept on all job openings not filled from within the organization.

It is the intent and desire of the Corporation to provide equal opportunity in wages, promotions, benefits, and all other privileges, terms and conditions of employment.

**General Grievance Procedures**

Personnel are assured a fair hearing for grievances. Employees should first attempt to resolve any problem with their immediate supervisor on an informal basis. If the employee is not satisfied that the grievance is properly resolved, the matter may be referred, in writing, to the board of directors.

Grievances with the Executive Director should be first directed to the Personnel Committee.

All grievances will be resolved as expeditiously and confidentially as possible.

**Disciplinary Action**

Sexual harassment or sexual discrimination in the workplace by personnel will not be tolerated and:

- Will result in disciplinary action up to, and including, termination. Termination for this reason shall be considered as taken "with cause"; and
- May result in personal liability to the offending employee.

### Reporting

The Executive Director shall report any complaint under this section received in writing to the chair of the personnel committee immediately upon receipt of the complaint. Within 10 days of the initial report to the committee, another report should be made to the committee with a description of actions taken to resolve the complaint.

### Appeal Process

Any party that disagrees with the determination made pursuant to this policy shall have the right to appeal within five business days to the personnel committee, as a whole, whose decision will be binding on all parties.

### Supervisory Responsibility

All company personnel who hold supervisory authority over other personnel shall take such action as may be needed to assure that sexual harassment and sexual discrimination does not occur during their employment at the Cortland County BDC.

### **Illegal Substances and Alcohol**

Personnel shall not consume, trade, purchase or sell illegal substances while employed by the Corporation. Personnel shall not be under the influence of illegal substances or alcohol at any time during working hours or while otherwise engaged in their duties of employment with the Cortland County Business Development Corporation. Personnel violating this rule are subject to immediate termination.

### **Conflict of Interest:**

Personnel shall comply with the Corporation's Code of Ethics policy, as may be amended from time to time.

### **Expenses**

Expenses will be reimbursed for usual and customary amounts incurred while engaged in the duties of employment. The types of expenses that might be reimbursable would include routine office supplies and travel expenses in accordance with the Corporation's travel policy.

### **Confidentiality**

The Corporation is often entrusted with confidential and proprietary matters. Personnel, including members of the board of directors, are responsible for maintaining these confidences and treating all information received in a confidential manner. Decisions as to the release of information rest with the Executive Director and, ultimately, the board of directors. Personnel should never disclose confidential information to the public and are not authorized to speak on behalf of the Corporation without first obtaining authorization from the Executive Director.

Personnel files are confidential, to be accessed by the Executive Director and the chairman of the personnel committee.

### **Business Office Hours**

Business office hours are to be set by the Executive Director to ensure that the administrative offices are accessible to the public during normal business hours. While subject to change by the Executive Director, typical office hours are 8:30 a.m. to 5:00 p.m. Monday through Friday.

Personnel are allowed a one-hour lunch break.

### **Salaried Employee Work Week**

The employee work week will average not less than 40 hours. Given the nature of the enterprise, it is expected that some work weeks during the year will require more than 40 hours per week. On these occasions, full assistance and cooperation is expected. While the Corporation shall comply with the law in relation to compensation for overtime, the Corporation does not currently have employees entitled to overtime compensation. The Executive Director may authorize compensatory time made available for staff. The chairman of the board may authorize compensatory time for the Executive Director. All compensatory time must be authorized in advance.

### **Performance Evaluations**

An employee shall be reviewed after the probationary period, as well as on an annual basis. The job description serves as a basis for evaluating employee performance. The Executive Director is responsible for implementing staff performance evaluations and making recommendations to the personnel committee and executive committee on appropriate changes to job title and content, classification, performance and wage increases. Every employee's performance shall be reviewed and discussed with the employee by the Executive Director. Performance evaluations will be performed prior to the end of each fiscal year as part of the Corporation's budget process.

The Executive Director shall be reviewed on an annual basis by the personnel committee and the executive committee. The job description serves as the basis for evaluating performance. The personnel and executive committees will make recommendations to the full board as to wage increases and/or performance compensation for the Executive Director.

### **Compensation**

Personnel shall be paid on a bi-weekly basis. A record of hours by non-exempt personnel must be completed and submitted to the Executive Director prior to payment of wages.

Employee compensation shall be set at the time of hiring, with any subsequent variations to be included in the corporation's annual budget. Pay increases will be subject to the

recommendations of the personnel and executive committees, relying on a review of the annual performance evaluations and discussions with the Executive Director. Any increases will also be limited to the current Consumer Price Index or 2 percent of the employees' annual pay, whichever is greater, although the board does reserve the right to exceed those limits if warranted.

The following positions are considered exempt from overtime compensation:

- Executive Director/CEO
- Economic Development Specialist/CFO
- Office Manager

### **Condition of Employment**

The Executive Director shall interview all potential employees for exempt and non-exempt jobs. Employment is contingent upon approval by the Business Development Corporation Board of Directors.

The first three (3) months of employment is a probationary period. After the probationary period, the employee's performance shall be reviewed and, if satisfactory, that person may continue employment with the Corporation. Only full-time regular staff members are eligible for employee benefits unless otherwise mandated by state or federal law, or as otherwise provided for at the time of employment.

### **Attendance**

It is expected that all personnel will report for work during normal working hours. The Executive Director, and ultimately, the board of directors, is charged with the responsibility and authority to see that office hours and good business practices are observed.

### **Dress Code**

Business casual attire is appropriate, as long as it projects a professional image. Employees must use common sense and good judgment in relation to their attire when working in the office, attending meetings or traveling on business.

### **Injuries/Worker's Compensation**

Regardless of the severity or nature, all injuries incurred on the job must be reported to the Executive Director within one working day. Depending on the nature of the injury, it may also be reported to the Cortland County Director of Planning, who has been appointed the ad hoc "safety officer" for the 37 Church Street Building, which is owned by Cortland County.

If required, an accident report shall be filed no later than 24 hours after the incident. The Executive Director shall notify the insurance carrier immediately. The Corporation maintains such workers' compensation insurance as required by law.

## **Leave**

All personnel shall be allowed leave days annually to be used for the following purposes:

*Sick leave* The Corporation reserves the right to deal individually with each case of absence due to illness. In general, personnel shall be entitled to a maximum of 5 days paid sick leave per calendar year. In the case of extended illness and recuperation from injury and other medical conditions, additional paid time off is available upon submission of a physician's statement and with approval of the Executive Director, the personnel committee and the board of directors.

Personnel are also entitled to disability benefits as required by New York State Disability law.

In every case of illness, a call must be made early on the first day of absence to notify the Executive Director.

Sick leave does not accumulate from year to year. Personnel will not be paid for unused sick leave when they resign, retire, or otherwise leave the Corporation.

### Personal Leave

#### *Paid Leave*

Up to maximum of ten (10) days per calendar year is provided to permanent full-time and part-time employees who must miss scheduled work time for personal reasons. Except in the case of emergencies, employees are expected to schedule personal time in advance with the Executive Director.

#### *Bereavement*

Bereavement shall not exceed five (5) consecutive days of paid leave per instance, upon the death of a spouse, parent or child. A one (1) day paid leave will be granted if the employee attends the funeral of any other family member.

#### *Jury Duty*

Employees serving on juries shall receive normal pay less other compensation which may be received from other sources resulting from such jury duty.

### *Paid Family and Medical Leave*

New York's Paid Family Leave Act Provides job-protected, paid time off so employees can bond with a newly born, adopted, or fostered child, care for a family member with a serious health condition, or assist loved ones when a family member is deployed abroad on active military service.

Employees are not eligible to take leave for his or her own medical issues.

Employees eligible for leaves of absence under the NYPFL in 2019 may take a maximum of 10 weeks of benefits within a 52-consecutive week period. The benefit amount will equal

55 percent of an employee's average weekly salary, up to a cap set at 55 percent of the state average weekly wage. In 2019, the NYPFL benefits will be calculated based on the 2017 New York State Average weekly wage of \$1,357.11, setting the maximum weekly benefit at \$746.41 per week.

Payroll contributions toward NYPFL will be 0.153 percent of an employee's weekly salary, at an annual contribution amount less than the cap of \$107.97.

Beginning on January 1, 2020, the maximum length of leave will stay at 10 weeks, but benefits will be calculated based on 60 percent of an employee's weekly wage up to a cap set at 60 percent of the state average weekly wage. On January 1, 2021, the maximum length of leave will increase to 12 weeks in a 52-consecutive week period and benefits will be payable based on 67 percent of an employee's average weekly wage up to a cap set at 67 percent of the state average weekly wage.

Employees are eligible for PFML benefits if employed full-time for 26 weeks or part-time for 175 days at the time the benefits are applied for.

#### Unpaid Family and Medical Leave

The state Paid Family Leave Act does not supersede the federal Family and Medical Leave Act, which guarantees certain employees up to 12 workweeks of unpaid leave each year with no threat of job loss. Personal circumstances, including an employee's temporary inability to perform job duties because of illness or other factors, may result in unpaid leave benefits under the FMLA.

A request for an unpaid leave of absence under the FMLA must be in writing, supported with valid reasoning and, in some cases, physician's certification. Approval by the executive director, personnel committee, and the corporation's board of directors is required.

Benefits under the state and federal statutes must be taken concurrently; employees may not "stack" leave requests. Accrued, paid vacation time may coincide with Family and Medical Leave.

#### Reasons for Leave under the federal statute include

An employee may take family leave for any of the following purposes:

- The birth of a child or the placement of a child with an employee either through adoption or foster care
- To care for a spouse, parent, or child who has a serious health condition requiring either inpatient care or continuing care by a health care provider for a condition requiring more than three days absence from work or school, or which otherwise prevents family members from performing daily activities for more than three days
- Because of a serious health condition that prevents the employee from performing the essential functions of his or her job. Such a condition requires verification from a physician.

### Amount and Crediting of Leave

At the time an employee requests family leave, he or she is entitled to take up to a maximum of 12 work weeks, less the total of any family leave already taken in the previous 12-month period. Leave for the birth or placement of a child must be taken in one continuous period, and must be taken within one year of the birth or placement. Leaves for other purposes may be taken intermittently or on a reduced hour's basis, as approved by the Executive Director and the personnel committee.

### During the Leave

While an employee is on leave, he or she may continue in the company's health benefit plans under the same terms and conditions as active employees. The employee may be responsible for the cost of health care benefits during the leave, at the discretion of the board of directors.

### Returning to Work

When an employee is able to return to work, the Corporation will endeavor to reinstate the employee in the same or equivalent position including current benefit programs and policies. If an employee fails to return to work and there are not extenuating circumstances, the Corporation may require the employee to repay the Corporation for health care premiums paid on his/her behalf by the Corporation during the entire leave.

The Corporation will take the necessary steps to administer this leave policy in accordance with the law, including as to which absences from work will be charged to family leave time.

### Military leave

If an employee is a reservist and is required to attend military training, the employee will be granted a leave of absence without pay for such purpose. The employee should notify the Executive Director as soon as a schedule for such leave is known.

## **Separation and Termination**

All terminations, both voluntary and involuntary, are coordinated through the Corporation board of directors.

Any employee contemplating resigning should discuss matters first with the Executive Director. Personnel who voluntarily leave the employment of the Corporation shall submit a written letter of resignation at least two (2) weeks prior to their last day of work. The Executive Director should give at least four (4) weeks notice to the board of directors. Permanent employees who have resigned will be eligible to receive earned vacation benefits.

The decision to terminate an employee shall be reviewed by the personnel and executive committees and the board of directors.

## **Paid Holidays**

The Corporation, unless otherwise stipulated, shall observe the following holiday schedule, which includes:

New Year's Day	Martin Luther King, Jr., Day
President's Day	Memorial Day
Independence Day	Labor Day
Columbus Day	Veteran's Day
Thanksgiving Day	Friday after Thanksgiving
Christmas Day	(3) Floating Holidays

Employees have the option to taking all holidays per the County's schedule, or taking some of them on floating basis, providing the office has adequate coverage to conduct business.

In the event a holiday falls on a Saturday, the Corporation office will close on the Friday prior. If the holiday falls on a Sunday, the Corporation offices will close on the following Monday.

Permanent part-time employees, who have been employed for more than 12 calendar months, will receive holiday pay equal to their average daily pay during the previous four-week period.

## **Vacation**

The Corporation has a vacation-with-pay schedule. Terms of employee vacation packages are subject to employment agreement and annual performance review, but in general are as follows:

- One week after six months
- Two weeks after a year of employment
- Three weeks after five years of employment; and
- Four weeks after ten years of employment

Permanent part-time employees who have been employed for 12 calendar months are entitled to pro-rata vacation-with-pay based on the average hours worked on full-time work schedule during the previous six-month period.

Vacations can be taken at any time during the year, with prior approval of the Executive Director. Vacation schedules must meet the staffing requirements of the Corporation in order to assure orderly operation.

Employees eligible for three weeks or more vacation should avoid taking three consecutive weeks. The Executive Director may approve exceptions. Employees are encouraged to take at least one full week of consecutive days' vacation per year.

Employees are encouraged to use vacation time within the same calendar year as it is earned. However, employees will be allowed to carry up to ten (10) days of vacation



accrued to the next calendar year. If a holiday falls within an employee's scheduled vacation period, holiday pay will be substituted for that vacation day.

Pay in lieu of vacation time-off is not allowed.

### **Group Health Insurance Program**

The Corporation offers group health insurance benefits for its employees. The schedule of benefits may be obtained from the Chief Financial Officer or Executive Director.

### **Life Insurance Program**

This benefit is offered to exempt employees and may be included in each employee's individual employment terms.

### **Retirement Program**

The Corporation employees participate in a sponsored retirement program. Details and terms are outlined as part of the initial employment offer and updated annually by the board of directors as part of the budget process.

### **Withholdings**

The Corporation shall withhold from the salary of all employees such amounts as may be required by law including, but not limited to, Federal and State income taxes and social security taxes.

**THIS POLICY DOES NOT CONSTITUTE A CONTRACT OF EMPLOYMENT. ALL EMPLOYEES OF THE BDC ARE AT WILL AND MAY BE TERMINATED AT ANY TIME AND FOR ANY REASON OR FOR NO REASON. THE BUSINESS DEVELOPMENT CORPORATON HAS THE RIGHT TO AMEND THIS POLICY AT ANYTIME.**