



Diverse Facility Solutions

EMPLOYEE HANDBOOK – NEW YORK SUPPLEMENT

Guidelines and Resources Manual

DFS-5HR
Revision
1/2/2020

Diverse Facility Solutions

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FOREWORD

Whether you have just joined our staff or have been at Diverse Facility Solutions for a while, we are confident that you will find our company a dynamic and rewarding place in which to work, and we look forward to a productive and successful association. We consider the employees of Diverse Facility Solutions to be one of its most valuable resources. This employee handbook – New York Supplement has been written to serve as the guide for the employer/employee relationship.

There are several things to keep in mind about this employee handbook – New York Supplement. First, it is a supplement to the company's employee handbook and it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to the Human Resource Department. Neither this employee handbook – New York Supplement nor any other company document confers any contractual rights; either expressed or implied, to remain in the company's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated at will with or without cause and without prior notice by the company, or you may resign for any reason at any time. No supervisor or other representative of the company (except the president) has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above.

The procedures, practices, policies and benefits described here may be modified or discontinued from time to time. We will try to inform you of any changes as they occur.

This employee handbook – New York Supplement and the information in it should be treated as confidential. No portion of this employee handbook – New York Supplement should be disclosed to others, except Diverse Facility Solutions employees and others affiliated with Diverse Facility Solutions whose knowledge of the information is required in the normal course of business.

Some subjects described in this employee handbook – New York Supplement are covered in detail in official policy documents. Refer to these documents for specific information because the handbook only briefly summarizes those guidelines and benefits. Please note that the terms of the written insurance policies and plans are controlling and override any statements made in this or other documents.

Whenever there is a conflict between this employee handbook – New York Supplement and any collective bargaining agreement that may be applicable to the employee's employment, the provisions of the collective bargaining agreement shall govern, but only to the extent the collective bargaining agreement complies with federal and state laws and only with respect to the employees included in the bargaining unit.

EMPLOYMENT POLICIES

Equal Employment Opportunity (Harassment and Discrimination)

As set forth in the Handbook, we are committed to equal employment opportunity. In addition to the categories listed in the Handbook, New York City employees and applicants are also protected from discrimination or harassment based on the following legally protected characteristics: alienage/ citizenship status, caregiver status, credit history, domestic violence victim status, gender (including pregnancy, childbirth and related medical conditions), gender identity (including a person's actual or perceived gender-related self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth), lactation requirements, marital status/partnership status, sexual orientation (including heterosexuality, homosexuality, bisexuality, or an individual's actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender, including individuals that identify as asexual or pansexual), unemployment status or wage history. We will not tolerate discrimination or harassment based upon these characteristics or any other characteristic protected by applicable federal, state or local law.

NYC Commission on Human Rights Updated 5/14/2019

NOTICE OF RIGHTS

This establishment is subject to the New York City Human Rights Law ("NYCHRL") which is Title 8 of the Administrative Code of the City of New York.

If you wish to file a complaint with the Commission on Human Rights, you must do so within one year of the last alleged act of discrimination. The Commission's services are provided free of charge. To schedule an appointment, please call 311 or (718) 722-3131.

If you wish to file a complaint in State Court, you must do so within three years after the last alleged act of discrimination. You may not file both with the Commission and in State Court.

To request a training, or to learn more about the Commission's work, visit NYC.gov/HumanRights

EMPLOYMENT

It is illegal to discriminate against employees, interns, job seekers, and some independent contractors on the basis of:

Age • Arrest or Conviction Record • Caregiver Status • Color • Credit History • Disability • Gender • Gender Identity • Immigration Status • Marital or Partnership Status • Military Service • National Origin • Pregnancy • Race • Religion/Creed • Salary History • Sexual & Reproductive Health Decisions • Sexual Orientation • Status as Victim of Domestic Violence, Sexual Violence, or Stalking • Unemployment Status

HOUSING

It is illegal to discriminate against tenants, apartment seekers, and home buyers on the basis of:

Age • Color • Disability • Gender • Gender Identity • Immigration Status • Lawful Occupation • Lawful Source of Income (including housing subsidies) • Marital or Partnership Status • Military Service • National Origin • Pregnancy • Presence of Children • Race • Religion/Creed • Sexual Orientation • Status as Victim of Domestic Violence, Sexual Violence, or Stalking

PUBLIC ACCOMMODATIONS

It is illegal to discriminate in public spaces like stores, restaurants, parks, libraries, or taxis on the basis of:

Age • Color • Disability • Gender • Gender Identity • Immigration Status • Marital or Partnership Status • Military Service • National Origin • Pregnancy • Race • Religion/Creed • Sexual Orientation

DISCRIMINATORY HARASSMENT

It is illegal to physically threaten or use force against someone or to damage property because of:

Age • Color • Disability • Gender • Gender Identity • Immigration Status • Marital or Partnership Status • National Origin • Pregnancy • Presence of Children • Race • Religion/Creed • Sexual Orientation

BIAS-BASED PROFILING BY LAW ENFORCEMENT

It is illegal for law enforcement to target someone because of:

Age • Color • Disability • Gender • Gender Identity • Housing Status • Immigration Status • National Origin • Pregnancy • Race • Religion/Creed • Sexual Orientation


LENDING PRACTICES

It is illegal to discriminate in lending practices or terms because of:

Age • Color • Disability • Gender • Gender Identity • Immigration Status • Marital or Partnership Status • Military Service • National Origin • Pregnancy • Presence of Children • Race • Religion/Creed • Sexual Orientation

RETALIATION

The law prohibits retaliation for opposing a discriminatory practice, filing a complaint of discrimination, assisting in an investigation of discrimination, or testifying in a proceeding related to a discrimination case.

 @NYCCHR

Carmelyn P. Malalis,
Chair/Commissioner

Bill de Blasio,
Mayor

FACT SHEET: Protections Against Employment Discrimination Based on Sexual and Reproductive Health Decisions

As of May 20, 2019, New Yorkers are protected against employment discrimination based on their sexual and reproductive health decisions. This means that employers cannot take any kind of adverse action against an employee motivated in any way by the employee's sexual or reproductive health decisions.

Q. Who is protected?

A. Most employees and job applicants in New York City are protected. If an employer has four or more employees, they cannot discriminate against employees or job applicants. Workers and applicants are protected regardless of whether the position is full-time, part-time, or an internship. Independent contractors who do not have their own employees are also protected.

Q. What are "sexual and reproductive health decisions"?

A. Any decision to receive services related to the reproductive system and its functions. This includes, but is not limited to:

- family planning services and counseling, such as abortion, birth control, emergency contraception, sterilization, and pregnancy testing;
- fertility-related medical procedures; and
- sexually transmitted disease prevention, testing, and treatment.

Q. Does this include the decision to receive hormone therapy or transition-related care for transgender New Yorkers?

A. Yes. Transgender people are protected from discrimination based on their decision to receive hormone therapy or other transition-related care involving the reproductive system or its functions. This may also be discriminatory on the basis of gender, and in some cases, disability.

Q. What kind of actions are prohibited?

A. Employers are prohibited from treating employees less well than other employees or harassing them because of their sexual or reproductive health decisions. Examples of violations include:

- an employer repeatedly criticizes an employee for pursuing in vitro fertilization treatment (IVF), which the employer believes is not "natural;"
- an employer fires an employee after learning that the employee had an abortion;
- a supervisor avoids meetings with one of the employees on their team after learning the employee sought preventive treatment for the human immunodeficiency virus (HIV).

Q. Are employers required to provide accommodations, like time off for a medical procedure or medical appointments, for a sexual or reproductive health decision?

A. No. However, if the procedure or appointments relate to a disability, or to pregnancy, childbirth, or a related medical condition, the employer may be required to provide a reasonable accommodation. Find the Commission's guidance on discrimination based on pregnancy and discrimination based on disability at nyc.gov/site/cchr/law/legal-guidances.page for more information.

Q. What are the consequences for employers who are found to violate the law?

A. They may be required to pay damages, a fine, and/or be subject to additional affirmative relief such as mandated training and posting requirements.

If you have experienced discrimination based on sexual and reproductive health decisions, we can help. Contact the NYC Commission on Human Rights by calling 311 or the Commission's InfoLine directly at (718) 722-3131. For more information, visit [NYC.gov/HumanRights](https://nyc.gov/HumanRights).

Cooperative Dialogue Policy

Pursuant to 2018 amendments to the administrative code of the city of New York, the Company sets forth the following policy for all New York employees:

DFS will engage in a cooperative dialogue within a reasonable time with an employee who has requested an accommodation or who DFS has notice may require such an accommodation for the following reasons:

- 1) For religious needs;
- 2) Related to a disability;
- 3) Related to a pregnancy, childbirth or a related medical condition; or
- 4) For such person's needs as a victim of domestic violence, sex offenses or stalking.

For purposes of this policy, a "cooperative dialogue" refers to a good faith communication, orally or in writing, concerning the person's accommodation needs, potential accommodations that may address the accommodation needs, including alternatives to a requested accommodation, and the difficulties that such potential accommodations may pose for the covered entity.

Upon reaching a final determination at the conclusion of the cooperative dialogue, the Company shall provide the employee requesting the accommodation with a written final determination identifying any accommodation granted or denied. The determination that no reasonable accommodation would enable the employee requesting it to satisfy the essential requisites of a job or enjoy the right or rights in question will only be made after the Company and the employee have attempted to engage in a cooperative dialogue.

Anti-Sexual Harassment & Prevention Policy

DFS is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of DFS's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with DFS. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws. **This Policy should be read along with DFS's Equal Employment Opportunity, Anti-Discrimination and Anti-Harassment Policy located in the DFS Guidelines and Resources Manual.**

Policy:

1. DFS's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with DFS. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. DFS will not tolerate

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

such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of DFS who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform HR at the Corporate office at 773.582.1022. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

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

What Is “Sexual Harassment”?

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

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

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or

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

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

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

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

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

Examples of sexual harassment

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

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

Who can be a target of sexual harassment?

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

Where can sexual harassment occur?

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

Retaliation

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

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

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

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

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. DFS cannot prevent or remedy sexual harassment unless it knows about it. Any employee paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to HR at the Corporate office. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to HR at the Corporate office.

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

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

Supervisory Responsibilities

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

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

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

Complaint and Investigation of Sexual Harassment

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

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

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. DFS will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

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

- Upon receipt of complaint, Human Resources will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.

- Interview all parties involved, including any relevant witnesses where necessary.
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by DFS but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at DFS, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

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

State Human Rights Law (HRL)

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

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

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

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

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award

relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

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

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

Civil Rights Act of 1964

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

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

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

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

Local Protections

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

Contact the Local Police Department

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

DFS Harassment Complaint Form

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

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to either the employee's immediate manager by hand delivery, or Human Resources, by email at HR@dfscompany.com or by facsimile: 773.582.1094. You will not be retaliated against for filing a complaint.

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

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

COMPLAINANT INFORMATION

Name: _____

Work Address: _____ Work Phone: _____

Job Title: _____ Email: _____

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor’s Name: _____

Title: _____

Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

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

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? Yes No

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

The last question is optional but may help the investigation.

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

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

Signature: _____

Date: _____

INSTRUCTIONS FOR EMPLOYERS

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

An investigation involves:

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

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

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

STOP SEXUAL HARASSMENT ACT NOTICE

All employers are required to provide written notice of employees' rights under the Human Rights Law both in the form of a displayed poster **and** as an information sheet distributed to individual employees at the time of hire. This document satisfies the poster requirement.

The NYC Human Rights Law

The NYC Human Rights Law, one of the strongest anti-discrimination laws in the nation, protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Violators can be held accountable with civil penalties of up to \$250,000 in the case of a willful violation. The Commission can also assess emotional distress damages and other remedies to the victim, require the violator to undergo training, and mandate other remedies such as community service.

Sexual Harassment Under the Law

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender.

Some Examples of Sexual Harassment

- unwelcome or inappropriate touching of employees or customers
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors
- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak out against sexual harassment in the workplace. The NYC Human Rights Law prohibits employers from retaliating or discriminating "in any manner against any person" because that person opposed an unlawful discriminatory practice. Retaliation can manifest through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The NYC Human Rights Law protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the NYC Commission on Human Rights. Call 718-722-3131 or visit NYC.gov/HumanRights to learn how to file a complaint or report discrimination. You can file a complaint anonymously.

State and Federal Government Resources

Sexual harassment is also unlawful under state and federal law where statutes of limitations vary.

To file a complaint with the New York State Division of Human Rights, please visit the Division's website at www.dhr.ny.gov.

To file a charge with the U.S. Equal Employment Opportunity Commission (EEOC), please visit the EEOC's website at www.eeoc.gov.

Temporary Changes to Work Schedules

The following policy is applicable only to those employees:

1. assigned to work within New York City for more than 80 hours in a calendar year; and
2. employed by the Company for 120 days or more.

The Company will grant an employee's request for a temporary change to the employee's work schedule relating to a personal event in accordance with the following provisions below.

- A "temporary change" refers to a limited alteration in the hours or times or locations where an employee is expected to work, including, but not limited to, using paid time off, working remotely, swapping or shifting work hours and using short-term unpaid leave.
- A "personal event" refers to (i) the need for a caregiver to provide care to a minor child or care recipient, (ii) an employee's need to attend a legal proceeding or hearing for subsistence benefits to which the employee, a family member or the employee's care recipient is a party; or (iii) any circumstance that would constitute a basis for permissible use of Safe or Sick time.

Upon request, an employee will be provided with a temporary change to his/her work schedule up to two (2) times in a calendar year and for up to one (1) business day per request. The Company may permit the employee to use two (2) business days for one request. When such two (2) day request is granted, the employee will be considered to have exhausted all requests available during that same calendar year.

Employee Responsibilities in Requesting a Temporary Change:

1. The employee must notify their direct supervisor as soon as the employee becomes aware of the need for a temporary change to the work schedule due to a personal event;
2. Unless the employee is seeking leave without pay, he/she must make a proposal for the temporary change to the work schedule.
3. While the initial request is not required to be in writing, the employee must, as soon as practicable, and no later than the second business day after returning to work following the temporary change to the work schedule, submit the request in writing. The written request must include the date for which the change was requested and that it was due to the employee's personal event.

Employer Response:

When the Company receives the initial request, it will respond immediately. The initial response may not be in writing. However, as soon as practicable, and no later than 14 days after the employee submits his/her written request, the Company will provide a written response. The Company's response will include:

1. Whether the Company agrees to the temporary change to the work schedule in the manner requested by the employee, or will provide the temporary change to the work schedule as leave without pay (which is not considered a denial); and
2. If the Company denies the request for a temporary change to the work schedule, an explanation for the denial; and
3. How many requests and how many business days, pursuant to this policy, the employee has left in the calendar year after taking into account the Company's decision contained in the written response.

TIME OFF/LEAVES OF ABSENCE

Meal Periods and Breaks

The scheduling of meal periods at Diverse Facility Solutions is set by the employee's immediate manager with the goal of providing the least possible disruption to company operations.

There are 3 different unpaid meal periods available to New York employees: i) for those employees working more than 6 hours on a shift that extends over the hours of 11am-2pm, they shall be provided a 30 minute noontime meal period during those hours; ii) for those employees who start a shift before 11 am and continue later than 7pm, they shall be given an additional meal period of 20 minutes between 5pm-7pm; and iii) for those employees who work more than 6 hours starting between 1pm and 6am, they shall be given at least 45 minutes for a meal period at a time midway between the shift. If you are an employee who is the only individual in your position working your shift, please see the General Manager or Supervisor on Duty on how to handle your breaks.

The Company will provide employees at least 24 consecutive hours rest in any calendar week.

Paid Sick Leave (New York)

DFS provides sick leave to employees working within New York City pursuant to this policy.

Eligibility and Procedures

Employees accrue sick leave at a rate of one (1) hour of paid sick leave for every thirty (30) hours worked up to a total of forty (40) hours per year. Employees become eligible to use accrued sick time beginning on their 90th day of employment with DFS.

Sick leave accrued under this policy may be used for an employee's own or a family member's mental or physical illness, injury, health condition, need for medical diagnosis, treatment, or care, including preventative care, medical or dental appointments, or to cover leave necessitated because a child's school or care provider closed due to a public health emergency. "Family member" for purposes of this policy includes spouses, registered domestic partners, children (whether biological, adopted, foster, legal wards, children your spouse or domestic partner, or those for whom you stand *in loco parentis*), parents (including step-parents and parents-in-law), grandparents, grandchildren, and siblings (including half, adopted or step siblings).

Employees requesting time off under this policy should provide as much advanced notice to their supervisor as practicable. If sick leave is exhausted, any available vacation hours may be used in its place. Employees who take more than three (3) consecutive days of sick leave may be asked to provide documentation to verify the need for leave. Employees will not be discriminated against or retaliated against for requesting or using paid sick leave.

Employees may carry over up to forty (40) hours of accrued but unused sick time per year. However, each employee may use only up to forty (40) hours of paid sick leave per year.

Employees will not be paid for unused sick time upon separation from employment with the company. However, in the event an employee separates from employment and is re-employed within one year of separation, any unused sick time accrued prior to separation will be restored.

Depending on the particular circumstances, leave under this policy may run concurrently with leave taken under other applicable policies or the Family and Medical Leave Act (FMLA).

For more information regarding leave under this policy, contact the Human Resources Department.

Pregnancy Accommodation

It is the company's policy not to discriminate against qualified individuals who are pregnant, intend to become pregnant, were recently pregnant, or recently gave birth, in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

The Company will reasonably accommodate qualified individuals who are pregnant (as used in this policy "pregnant" or "pregnancy" means pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth) so that they can perform the essential functions of their job. Any employee who requires accommodation due to pregnancy should notify Human Resources. Such accommodations may include but are not limited to reasonable break time and a private space (not a bathroom stall) in close proximity to the employee's workstation to express breast milk. As a general guideline, to the extent possible, the Company will permit the same or similar accommodations as it has provided to other employees who have been temporarily disabled by conditions unrelated to pregnancy. However, pregnancy-related conditions need not meet the definition of "disability" in order to trigger accommodation.

Employees who request leave and other accommodations due to pregnancy may be required to provide documentation from their health care provider as to the need for leave or other accommodations. The Company will not require pregnant employees to take leave or accept an accommodation if the employee did not request the accommodation and does not want the accommodation and will not require an employee who is pregnant to take leave when another reasonable accommodation is available. When an employee who is pregnant does take leave, the Company will attempt to reinstate the employee to her original job or an equivalent position. The employee should provide reasonable notice to the Company of her intent to return to work, as well as documentation from her health care provider clearing her to return to work.

Human Resources is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues. Individuals who are pregnant and would like to request a reasonable accommodation because of pregnancy must contact Human Resources.

The Company will not retaliate against any employee who has complained of pregnancy-related discrimination or sought or been provided an accommodation for a pregnancy-related condition.



PREGNANCY

Accommodations at Work

The NYC Human Rights Law requires all employers with four or more employees to provide reasonable accommodations to employees related to pregnancy, childbirth, and related medical conditions to enable them to continue working and/or return to work promptly while maintaining a healthy pregnancy. Employers are required to provide written notice of employees' rights under the Law, and can use this document to satisfy that requirement. As such, it should be posted in the workplace.

EMPLOYERS

Provide a clear policy and protocol for employees to request a reasonable accommodation. Work with your pregnant employee to promptly agree on a reasonable accommodation that:

- Values your employee's contributions to the workplace
- Helps your employee satisfy the essential requisites of her job
- Keeps them in the workplace for as long as they are able to continue working
- Is right for your employee and does not cause undue hardship to your business

Ignoring a request for a reasonable accommodation, failing to respond quickly, punishing, or firing your employee after they request one can expose you to damages and civil penalties. Employers are prohibited from asking for proof of pregnancy. Employers may request a doctor's note only when the accommodations requested by the employee involve time away from the workplace and when not otherwise prohibited by city, state, or federal law, including the NYC Earned Sick Time Act.

EMPLOYEES

If you need a reasonable accommodation to continue working or remain employed, you can request one. Examples include, but are not limited to:

- Breaks (e.g. to use the bathroom, eat or drink, or provide necessary rest)
- Changes to your work environment such as a seat or a fan
- Assistance with physically demanding tasks
- Time off or schedule adjustments
- A private, clean, non-bathroom space and breaks for expressing breast milk
- Light duty or a temporary transfer to a different position
- Time off to recover from childbirth

The type of reasonable accommodation appropriate for an employee should be tailored to the needs of the employee and the employer. If your request for a reasonable accommodation has been ignored or denied without an appropriate alternative, we can help. Call the NYC Commission on Human Rights at (718) 722-3131 to report it.

NYC.gov/HumanRights or call
(718) 722-3131

    @NYCCHR

NYC
HUMAN RIGHTS

Unpaid Personal Leave of Absence

Employees who require time off in addition to vacation and/or sick time may request a personal leave of absence without pay for up to a maximum of 30 days. An extension may be approved in limited circumstances.

All regular employees employed for a minimum of 90 days are eligible to apply for an unpaid personal leave of absence. Job performance, absenteeism and departmental requirements will all be taken into consideration before a request is approved.

Please contact Human Resources for more information on request procedures.

The employee must return to work on the scheduled return date or be considered to have voluntarily resigned from his or her employment. Extensions of leave will only be considered on a case-by-case basis.

The employee will not be paid for holidays during a leave of absence.

Reinstatement will not be guaranteed to employees returning from personal leave. However, the Company endeavors to place employees returning from personal leave in their former position (or in a comparable position) subject to budgetary restrictions, the Company's needs to fill vacancies, and other factors within the sole discretion of the Company. This does not affect the employee's employment at will status.

Bereavement Leave

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor immediately.

Bereavement leave will be granted unless there are unusual business needs or staffing requirements.

Paid bereavement leave is granted to regular employees who passed their 90-day probationary period according to the following schedule:

- Employees are allowed three (3) days of paid leave in the event of the death of the employee's spouse, child, father, father-in-law, mother, mother-in-law, brother, sister, stepfather, stepmother, stepbrother, stepsister, stepson or stepdaughter, grandparent, grandchild, domestic partner.
- Employees are allowed two (2) days of paid leave in the event of death of the employee's brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, and spouse's grandparent.
- Employees are allowed up to four (4) hours of bereavement leave to attend the funeral of an employee or retiree of the company.

Call-In Procedures

The employee must follow normal call-in procedure to inform his or her manager of the need for time off prior to any absence from work. An employee shall provide the company with at least 48 hours advance notice of the employee's intention to take bereavement leave when practicable and reasonable. The employee may be required to provide documentation of the death and of the family relationship. Typical documentation includes an obituary and/or other documents which prove the relationship.

Jury Duty

The company recognizes that jury service is an important civic obligation. In order to eliminate hardship associated with the fulfillment of that obligation, the company will provide a limited salary/pay continuation for employees called to serve. Upon receipt of notification from the state or federal courts of an obligation to serve on a jury, employees must notify their supervisor and provide him/her with a copy of the jury summons.

Non-Exempt Employees

The company will pay regular full-time and regular part-time non-exempt employees for time off for jury duty up to one (1) week (5 days) of pay. Employees must complete their 90-day probationary period before jury duty pay applies. For any absences in excess of the 5 paid working days per year, nonexempt employees may use accrued vacation time during this period or take the time off without pay. Nonexempt Employees must inform their supervisor of any breaks in jury service so that they may be scheduled to work on those days. Nonexempt Employees are required to work scheduled weekends while on jury service, assuming that their service is not extended to the weekend. Supervisors are required to notify employees of scheduled work on weekends.

Additionally, the following apply to the application of jury duty pay:

- Jury Duty Pay will not exceed the number of regular hours the employee is scheduled to work during jury service.
- Jury Duty Pay will not be paid for days the employee is not scheduled to work.
- Jury Duty Pay will not be paid for days the employee is on an approved leave of absence.
- Jury Duty Pay will not be paid for company holidays.
- Jury Duty Pay will not be paid for days the company is shut down.
- Jury Duty Pay does not count toward the calculation of overtime.

Exempt Employees

Exempt employees will be paid their normal salaries for up to 5 working days per year for absences for jury. Employees must complete their 90-day probationary period before jury duty pay applies. For any absences in excess of the 5 paid working days per year, exempt employees may use accrued vacation time during this period or take the time off without pay.

Exempt staff members will be paid their normal salaries during any workweek in which they appear as a juror and also perform services for the company, regardless of the amount of time spent performing those services. If an exempt staff member performs no work during any workweek, which he/she serves on a jury after the 5 paid working days, then the full weekly salary need not be paid.

Benefits

Benefits coverage will continue during the period of jury duty service. However, it is the employee's responsibility to maintain their portion of insurance premiums for continued coverage. Failure to make timely premium contributions may result in loss of benefits.

Return to Work

Upon completion of jury duty, the employee is required to return to work for their next schedule shift. The company will return the employee to the same position held when service began, or to an equivalent position in terms of pay, benefits and terms and conditions of employment. Employees are not required to submit jury service pay received from the court to the company.

Witness Leave

Employees who receive a subpoena to appear at a judicial proceeding unrelated to their work for DFS may take leave in order to comply with that subpoena. Employees shall give the company reasonable advance notice of their need for time off for this purpose (unless advance notice is not feasible) and a copy of the subpoena. Where the need for leave is not foreseeable, the employee is expected to notify the company as soon practicable and, absent unusual circumstances, in accordance with the company's normal leave procedures. Employees may also be asked to provide documentation confirming their attendance at such proceedings.

Witness leave is unpaid. However, employees may choose to use any accrued vacation before taking unpaid leave and to the extent required by applicable law, exempt employees will be paid their normal salary during any workweek in which they perform services for the company.

Crime Victim Leave

An employee who is a victim of a crime, witness to a crime, family member of a victim of crime, a designated representative of a victim of a crime, or is pursuing an order of protection is eligible to take leave in order to attend or assist with related judicial proceedings.

As a condition of taking time off under this section, the employee shall give the Company reasonable advance notice of the employee's intention to take time off (unless advance notice is not feasible) and a copy of the subpoena, notice of each scheduled proceeding, or request for assistance. Where the need for leave is not foreseeable, the employee is expected to notify the Company as soon practicable and, absent unusual circumstances, in accordance with the Company's normal leave procedures. Employees may also be asked to provide documentation confirming their attendance at such proceedings or related meetings.

Crime victim leave is unpaid. However, non-exempt employees may choose to use any accrued vacation (or other appropriate and available paid leave) before taking unpaid leave and, to the extent required by applicable law, exempt employees will be paid their normal salary during any workweek in which they perform services for the company.

Voting Leave

We encourage you to exercise your voting privileges in local, state and national elections. All employees should be able to vote either before or after regularly assigned work hours. You may, however, elect to take three (3) hours during regular working hours as paid leave to exercise your right to vote at the beginning or end of your work shift. If you choose this latter option, you are required to inform your supervisor with advance notice at least two (2) working days prior to the day of the election so your duties may be covered during this time. Moreover, the company may specify the hours during which you may be absent to vote. Time off for voting should be reported and coded appropriately on timekeeping records.

Election Leave

Employees who are chosen to serve as election officials at polling sites will be permitted to take required time off to serve in this capacity. It is incumbent on employees who are chosen to act as election officials to notify their manager a minimum of seven (7) days in advance of their need for time off in order to accommodate the necessary rescheduling of work periods. Election official leave is unpaid. However, non-exempt employees may choose to use any accrued vacation (though they are not required to) before taking unpaid leave and, to the extent required by applicable law, exempt employees will be paid their normal salary during any workweek in which they perform services for the company. Time engaged as an election official should be reported and coded appropriately on timekeeping records.

Blood Donation Leave (New York)

If a blood drive is held at an employee's work site, the employee may donate blood during working time twice per year. Alternatively, the company permits employees to take up to three (3) hours of paid leave every twelve (12) months to donate blood.

Whenever possible, an employee is required to request and receive the company's approval prior to taking paid blood donation leave. Employees are required to provide verification for leave taken under this section.

Employees are not required to use accumulated or future vacation or sick leave to donate blood.

Bone Marrow Donation Leave (New York)

The company permits employees to take up to twenty-four (24) hours of unpaid leave to donate bone marrow.

Employees are required to request and receive the company's approval prior to taking paid blood donation leave and may be asked to provide verification for leave taken under this section.

Employees are not required to use accumulated or future vacation or sick leave to donate blood.

Military Leave of Absence

Diverse Facility Solutions is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the company's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States, or any U.S. State's organized militia, including but not limited to Reservists and National Guard members. Specifically, no person will be denied employment, reemployment, promotion or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or company policy. If any employee believes that he or she has been subjected to discrimination in violation of company policy, the employee should immediately contact Human Resources.

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including but not limited to Reservists and National Guard members, for training, periods of active military service and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence, though exceptions may apply.

Employees who voluntarily or involuntarily enter the Army National Guard and the Air National Guard of the United States will be granted extended leaves of absence without pay for the duration of required military service in accordance with federal and state laws governing such leaves. Employees requesting leave for military duty should contact Human Resources to request leave as soon as they are aware of the need for leave. For detailed information on eligibility, employee rights while on leave, and job restoration upon completion of leave, and to request appropriate forms, contact Human Resources.

Leave for Military Spouses Leave

An employee who is the spouse of a member of the armed forces of the United States, national guard, or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations, may take up to ten (10) days of leave while his or her spouse is on leave from such deployment.

Employees are asked to provide reasonable advance notice of their intent to take leave under this policy. The company will not interfere with or restrain an eligible employee's request for leave, and will not retaliate against employees who exercise this right.

Employees may be required to provide certification from the proper military authority to verify the employee's eligibility for military spouse leave.

Lactation/Breastfeeding

For up to three (3) years after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. Diverse Facility Solutions will designate a room for this purpose based on location. A small refrigerator reserved for the specific storage of breast milk is available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to use this

room must request/reserve the room by contacting their manager. Additional rules for use of the room and refrigerator storage will be posted in the room. Employees who work off-site or in other locations will be accommodated with a private area as necessary.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

Emergency Responder Leave

An employee who serves as a volunteer firefighter or volunteer provider of ambulance services will be permitted to take leave in the event of a declaration of emergency absent undue hardship. Such employees must make reasonable efforts to notify the company in the event they anticipate they will be absent or late as a result of being dispatched to an emergency. Employees may be asked to provide documentation of their need to take leave under this policy.

New York State Paid Family Leave

Applicability to New York State Employees Only

This New York Paid Family Leave (“Policy”) applies only to **New York State** employees pursuant to the New York Disability Benefits Law and the Paid Family Leave Benefits Law.

Interaction With Other DFS Policies

This Policy is a supplement to DFS Employee Handbook as it may be amended from time-to-time, and is to be applied in conjunction with the Policies of the Employee Handbook including other leave policies and benefits offered by DFS.

When there is a conflict between two or more policies regarding the amount of leave provided, the policies should be construed so as to consider leave to fall jointly under two or more categories. Where that is not possible, the more generous policy shall apply.

This Policy does not limit or otherwise diminish an employee’s responsibilities under other DFS policies, including those in the Employee Handbook. In particular, employees utilizing leave under this Policy are still required to adhere to the attendance and conduct policies, as provided in the Employee Handbook, including all applicable call-in and no call/no show policies. See the Employee Handbook for more information on these policies.

Violation of the Handbook Policies, even for use of paid family leave, may subject an employee to discipline, up to and including termination.

Eligibility

Eligible Employees under this Policy are employees are those with a regular work schedule of (a) 20-or-more hours per week who have at least 26 weeks of employment with DFS, and (b) less than 20 hours per week who have worked at least 175 work days. Time spent on paid vacation, sick, or personal days can be counted toward an employee’s eligibility determination.

Naturally, this Policy does not apply to independent contractors. Temporary or seasonal employees may be eligible to opt-out of Paid Family Leave (“PFL”).

Employees who do not meet the eligibility requirements specified in the “Eligibility” section above may have the option to file a waiver of family leave benefits. Please contact Human Resources for more information if you want to determine if the waiver applies to you.

Paid Family Leave Use

PFL is available to eligible employees following purposes:

1. Bonding with a newly born, adopted, or fostered child. A parent may take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child. If both spouses work for DFS, then DFS may deny Paid Family Leave to one of the spouses if they have asked for the same period of time-off to bond with the same child. PFL is not available for prenatal conditions.
2. Caring for a family member with a serious health condition. For purposes of this Policy, a “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care in a hospital, hospice, or residential health care facility; or (b) continuing treatment or supervision by a health care provider. Ordinarily, a serious health condition does not include conditions such as the common cold, the flu, ear aches, upset stomach, minor ulcers, routine dental or orthodontia problems, or periodontal disease.
3. Assisting loved ones when a family member is deployed abroad on active military duty. PFL is available when a spouse, child, domestic partner or parent of the employee is on active military duty abroad or has been notified of an impending call or order of active military duty abroad. Eligible employees can take leave to help out with obligations arising out of a call to duty. Such examples include: making alternative child care arrangements for a child of the deployed military member; and/or attending certain military ceremonies and briefings; and/or making financial or legal arrangements to address the military member’s absence. PFL, which provides wage replacement and job security, can be taken by employees who are also eligible for time off under the military provisions in the federal Family Medical Leave Act.

For purposes of this Policy, “**family members**” include: spouse, domestic partner, children (biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, a son or daughter of a domestic partner, or the person to whom the employee stands in loco parentis), parents (biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child), parents-in-law, grandparents and grandchildren.

Use of leave time for reasons other than purposes above may subject the employee to discipline, up to and including termination.

PFL Benefits

PFL benefits are established by law and applicable insurance policies, which at all time shall govern and may change from time to time. Employees fund PFL through mandated payroll deductions; no portion of the PFL benefit is funded by DFS. The PFL benefit schedule is as follows:

- In 2019, up-to 10 weeks at 55% of the employee’s average weekly wage, capped at 55% of New York State’s average weekly wage.
- In 2020, up-to 10 weeks at 60% of the employee’s average weekly wage, capped at 60% of New York State’s average weekly wage.
- In 2021, up-to 12 weeks at 67% of the employee’s average weekly wage, capped at 67% of New York State’s average weekly wage.

Eligible Employees may, but are not required, to use PTO, Vacation or sick leave in increments of four (4) hours or more to supplement their PFL Benefits so that the employee receives full wages during leave.

PFL is not available for any day in which the employee works for DFS or another employer during the same or substantially similar working hours.

Notice to DFS of Need for Leave & Claim Procedure

When need for PFL is foreseeable, the employee must provide thirty (30) days advance notice of the need for leave. Where the need for PFL is not foreseeable, the employee must provide as much notice as is practicable.

A completed claim package should be submitted to DFS's PFL Insurance Carrier within 30 days of the first day of paid leave. The Insurance Carrier will process the claim and issue a determination within 18 days. The claim form is available through Human Resources, the Insurance Carrier, and the State of New York's PFL website at ny.gov/PaidFamilyLeave.

The Company will provide the carrier with the dates that the employee used PFL.

Employee Documentation in Support of PFL

The employee filing a PFL claim must submit supporting documentation to the insurance carrier, who administers PFL. The type of supporting documentation is subject to change from time-to-time, and may include, but is not limited to, the following:

- **Childbirth.** The documentation requirement for a claim for Paid Family Leave to bond with a newly born child depends on whether the applicant is the birth mother or the second parent.
 - The birth mother must submit a birth certificate, if available, or documentation of pregnancy or birth from a health care provider. The document must include the mother's name and the child's due date or birth date. The second parent must submit, if available, a birth certificate naming them as a parent. If a birth certificate naming the second parent is not available, the second parent may submit a Voluntary Acknowledgment of Paternity or a Court Order of Filiation naming them as a parent.
 - If those documents are not available, the second parent can submit birth documentation from the birth mother's health care provider **and** either a marriage certificate or evidence of a civil union or domestic partnership to demonstrate the relationship to the birth mother.
 - If none of these documents are available, the second parent may submit other documentary evidence of parental relationship to the child, to be evaluated on a case-by-case basis by the carrier.
- **Foster Care.** A claim for Paid Family Leave to bond with a fostered child requires the submission of a letter of placement issued by a county or city department of social services or local voluntary agency. If a second parent is not named in documentation, a copy of the document plus a document verifying the relation to the parent named in the foster care placement will be needed.
- **Adoption.** A claim for Paid Family Leave to bond with an adopted child requires a court document finalizing adoption, or, for Paid Family Leave taken before the adoption is complete, a document showing that the adoption process is underway. Examples of proof of a pending adoption include a signed statement from an attorney, adoption agency or adoption-related social service provider that the employee is in the process of adopting a child. If the second

parent is not named in that document, they must also file documentation verifying the relationship to the parent named in the adoption.

- **Serious Health Condition.** A claim for Paid Family Leave to care for a family member with a serious health condition requires a medical certification, completed by the care recipient's health care provider. An authorization for personal health disclosure form is required by the HIPAA Privacy Rule and must be completed by the care recipient and retained on file with the health care provider in order to submit the required medical information.
- **Active Military Duty Deployment.** A claim for Paid Family Leave to assist loved ones when a family member is deployed abroad on active military duty generally requires either a PFL-5 "Military Qualifying Event" certification or a US Department of Labor "Certificate of Qualifying Exigency for Military Family Leave." Those forms include (1) military documentation of the family member's deployment or impending deployment (active duty orders or other notice from the military), and (2) documentation of the reason for leave.

Failure to provide necessary documentation may result in delay or denial of benefits.

Interaction with FMLA Leave

To the extent permissible, any leave taken under this policy will also be counted as FMLA leave for those employees who are eligible for FMLA leave. In those instances, FMLA leave will run concurrently with the taken leave.

Separation

Upon separation of employment for any reason, PFL benefits shall not be available.

Impact of Using PFL on Benefits

During PFL, DFS will maintain existing health benefits as if the employee had continued to work. The employee is responsible for all employee-share of premiums.

The employee will not accrue any other employment benefits during leave. This includes any other right, benefit, or position that the employee would have been entitled had the employee not taken leave.

Reinstatement Following PFL

Upon returning from PFL, the employee will be returned to the position the employee held before leave began, or a comparable position with comparable benefits, pay, and other terms and conditions of employment.

Non-Retaliation and Non-Interference

DFS will not interfere with an employee's legitimate use of leave under this Policy. DFS will not retaliate against an employee for using sick leave under this Policy or filing a complaint in good faith, nor will it permit retaliation by management employees or co-workers.

If retaliation or interference should occur, you should immediately report this conduct to the Head of Human Resources, any executive team member or to his or her manager as outlined above.

Employee Handbook – New York Supplement Acknowledgment and Receipt

I have received my copy of the Employee Handbook – New York Supplement.

The employee handbook – New York Supplement describes important information about Diverse Facility Solutions, and I understand that I should consult my manager or Human Resources regarding any questions not answered in the handbook supplement. I have entered into my employment relationship with Diverse Facility Solutions voluntarily and acknowledge that there is no specified length of employment. **Accordingly, either Diverse Facility Solutions or I can terminate the relationship at will, with or without cause, at any time, so long as there is not violation of applicable federal or state law.**

I understand and agree that, other than the president of company, no manager, supervisor or representative of Diverse Facility Solutions has any authority to enter into any agreement for employment other than at will; only the president of the company has the authority to make any such agreement and then only in writing signed by the president of Diverse Facility Solutions.

This employee handbook – New York Supplement and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with Diverse Facility Solutions. By distributing this employee handbook – New York Supplement, the company expressly revokes any and all previous policies and procedures that are inconsistent with those contained herein.

I understand that, except for employment-at-will status, any and all policies and practices may be changed at any time by Diverse Facility Solutions, and the company reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the president of Diverse Facility Solutions has the ability to adopt any revisions to the policies in this employee handbook – New York Supplement.

I understand and agree that nothing in the Employee Handbook – New York Supplement creates, or is intended to create, a promise or representation of continued employment and that employment at Diverse Facility Solutions is employment at will, which may be terminated at the will of either Diverse Facility Solutions or myself. Furthermore, I acknowledge that this employee handbook – New York Supplement is neither a contract of employment nor a legal document. I understand and agree that employment and compensation may be terminated with or without cause and with or without notice at any time by Diverse Facility Solutions or myself.

Whenever there is a conflict between this employee handbook – New York Supplement and any collective bargaining agreement that may be applicable to the employee’s employment, the provisions of the collective bargaining agreement shall govern, but only to the extent the collective bargaining agreement complies with federal and state laws and only with respect to the employees included in the bargaining unit.

I have received the employee handbook – New York Supplement, and I understand that it is my responsibility to read and comply with the policies contained in this employee handbook – New York Supplement and any revisions made to it.

Employee’s Signature

Date: _____

Employee’s Name (Print)

TO BE PLACED IN EMPLOYEE’S PERSONNEL FILE