March | 2026

MAGEN DAVID YESHIVAH

# High School

# EMPLOYEE HANDBOOK

## About this Handbook and Your Employment Status

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THIS NOTICE APPLIES TO ALL EMPLOYEES, REGARDLESS OF THEIR DATE OF HIRE.

# Welcome to Magen David Yeshivah High School

Dear Staff,

Welcome to the staff of Magen David Yeshivah High School. It is our pleasure to have you join our dynamic and charismatic team. We ask that you please read this guide carefully. It will outline our expectations, policies and procedures.

We are confident that you bring to our staff your own special talents and abilities and that you have a significant contribution to make to the education of our students. It is important that you keep in mind the school's primary goal: to help each student develop fully as a Torah observance Jew who is committed to the Torah way of life and able to engage in the modern world in a well-educated, responsible, and thoughtful way.

Our expectations for staff members at Magen David Yeshivah High School are very high. You are joining a group of world-class educators who are dedicated to nurturing the full potential of each child through their professional care. Everyone here is ready to help you with any concerns you have about successfully fulfilling your role at the school.

This manual is a guide. We welcome your ideas and your active participation in the functioning of Magen David Yeshivah High School. We know that the school is for the students but that the staff makes it happen! We look forward to a long, productive working relationship with you. Good Luck!

Sincerely,

Dr. Daniel J. Vitow, Head of High School

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# Chapter 1 Our Yeshivah and Community

## 1.1 Getting To Know Magen David Yeshivah

### Our Mission

Magen David Yeshivah is an Orthodox Jewish day school committed to ensuring that each student receives a comprehensive dual-curriculum education, rooted in Sephardic tradition, and emphasizing academic excellence, creativity and intellectual curiosity. As a community, we equip our students with the ability to confidently interact with an ever-changing modern world through the prism of Torah values, and to cultivate within them a deep understanding of, and love for, the people and land of Israel. Our mission is to produce broadly educated, ethical, self-confident and compassionate, Torah observant Jews, committed to lifelong learning, community service and personal growth.

### Brief History

Magen David Yeshivah has served as the cornerstone of the Sephardic community of New York for generations. Over a half century ago our founders recognized that public school was not enough to deliver a first-rate education while keeping our families together and preserving our Sephardic Traditions. A group of visionaries, led by Mr. Isaac Shalom A"H, made the conscious decision to develop our own private school system, grounded in excellence for both secular and religious education. MDY has since produced countless successful industry professionals, lawyers, physicians, rabbis, and teachers, as well as prominent leaders at the helm of numerous organizations. Magen David alumni have influenced our past, shape our present, and will guarantee our future.

Approximately 2,000 community children attend our schools. The growth rate of applicants to MDY is explosive, as our community recognizes the value and merit of our creative initiatives. The state-of-the-art elementary school building reflects our dedication to providing the quality education our children require. We strive to consistently enhance this high-caliber educational experience and ensure that our dreams for our children become reality.

### As a Magen David Yeshivah Employee

The people of Magen David Yeshivah are the institution's most valuable resource. The Yeshivah is committed to being a leading comprehensive institution in the greater New York area. Commitments to ongoing improvement and to the fostering of an environment of trust and respect will enable the Yeshivah to be a viable, versatile institution throughout the 21st century.

There are many qualities and competencies that identify the Magen David Yeshivah employee. Each employee is required to:

- Further the Yeshivah's mission.

- Be well-informed and educated in performing their job.

• Provide accurate, thorough, and professional work consistent with the Yeshivah's and employee's departmental expectations and goals.

•Assume responsibility for their actions and decisions.

•Be present and punctual for their job and to meet required deadlines.

•Understand their role in determining the needs of the workplace.

•Be student-centered.

•Be a team player.

•Communicate accurately, clearly, and positively, both verbally and in writing.

•Listen attentively and respond responsibly.

•Demonstrate trust and respect for all people and ideas.

•Pursue opportunities for personal growth and development.

•Be informed and understand Magen David Yeshivah's and the employee's departmental policies and procedures.

•Continuously strive for excellence.

•Serve as an ambassador and steward of the Yeshivah.

## 1.2 The MDYHS Name

### Media and Press Requests

To ensure that any information provided to the public on behalf of MDYHS is accurate and appropriate, the Head of High School or Executive Director is responsible for managing all interviews, inquiries, and other communications with any member of the media or press. If you are contacted or approached by the media or press, inform them that only the Head of High School or Executive Director may speak on behalf of MDYHS.

### Speeches and Presentations

If you wish to give a school-related speech or presentation outside MDYHS, other than in the ordinary course of your daily position, you must get prior approval from the Head of High School. If you are speaking as a representative of MDYHS, the presentation must be education-related. It must not be political in nature.

### Responding to Questionnaires and Surveys

From time to time, you may receive a questionnaire or be asked to participate in an education-related survey. In essence, you are being asked to speak on behalf of MDYHS, although it will probably not be

worded this way. To avoid any misrepresentations and to protect sensitive information, all surveys or questionnaires should be forwarded to the Head of High School or Executive Director for proper review before responding.

## 1.3 Compliance with the Law

It is the policy of MDYHS to abide by all federal, state and local laws, rules and regulations applicable to us, and to have all our employees do the same.

## 1.4 Equal Employment Opportunity

Equal employment opportunity is a fundamental principal at MDYHS, in all of our hiring and employment practices. We seek out and employ talented individuals who meet the qualifications for each position.

Subject to applicable law, all aspects of employment are based upon personal capabilities and qualifications without regard to race; color; national origin; religion; sex (including pregnancy, childbirth, and related medical conditions); gender; creed; age; disability; citizenship; familial or marital status; genetic information; sexual orientation; military or veteran status; status as a victim of domestic violence; arrest or conviction record; unemployment status; salary history; alienage or citizenship status; consumer credit history; or any other protected class as established by federal, state or local law.

Equal employment opportunity applies to all policies and procedures relating to recruitment, hiring, compensation, benefits, promotion, termination and all other terms and conditions of employment. Employees are encouraged to discuss equal employment opportunity-related questions and issues with Human Resources. MDYHS prohibits any form of retaliation against individuals who, in good faith, raise issues of equal employment opportunity.

### The School's Religious Mission

MDYHS employees perform vital religious duties for the School, through worship and education rooted in Sephardic tradition. Therefore, to ensure the School's religious mission is upheld, MDYHS may make employment decisions based on the very important religious aspect of the School.

### Persons with Criminal Convictions

MDYHS follows the requirements of New York Correction Law Article 23-A. A copy of Article 23-A is posted in the Education Office.

## 1.5 Respect in the Workplace

### General Policy Against Harassment

In keeping with our commitment to diversity and equal employment opportunities, MDYHS is firmly committed to a work environment that is free of discriminatory or harassing conduct or bias. The School prohibits harassment of any employee or third party based on sex (including pregnancy, childbirth, and related medical conditions), race, color, religion, creed, age, national origin or ancestry, citizenship, marital status, gender, sexual orientation (including perceived sexual orientation), domestic violence victim status, genetic information, military or veteran status, status as a qualified individual with a

disability, arrest or conviction record, unemployment status, salary history, alienage or citizenship status, consumer credit history, or any other protected class, in accordance with applicable laws.

While it is not always easy to define what harassment is, examples include verbal (including improper joking) or physical conduct that denigrates or shows hostility or aversion towards an individual or group because of these protected attributes, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law; or (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities. Conduct that is clearly part of the natural course of employment, including petty annoyances, intellectual disagreements or differences of opinion, equal enforcement of rules and policies, and management's insistence on high levels of work performance, is not considered harassment.

Harassment is not limited to the workplace. It can occur in any work-related setting outside the workplace, such as during School trips, meetings and School-related events. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or outside of work hours.

Harassment of any kind is prohibited under federal (Title VII of the Civil Rights Act of 1964), state (New York Human Rights Law), and local (New York City Human Rights Law) laws. Violation of any part of this policy may lead to corrective active, up to termination from employment.

## Sexual Harassment

The purpose of this policy is not to regulate personal morality within the School, but to provide all employees with a place to work that is free from sexual harassment. Sexual harassment is strictly prohibited in the workplace and in work-related settings. MDYHS takes sexual harassment very seriously and it is a form of employee misconduct.

Sexual harassment may take many forms, including "hostile environment" and "quid pro quo" harassment. Hostile environment consists of 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.

Quid pro quo harassment occurs when an individual supervisor or manager has authority to alter the victim's status and demands sexual favors in exchange for job benefits, including hiring, promotion, salary increases, continued employment, or any other term, condition or privilege of employment.

Other behavior that could constitute sexual harassment include unwelcome sexual advances, obscene gestures, displaying sexually graphic magazines, calendars, posters, or websites, sending sexually explicit e-mail or voicemail, and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually-related comments.

Depending upon the circumstances, the conduct can also include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life and/or teasing.

The victim as well as the harasser may be of any gender. The victim does not have to be of the opposite sex. If you have any questions about what constitutes harassing or discriminating behavior, please speak with Human Resources.

## Training

All of our employees are required to participate in an annual sexual harassment training session

## What Should I do if I Believe I'm Being Harassed?

Whether or not the employee asks the harasser to stop directly, anyone who believes they have been the victim of prohibited harassment must immediately notify Human Resources, the Executive Director, the Head of High School, or the Head School Psychologist/Director of Guidance so the situation can be promptly investigated and remedied. Anyone who has witnessed harassment is also obligated to report it to one of the individuals named above. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses. Individuals should not feel obligated to notify anyone at MDYHS first before bringing the matter to the attention of one of the other individuals identified above.

Administrators are required to report any complaint that they receive, or any harassment that they observe, to Human Resources. When reporting harassment, employees must complete the attached complaint form and submit it to the appropriate individual.

Every report of perceived harassment will be fully and promptly investigated in a fair, timely, and thorough manner that provides all parties with appropriate procedures and which reaches reasonable conclusions based on the evidence collected. The investigation may involve a review of the allegations, as well as the collection of relevant records, and the implementation of interim measures, as necessary. Investigations may also include interviews with the parties involved in the complaint, and any other witnesses who may have knowledge regarding the situation. All employees are required to cooperate in harassment investigations. Refusal to cooperate may result in corrective action. To the extent possible, investigations will be kept confidential. Only individuals with a need to know will be privy to any investigation.

Once a complaint is received, the School will take steps to obtain and preserve any evidence relevant to the complaint, including documents, emails or text messages. The School will also interview the complainant, any relevant witnesses and the respondent in the course of the investigation.

## Forums Available

In addition to the School's internal procedures set forth above, the Federal Equal Opportunity Commission, the New York State Division of Human Rights or the New York City Human Rights Commission provide formal procedures for the filing and adjudication of sexual harassment complaints. Employees may initiate charges by contacting the offices of the commissions:

***Equal Employment Opportunity Commission***
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004
P: (800) 669-6820
(Complaints must be filed within 300 days of the alleged harassment)

***New York State Division of Human Rights***
55 Hanson Place, Room 1084
Brooklyn, New York 11217
P: (718) 722-2385
(Complaints must be filed within three years of the alleged harassment)

***Law Enforcement Bureau of the NYC Commission on Human Rights***
22 Reade Street
New York, New York
P: (718) 722-3131
(Complaints must be filed within one year of the alleged harassment, or three years for gender-based harassment allegations)

***New York State Sexual Harassment Hotline***
Employees may also call the toll-free hotline at 1-800-427-2773 to make complaints and to receive assistance/information regarding workplace sexual harassment.

Employees may also file with a court of applicable jurisdiction to hear such complaints, including the New York Supreme Court.

### Retaliation is Prohibited

Unlawful retaliation can be any action that would keep an employee 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. The School will not tolerate any form of retaliation against individuals who report unwelcome conduct to School management or who cooperate in the investigation of such reports in accordance with this Policy.

Any employee who believes they have been the victim of prohibited retaliation or who has witnessed retaliation should immediately notify Human Resources, the Executive Director, the Head of High School, or the Head School Psychologist/Director of Guidance.

## 1.6 Whistleblower Policy

Employees and representatives of Magen David Yeshivah are expected to practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations. The underlying purpose of this policy is to support the School's goal of compliance.

The New York State Whistleblower Statute protects employees (including both current and former employees, as well as independent contractors) who disclose or threaten to disclose to their supervisors or an appropriate authority that they reasonably believe MDYHS is in violation of a law, rule or regulation that presents a substantial and specific danger to public health or safety.

### Reporting Procedure

If any director, officer, or employee reasonably believes that some policy, practice, or activity of the School is illegal, fraudulent, or in violation of any policy of the School, a written complaint must be filed with Human Resources, or with the Head of High School or Executive Director.

Human Resources is the administrator of this policy. Human Resources, or as an alternate, the Head of High School or Executive Director, will report directly to the Board.

### Non-Retaliation

No staff member who in good faith reports a violation of policy, improper conduct or compliance concerns shall suffer harassment, intimidation, humiliation, retaliation or adverse employment consequences as a result of having made such report. An employee who retaliates against someone because such person has reported a violation in good faith is subject to discipline up to and including termination of employment. This policy is intended to encourage and enable employees and others to raise legitimate concerns.

### Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of policy, improper conduct or compliance concerns must be acting in good faith and have reasonable grounds for believing the information disclosed indicates that a violation exists. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense leading to corrective action up to and including termination of employment.

### Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be sub- mitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

## 1.7 Individuals with Accommodation Requests

MDYHS is committed to providing equal employment opportunities to qualified individuals with accommodation needs. MDYHS will make reasonable accommodations for qualified applicants and employees as long as the accommodations do not impose an undue hardship on the School. This includes accommodations for disability, religion, victims of domestic violence, and pregnancy-related conditions.

If you are an employee who believes you need a reasonable accommodation to perform the essential functions of your job, please contact Human Resources.

### Cooperative Dialogue

After receiving a request for an accommodation, or learning indirectly that the employee requires an accommodation, the School will engage in a cooperative dialogue with the employee. Even if the employee has not formally requested an accommodation, MDYHS, in compliance with applicable law, may initiate a cooperative dialogue under certain circumstances, such as when the School has a reasonable basis to believe that an accommodation may be necessary.

The cooperative dialogue may take place in person, by telephone or by electronic means. As part of the cooperative dialogue, the School will communicate openly and in good faith with the employee in a timely manner in order to determine whether and how the School may be able to provide a reasonable accommodation. To the extent necessary and appropriate based on the request, MDYHS will attempt to

explore the existence and feasibility of alternative accommodations as well as alternative positions for the employee. MDYHS is not required to provide the specific accommodation sought by the employee, provided the alternatives are reasonable and either meet the specific needs of the employee or specifically address the employee's limitation.

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

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

If Human Resources believes that the provided documentation is insufficient, and before denying the request based on insufficient documentation, the School reserves the right to request additional documentation from the employee or, upon the employee's consent, speak with the health care provider who provided the documentation.

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

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

MDYHS will endeavor to keep confidential communications regarding requests for reasonable accommodations and all circumstances surrounding an employee's accommodation request. At the end of the cooperative dialogue, the School will issue a written determination to you regarding your accommodation request.

Any employee who has questions regarding this policy, or who believes that they have been discriminated against based on a disability or perceived disability, should notify Human Resources. All such inquiries or complaints will be investigated promptly and treated as confidential to the extent possible. As when reporting incidents of discrimination, individuals should not feel obligated to notify their immediate supervisor/manager first before bringing complaints of disability discrimination to the designated individual above.

# Chapter 2 Employment and Compensation

## 2.1 Employment Status

This Handbook is not a contract of employment and does not alter the terms of any individual employment agreement.

The School employs individuals in two capacities:

1. At-Will Employees. Employees are considered "at will" unless they have a written employment agreement with the School that specifically modifies this status. At-will employees may leave their job, and the School may terminate the employee, at any time, with or without advance notice, and with or without cause.

2. Contract Employees. Certain employees of the School may have a written contract that modifies the at-will relationship. Those employees' employment is subject to the terms of their individual written contracts. In the event of any conflict between this Handbook and a valid written employment agreement, the terms of the written employment contract will control.

Only the President of the Board of the School, the Head of High School or the Executive Director have the authority to modify an employee's at-will employment status. At-will employees may leave their job, and the School may terminate the employee at any time, with or without advance notice and with or without cause.

## 2.2 Conditions of Employment

Before you begin working at MDYHS, you must complete several administrative and security measures for new hires, including but not limited to:

- Sign a release form and undergo a background check;
- Complete a Form I-9 and provide documentation establishing your identity and employment eligibility in accordance with the below provision;
- Submit any required payroll or tax withholding documentation, including IRS Form W-4;
- Sign a form acknowledging you have been notified in writing of your regular rate of pay, rate of overtime pay (if applicable), and regular pay; and
- Sign an agreement stating that you have received and agree to comply with all policies and procedures outlined in this Employee Handbook.

If you are unwilling to consent to any of these measures, sign any required documents, or provide any required information, you will be ineligible to work at MDYHS.

### Immigration Reform and Control Act of 1986

The School is committed to employing only individuals who are authorized to work in the United States. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. If an

employee is authorized to work in this country for a limited time period, the individual will be required to submit proof of renewed employment eligibility prior to expiration of that period, to continue working for the School.

## 2.3 Criminal Background Checks

Due to the sensitive nature of working in a school, all new employees are required to undergo background screenings. In addition, current employees are subject to periodic updates of their background and may be required to undergo additional background screenings.

## 2.4 Employment of Friends and Relatives

The most important factor in selecting talent is the applicant's qualifications, and it may be in our best interests to hire a current employee's relative. In other cases, hiring a relative, or someone with whom an employee has a close personal relationship, might complicate or compromise activities.

To avoid potential problems, MDYHS generally does not permit individuals who are family members or in a close personal relationship to be in an employment situation where one supervises the other. For purposes of this policy, family member is defined broadly as:

- Spouse;
- Parent;
- Son or daughter;
- Brother or sister;
- Grandparent or grandchild;
- Aunt or uncle;
- Niece or nephew;
- Cousin;
- Guardian or ward;
- Step, half or in-law relation;
- A person living in one's household; or
- Any other person with such a close bond as to suggest conflict in the employment relationship (for example, a fiancé).

Such relationships should be disclosed to and reviewed with Human Resources.

## 2.5 Employment Classifications

MDYHS employees are classified as either non-exempt or exempt from federal and state wage and hour laws:

**Exempt Employees:**

- Employees whose job assignments meet the legal requirements for overtime exemption. Exempt employees are generally compensated on a salary basis and are not eligible for overtime pay. Exempt employees are expected to work the number of hours necessary to complete responsibilities, assignments and objectives by their supervisor.

**Non-Exempt Employees:**

- Employees whose positions do not meet the legal requirements for an overtime exemption. Non-exempt employees are entitled to be paid overtime for all hours worked in excess of 40 hours worked in a given week.

In addition to the exempt/non-exempt categories, each employee belongs to one other category:

**Full-Time Employees:**

- Full-time employees typically work 30 hours or more per week and are eligible for MDYHS sponsored benefits, subject to the terms, condition, and limitations of each plan.

**Part-Time Employees:**

- Part-time employees typically work 20-29 hours per week and may or may not be eligible for MDYHS sponsored benefits, subject to the terms, conditions, and limitations of each plan.

**Temporary Employees**

- An individual hired to work either full-time or part-time on a temporary basis with the understanding that their employment will be terminated on or before completion of a specific assignment. Upon the completion of one assignment, a temporary worker may be offered a new temporary assignment with MDYHS and retain their temporary status; provided, however, such assignments generally may not exceed six months. Such temporary worker may be "exempt" or "non-exempt" as described above.

- An individual referred from a temporary employment agency for a specific assignment is an employee of that employment agency and not of MDYHS.

- Temporary employees are not eligible to participate in any benefits programs, except those required by law, such as Workers' Compensation benefits.

**Casual Employees**

- A casual employee is any employee who is regularly scheduled to work less than 20 hours in a work week. Casual employees are not eligible to participate in any benefits programs, except those required by law, such as Workers' Compensation benefits.

**Interns**

- MDYHS offers internships to students who receive academic credit from their educational institution. Depending on financial resources and contract specifications, student interns may receive a stipend; however, they are not employees of MDYHS and, therefore, are not eligible to receive wages or MDYHS's benefits or perquisites.

## 2.6 Work Schedules and Meal Periods

MDYHS' regular school hours are as follows:

7:25 AM – 5:30 PM, Monday through Thursday; and 7:25 AM – 1:35 PM, Fridays.

All full-time faculty staff are expected to work this schedule unless they have the explicit permission of their supervisor to work other hours. Non-faculty staff may have other work schedules. Schedules may vary depending upon office and school needs.

All employees who work more than six hours in a given day receive and must take a 30-minute daily meal period between 11:00 AM and 2:00 PM. Employees are not allowed to perform any work during their meal period and must spend their time for their own benefit. Employees are otherwise unrestricted in how they spend their 30-minute meal period.

## 2.7 Timekeeping and Overtime

### Timekeeping

All employees must accurately record all time worked using the School's fingerprint scanners, if applicable. This includes the time work begins and ends, as well as the beginning and ending time of each meal period. The recording of all employees' time not only ensures accurate payroll and recordkeeping, but it also acts as a safety mechanism for documenting an employee's presence in the School, in case of an emergency.

Any employee who forgets to record their time must notify their supervisor immediately so the time may be accurately recorded. Altering, falsifying or tampering with time records, or recording time for another employee is prohibited.

### Overtime

In order to meet the needs of the School and its students, you may occasionally need to work overtime. Whether you receive overtime pay depends on whether your position is classified as exempt salaried or non-exempt hourly.

Non-exempt hourly employees will be paid overtime at a rate of one-and-one-half times their regular rate of pay for all time worked over 40 hours in a given week. Overtime must be approved by your immediate supervisor prior to working the overtime hours.

Exempt employees are generally paid on a "salary basis" and do not receive overtime pay.

## 2.8 Getting Paid

For payroll purposes, the workweek starts on Monday and ends on Sunday. All employees are paid semi-monthly. If a regularly scheduled payday falls on a holiday, you will typically be paid on the last working day before the holiday.

Please review your paycheck for errors. If you find a mistake, either in your favor or the School's favor, please report it to Human Resources immediately so that steps can be taken to correct the error.

## Pay Deductions and Offsets

MDYHS takes great care to avoid making improper deductions from the salaries of exempt employees. There are, however, certain circumstances where deductions from the salaries of exempt employees are permissible. These circumstances include:

- when an exempt employee is absent for one or more full days for personal reasons or for sickness or disability, if the employee has exhausted paid leave available to them;
- for full day disciplinary suspensions for infractions of our written policies and procedures;
- for intermittent absences, including partial-day absences, covered by the federal Family and Medical Leave Act, if the employe has exhausted other paid leave;
- to offset amounts received as payment for jury and witness fees or military pay;
- during the first or last week of employment in the event the employees works less than a full week; and
- any workweek in which the employee performs no work for the School.

Your salary may also be reduced for certain types of deductions, such as your portion of health, dental, or life insurance premiums; state, federal, or local taxes and social security; or for voluntary contributions to your retirement plan.

If you have questions concerning why deductions were made to your paycheck or how they were calculated, Human Resources can assist in answering your questions.

## What to Do If an Improper Deduction Occurs

If you believe an improper deduction was made to your paycheck, you should immediately report this information to Human Resources. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed.

## Salary Structure for 10-month employees

To ensure you receive pay during the summer while not working, the Yeshivah spreads your annual salary out across 12-months. While this is done for your convenience, there are important concepts to keep in mind regarding your compensation, especially when you miss working days for certain leaves of absence.

The school year at Magen David Yeshivah consists of 180-working days. Breaks, including Summer break, are not included as working days. Accordingly, your annual salary is compensation in exchange for you working these 180 days. For convenience, the Yeshivah spreads this salary over a 12-month

period in order for you to receive pay during the Summer while you are not working. The value of one working day is 1/180th or .5% of your salary.

### Leaves of Absence

MDY provides many types of leaves of absence to provide you with work-life balance and to comply with applicable law. Most leaves of absences are unpaid or, if paid, is paid through the use of accrued PTO, or paid separately by a government program (for example, New York Paid Family Leave). Each absence from a working day during your leave period is deducted from your annual salary. This includes the portion of your pay that was deferred to include summer payments to encompass the entire value of each working day. These deductions will be made to employee's paychecks once they return from leave.

Magen David Yeshivah will indicate the total overage amount the Yeshivah has to deduct to make up for the difference and the amount to be deducted for each pay period. This will be done in a leave of absence agreement that you will be required to complete prior to your leave of absence. If the leave of absence is unforeseeable, you must complete this form as soon as possible and submit it to Human Resources.

The deduction amount may not exceed 12.5% of the gross wages earned in the relevant pay period. Also, a deduction shall not reduce the effective hourly wage to less than the New York State minimum wage.

In the event that an employee is terminated or resigns prior to earning enough time to cover this advance, the Yeshivah will deduct any amount which is owed from the employee's last paycheck which may be due to the employee after the termination of their employment.

### Effect on Employee Benefits

If your benefits, including health insurance, continue while on a leave of absence, you are responsible for paying your contribution towards your premium(s) directly to the School. Your contribution responsibility will not be deducted from your pay since you will not be receiving pay from the School during your leave. Employees are responsible for ensuring their portion of the benefits premium(s) are paid to the School in a timely fashion. Failure to do so may result in loss of that benefits, including loss of your health insurance coverage.

## 2.9 Employee Benefits

MDYHS provides eligible employees with a wide range of benefits – including medical insurance, dental insurance, a 403(b)-retirement plan, and a flexible spending account.

For specific information regarding our benefit programs, refer to the actual plan documents and summary plan descriptions. Those documents always take precedent, and are available in Human Resources. MDYHS reserves the right to modify its benefits at any time.

# Chapter 3 Workplace Conduct and Policies

## 3.1 Integrity

In the pursuit of our success now and in the future, we must never compromise our honesty and integrity as individuals and as a Yeshivah. All of our activities must always be consistent with the highest ethical standards and be conducted in full compliance with all laws, rules, regulations and codes governing our Yeshivah. We have a great desire to succeed, but we also must do so while "playing by the rules." Honesty is not only the "best policy," but it is the duty of each of us, and of the Yeshivah as a whole.

## 3.2 Conflicts of Interest

A school's reputation is its most valuable asset and is directly related to the conduct of its administration, faculty and other employees. Therefore, employees must never use their positions with MDYHS, or any of its students, for private gain, to advance personal interests or to obtain favors or benefits for themselves, members of their families, or any other individuals, corporations or business entities.

MDYHS adheres to the highest legal and ethical standards. The School's business is conducted in strict observance of both the letter and spirit of all applicable laws, and the integrity of each employee is of utmost importance.

Employees must conduct their personal affairs such that their duties and responsibilities to the School are not jeopardized and/or legal questions do not arise with respect to their association or work with MDYHS.

Employees must promptly disclose any and all actual or potential conflicts of interest to Human Resources.

### Outside Employment

If you wish to hold outside employment, you must make sure the outside employment does not prevent you from fully performing your job with MDYHS or otherwise violate the law or MDYHS policies. MDYHS teachers cannot work for other educational organizations while employed by MDYHS. If you are unsure of whether or not outside employment will prevent you from fully performing your job with MDYHS, violate the law or MDYHS policies, or create a conflict of interest, please contact the Head of High School or Executive Director.

Also, MDYHS work time and the School's property must not be used for outside employment under any circumstances.

### External Instruction to Students

In addition, no employee may accept any employment in the household or business of any person or family who has a child currently enrolled in any Magen David Yeshivah school. This includes babysitting, private music lessons, and most instances of tutoring.

When a child is struggling academically or has schoolwork to make up, the Administration may recommend tutoring. MDYHS faculty members are not permitted to recommend tutoring without the approval of the Head of High School. Also, faculty members are not permitted to recommend specific tutors. These recommendations must come exclusively from the School Administration. Furthermore, with the rare exception of some special education teachers, faculty members are not permitted to tutor their own students.

All tutoring by MDYHS faculty members must take place on School premises. If needed, prior to the start of the school day and after classes are over, the School may be able to provide space for a tutor to work with an individual child. Please refer any inquiries with regard to space to the School's office. The Office Manager will assign a room and time.

Please note, this policy only applies to tutoring and does not affect faculty members' ability to voluntarily provide their *current students* with extra help with their current classwork.

The School roster may not be used for any purpose other than school related events. Its distribution is limited to MDYHS parents, faculty and staff, and under no circumstances should the list be sold or made available to other individuals or groups.

Our tutoring policies take into account the needs of individual students, and at the same time, help all involved avoid even the appearance of any conflict of interest.

## Work Product Ownership

All work performed in the course of your employment with MDYHS is exclusively for the benefit of the School, and the product of your work ("Work Product") will be the sole and exclusive property of MDYHS, even after your employment with MDYHS has ended or the relevant assignment completed. Work Product is considered "performed in the course of your employment" if the work is performed for MDYHS, during your working time, using MDYHS equipment, and/or is otherwise for the benefit of MDYHS. Examples of Work Product include, but are not limited to, course materials, professional development materials, lesson plans, projects and assignments, curriculum, syllabi, agendas, text books, book content, diagnostic tests, lectures, manuals, student homework, scholarly articles, and photos/videos. Work Product can be in any form, including written, electronic, audio, video, etc. Work Product would not, however, include protected material that a faculty member purchased through a third party, such as a lesson plan purchased from the Internet.

If you wish to use Work Product to serve private individuals, at another school (including after your employment with MDYHS has ended) or in another educational environment, prior permission must be provided by MDYHS. Although it may be acceptable for you to display and/or discuss your Work Product under these circumstances, it must always be made clear that Work Product is the sole and exclusive property of the School absent permission to the contrary. Certain Work Product may also be considered to be Confidential School Information as described in this Handbook.

## Gifts

Our School has a no-gift policy with regard to faculty receiving gifts from students and/or parents, except for gifts where all parents contribute money. Conversely, faculty members are not permitted to give gifts to students and/or parents. Also, non-faculty employees must not accept any gifts. Special care must be taken to avoid the impression of a conflict of interest.

## 3.3 Protecting Confidential Information

***Confidentiality Commitment***

During the course of your employment with MDYHS, you may have access to confidential information about our School, our students and their families, and our employees. The protection of the School's trade secrets, student information and other Confidential School Information (as defined below) is vital to MDYHS' interests and success. Your access to Confidential School Information is granted only in furtherance of the School's purposes. Any other access is unauthorized.

No MDYHS employee may, at any time, discuss MDYHS students, families, or other employees with anyone who is not an MDYHS employee. If asked about confidential information, an acceptable and appropriate response is, "I'm sorry, I can't discuss this with you (here)." That is to say, some things need to be shut down completely, while others need to be discussed in private, with only authorized persons.

***Confidential Information***

Confidential School Information includes, but is not limited to: financial records; business, personnel, and payroll records regarding current and former employees; the identity of, contact information for, and any other information on parents, students (including students' behavior, learning disabilities/issues, grades and test scores, etc.), donors, vendors; educational techniques, lesson plans, curricula, and processes; and any other documents or information regarding MYDES' internal operations, procedures, programs or practices. Confidential School Information can be in any form – whether oral, written, electronic, etc. Confidential School Information may not be removed from MDYHS premises without express authorization.

***Obligation Not to Disclose***

Your obligations under this policy continues even after your employment with MDYHS has ended. Employees who violate this policy may be subject to legal action, even if they do not actually benefit from the disclosed information.

Employees may not, under any circumstances, respond to any requests for information regarding another employee unless directed to do so by the Head of High School. If they are asked for a reference, they should refer the request to the Head of High School.

Employees should refrain from discussing student or class matters in open or public areas where privacy is not guaranteed. Employees should not communicate the contents of any student record, including quiz, test, or homework grades, via text message, chat, social media message, or other short-form communication.

If you disclose Confidential School Information to a government official or attorney for the sole purpose of reporting or investigating a suspected violation of law, you may not be held liable under federal or state trade secret law for such disclosure, and may be granted immunity by a court of proper jurisdiction.

## 3.4 Electronic Communications

### Electronic Communications, Equipment, and Computer Systems

***Use Limited to Business Purposes***

For School purposes only, MDYHS provides many of our employees with electronic communications equipment and computer systems, both for non-faculty and faculty, in and outside of the School, including telephones, cell phones (e.g., iPhone, Android), tablets (IPAD, Android, Windows), computers, laptops, software, fax machines, e-mail and Internet access.

All communications and information transmitted by, received from, or stored in these systems are MDYHS records and property of the School. Use of the electronic communication equipment and computer systems for personal purposes other than occasional use is prohibited.

If you are issued a password or access code, you may not allow others to use them without the express consent of the School. Please remember that each password and access code is School property.

***No Expectation of Privacy***

Everything produced or recorded on the School's electronic communications equipment and computer systems is School property. In order to ensure a safe, efficient and secure work environment, MDYHS may inspect, monitor and review all School property at any time. This includes personal, web-based e-mails (e.g., Google or Yahoo) accessed and stored using the School's equipment and/or computer systems. Also, because all computer data (including Internet activity) is stored on a hard drive and may be accessible to other users (including authorized School representatives and, under certain circumstances, law enforcement officials), employees should be careful not to input or access any personal data (e.g., online banking or personal web-based e-mails) which they would want to keep private. In other words, you should have no expectation of privacy in any information stored, sent, received or accessed on the School's electronic communications equipment and computer systems.

***Use of Electronics for Personal Communications***

While occasional personal use of MDY's telephone, e-mail, and computer systems is permitted, it should never interfere with School business or your individual job performance. Excessive or inappropriate personal use may be cause for corrective action, up to and including termination.

***Limitations on Internet Use***

To ensure our computer systems function efficiently and to ensure compliance with all applicable copyright laws, only software authorized by the School may be installed on School computer systems. Employees may not engage in random Internet use ("surfing the Net," playing games, shopping, blogging or accessing or downloading entertainment) during work time.

***Internet Safety***

Please use caution when downloading or opening email attachments, particularly if you do not know the sender. If you suspect a file you downloaded or opened contains a virus or other malware, stop

using the computer immediately and contact a member of the IT department and the Education Office Manager.

***Violations of Policy***

Employees must comply with all other School policies with respect to their electronic communications, such as the rules prohibiting harassment and the School's policy on Confidential School Information. Any employee who discovered misuse of any of the computer systems should immediately contact the Head of High School. Violations of this policy may result in corrective action up to and including termination.

***Return of Electronic Devices***

Employees must return any and all electronic communications equipment to the School immediately upon request or at the end of their employment. Employees, who have received prior authorization to access the School's computer systems from remote locations, are also governed by this policy and must return all data (including electronic files and e-mails) to a member of the IT department at the conclusion of their employment.

Authorization to access and utilize the School's electronic communications equipment and computer systems ends when an employee has been terminated, submits their resignation, or intends to leave the School for any reason, even if MDYHS has not actually blocked the employee's access.

## E-mail Usage/Etiquette

Employees should prepare e-mail communications with care, judgment and responsibility. A good rule is to use the same care you would use for letters written on School letterhead. E-mails containing Confidential School Information should be marked "CONFIDENTIAL – DO NOT RE-TRANSMIT."

When sending an e-mail, please be sure to double-check all e-mail addresses to ensure that you are sending the e-mail to the appropriate recipients. If you believe an e-mail containing Confidential School Information was sent in error to an unintended recipient, please notify a member of the IT department and the Education Office Manager.

An employee who mistakenly receives an e-mail that was not intended for them should NOT read the e-mail. Instead, they should immediately notify the sender.

Please note, upon separation of employment, access to your work e-mail account will be immediately terminated.

## Social Media Guidelines

We understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. We have established these guidelines to assist you in making responsible, appropriate decisions about your use of social media.

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet,

including to your own or someone else's blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the School, as well as any other form of electronic communication.

As stated above, all policies in this Handbook apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects students, the School, vendors, people who work on behalf of the School or the School's legitimate business interests is prohibited.

*Know and follow the rules* – Carefully read these guidelines and the other policies in this Handbook, including the policies on Confidential School Information and Respect in the Workplace, and ensure your postings are consistent with these policies. Unlawful conduct, or inappropriate postings that may include behavior unbecoming of an employee of an Orthodox Yeshivah, discriminatory remarks, harassment, or threats of violence, will not be tolerated.

*Be respectful* – Always be fair and courteous to students, parents, fellow faculty members, administrators and vendors. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our open-door policy than by posting to a social media outlet. Nevertheless, avoid using statements, photographs, video or audio recordings that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage students, employees or vendors, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law.

*Refrain from student interaction* – Employees may not "friend" or otherwise communicate with students or alumni under 18 on social media (including, without limitation, Facebook, Instagram, Twitter/X, LinkedIn, WhatsApp and Snapchat) under any circumstance. This includes, but is not limited to, the posting or "tagging" of students or alumni under 18 in photos or videos.

*Be honest and accurate* – Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the School, fellow employees, students, or vendors.

*Post only appropriate and respectful content* –

- Maintain the confidentiality of the School's Confidential School Information. Do not post internal policies, procedures or other internal school-related confidential communications.

- Respect all federal, state and local laws.

- Do not create a link from your blog, website or other social networking site to the School's website without identifying yourself as the School's employee.

- Consider the intended audience for the site/account and the level of privacy you may want or need. Due to the accessibility of social media, it is possible that students, parents, and/or colleagues could come across your social media accounts. For this reason, and to protect your privacy, we strongly recommend that you make your accounts private via the platform's privacy settings.

- Only express your personal opinions. Never represent yourself as a spokesperson for MDYHS. If the School is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the School. If you do publish a blog or post online related to the work you do or subjects associated with the School, make it clear that you are not speaking on behalf of the School. It is best to include a disclaimer such as *"The postings on this site are my own and do not necessarily reflect the views of Magen David Yeshivah."*

### Using social media at work

Refrain from using social media during working time, unless it is work-related as authorized by MDYHS. Do not use School e-mail addresses to register on social networks, blogs or other online tools utilized for personal use. Employees are prohibited from taking photographs or videos of students and/or third parties on MDYHS property out of respect for their privacy, unless required by your job duties and is authorized by your supervisor. In addition, any image or video taken on MDYHS property of students and/or third parties as part of your work duties must never be posted on social media. An employee should never use a student's name in any social media post to prevent violating their expectation of privacy. Do not disclose or use the School's confidential or proprietary information on any social media platform.

*Retaliation is Prohibited* – There will be no adverse action taken against employees who report violations of the School's Electronic Communications policy in good faith or participate in the investigation of violations. Any employee who believes they have been the victim of prohibited retaliation or who has witnessed retaliation should immediately notify the Head of High School or Human Resources, so the situation can be promptly investigated and remedied.

### Cellular Phone/Portable Electronics

*Personal cellular phones and/or PDAs (iPhone, Android, Windows Phone, etc.)* – Cell phone use during the workday can interfere with employee and student productivity and be distracting to others. The School therefore prohibits employees from using their personal cellular phones during worktime, unless it is for School purposes only or except in the case of an emergency. This prohibition includes the use of cellular phones for any reason (e.g., making/receiving phone calls, texting, playing games, etc.). Employees are permitted to use their cell phones for such purposes during non-working/personal time throughout the workday. Employees are also asked to ensure that friends and family members are aware of this policy. While on MDYHS premises, personal cell phones should be set to silent mode.

Due to privacy and security concerns, we request you not take pictures, or record audio or video, without obtaining permission from the Head of High School and all parties involved. MDYHS reserves the right to confiscate any employee's cell phone or device in order to determine if this policy has been violated.

As with all personal property, the School is not liable for the loss of personal cell phones or other portable electronics brought into the workplace.

## 3.5 Copyright Infringement and Plagiarism

Copyright laws limit educators in the materials, whether written, video or other media, they use in an individual classroom or for research. There are specific laws regulating what materials faculty members can and cannot use in their instruction to students. Faculty members are allowed to use copyrighted material for certain purposes under the rules of "Fair Use." It is imperative that faculty members familiarize themselves with these rules and ensure that they abide by them. Failure to do so can result in severe penalties for both the faculty member and MDYHS.

If you are unsure of whether or not you can use copyrighted material, err on the side of caution and do not use it.

In addition, faculty members must be able to identify when students plagiarize, and take corrective action accordingly. MDYHS has a zero-tolerance policy for plagiarism.

Copyright infringement or failure to address student plagiarism will result in corrective action, up to and including termination.

## 3.6 Personal Information and Property

### Personnel Records and Information Changes

Human Resources maintains a confidential personnel file for each employee. The employee file and its contents are the property of MDYHS. Individual employee medical records, if any, are kept in a separate file, and are kept confidential as required by law.

To ensure that all information in your file remains up-to-date, you are required to immediately notify Human Resources of any changes in home mailing address; telephone numbers; name and/or marital status; dependent information; W-4 deductions; and emergency-contact information.

### Personal Identifying Information - Generally

MDYHS protects the confidentiality of Personal Identifying Information obtained from its applicants, employees and students. Personal Identifying Information includes Social Security numbers (SSNs), home addresses and telephone numbers, e-mail addresses, Internet usernames or passwords, parents' surnames, and driver's license numbers.

The School only collects Personal Identifying Information for business and legal purposes and keeps all such information confidential. Access to Personal Identifying Information is restricted to those with a business-related "need to know." Under no circumstances will the School communicate or otherwise make available to the general public an individual's Personal Identifying Information.

Before disposing of any records containing Personal Identifying Information, the School will shred the records, erase the records, destroy the personal information contained in the records, or modify the records to make the personal information unreadable.

### Additional Information on Social Security Numbers

SSNs will be collected from applicants and employees as required in order to meet federal and/or state reporting requirements (e.g., to conduct pre-employment background checks; to verify employment

eligibility; to withhold federal and state taxes; to comply with state new-hire reporting; and to facilitate enrollment in School benefit plans). SSNs may also be collected from creditors, vendors or independent contractors where no tax identification or employer identification number is accessible. All SSNs are protected under this policy.

The following usages of SSNs are prohibited:

- Visibly printing an employee's SSN on any identification badge, including timecards;
- Publicly posting an employee's SSN;
- Placing an employee's SSN in files with unrestricted access;
- Using a SSN as an identification number for the purposes of any occupational licensing;
- Requiring an employee to use their SSN over an Internet exchange that is not secure or that is not encrypted;
- Requiring an employee to use their SSN to access an Internet website without also requiring a PIN or other authenticating device;
- Printing SSNs on any correspondence mailed to the employee, unless otherwise required by federal or state law;
- Encoding or embedding a SSN in a record or document by using a bar code, magnetic strip or other technology; and
- Filing a public document with any state agency or political subdivision, or in any court, that contains a SSN, unless by consent or as required by other federal or state law.

All documents containing SSNs are stored in locked, secured areas. All computer applications containing SSNs are maintained on secured, authorized-access computer stations only. Only people with a legitimate business reason have access to SSNs. All employees with access to SSNs are responsible for ensuring the confidentiality of SSNs when records containing SSNs are not being used.

## Your Personal Property

MDYHS is not liable for loss, damage or theft of personal property on our premises. MDYHS is not insured for, responsible for, and will not reimburse you for, the loss or theft of personal items. Therefore, it is essential that you protect your own belongings. For your own protection, do not leave valuable personal property at work and do not leave personal items – especially your purse, briefcase, wallet or cell phone – unattended while you are at work.

## Your Personal Information

The decision to share a personal phone number, home address, and/or any other personal information is under the discretion of each individual employee. The School will not provide such information to any student or parent. The School also strongly encourages employees not to share their personal information with any parents or students.

## Bring Your Own Device ("BYOD") Policy

Use of personal electronic devices for work purposes, including but not limited to smart phones, tablets, laptops and computers is allowed only when MDYHS has provided written authorization and may be limited to certain employees or departments. All School policies in effect pertaining to harassment, discrimination, retaliation, proprietary information, trade secrets, confidential information, and ethics apply to the use of personal devices for and during work-related activities.

When personal devices are being used for work purposes, employees should not expect any privacy except that which is governed by law. MDYHS has the right, at any time, to monitor any communications that utilize School networks in any way, including data, voicemail, telephone logs, internet use, network traffic, etc. to determine proper use.

Employees are expected to reasonably protect personal devices used for work-related purposes from loss, damage, and theft. If a personal device is lost or stolen the employee must notify the School immediately. MDYHS bears no responsibility for replacing or repairing personal devices that are damaged, even if that damage occurs on School property and/or during working hours.

Failure to follow these policies and procedures may result in corrective action up to and including termination of employment.

## 3.7 Your Appearance at Work

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. The restrictions in this policy relate to the importance of our religious tenets. You represent MDY with your appearance as well as your actions. Appropriate attire helps to create a favorable image for the School, to the public and fellow employees.

Male employees must wear a collared dress shirt, dress slacks and dress shoes. Jackets and ties are encouraged. All Jewish male employees must wear yarmulkes while working in the School.

Female employees must wear skirts or dresses below the knees, or dresses, and loose-fitting sleeved shirts (at least ¾ sleeves) with modest necklines.

Teachers are also expected to wear closed toe and closed back shoes. All employees are prohibited from dyeing their hair in extreme colors.

Employees may not wear sneakers, flip flops, sandals, tank tops, shirts which display advertising, jeans or shorts. Facial piercings and tattoos should not be visible while at work. Physical education, nursing staff, and maintenance employees are permitted to wear appropriate clothing for that particular activity.

Due to the potential of allergies and distraction, employees must refrain from wearing strong fragrances, or disruptive or allergy-inducing scents in the workplace.

These guidelines apply to employees during normal workdays. Exceptions may be made during special events and field trips.

## 3.8 Violence-Free Workplace

One of our overriding concerns at MDYHS is that employees and students are provided with a safe and professional working and educational environment. Violent acts and threats of violence have no place in our schools. Under no circumstances will we tolerate physical violence or threatening behavior in the workplace, on MDYHS premises or at school-related functions. We have a zero-tolerance policy for violence of any kind. Incidents of workplace violence will be reported to government authorities, as appropriate.

## Examples of Violent or Threatening Behavior

Examples of prohibited violent or threatening behavior may include, but are not limited to:

- Loud, abusive language;
- Threats or insinuations of "getting even;"
- Physical aggression, whether demonstrated or threatened;
- Dangerous pranks or practical jokes;
- Horseplay;
- Fighting;
- Assault; and
- Corporal punishment.

"Corporal punishment" includes spanking, slapping, pinching, hitting or the use of any other physical force as retaliation or correction for inappropriate behavior.

## Firearms and Weapons

Possessing firearms and other weapons on MDYHS premises, while on School business, or at MDYHS-sponsored events, is dangerous to employees and is strictly prohibited with the exception of the School's security guards. For purposes of this policy, a "weapon" means any item which could be used for the purpose of inflicting bodily injury, which may include items that are legal to own.

## Procedures for Reporting a Threat

All potentially dangerous situations, including threats by co-workers or students, should be taken seriously and reported immediately to your supervisor, Head of High School or Executive Director, or any other member of the MDYHS Administration with whom you feel comfortable. In an emergency, you should immediately contact the School Office, the police, Hatzalah (718-230-1000), or other emergency services, as appropriate.

All threats will be promptly investigated. Reports of threats will be kept confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the reports. No employee will be subjected to retaliation, intimidation or corrective action as a result of reporting a threat in good faith under this policy.

## Personal Situations

Sometimes employees experience personal situations that could adversely affect the workplace. Contact your supervisor or Human Resources for any of the following situations:

- Incidents of domestic violence or threats against an employee where there is a possibility that the other party will seek out the employee at work;
- An employee has obtained a restraining order naming their workplace as a restricted area;
- An employee is receiving threatening or harassing telephone calls or emails at work; or
- An employee is the target of unwanted pursuit by someone who has been seen at or near the workplace.

### Suspicious Packages

If you receive a suspicious package in the mail, do not open it. Immediately contact the Security Department.

## 3.9 Drugs and Alcohol-free Workplace

The School seeks to promote individual wellness in as many ways as possible. We have no tolerance for illegal drugs in our School. To help ensure a safe, healthy and productive work environment for our employees, and to ensure a safe, healthy and productive educational environment for our students, MDYHS has adopted a policy of maintaining a workplace free of drugs and alcohol. Employees are prohibited from reporting to work or working while using illegal or unauthorized substances, including controlled substances, except when the use is consistent with a doctor's orders and the doctor advised the employee that the substance does not adversely affect the employee's ability to safely perform their job duties.

In addition, employees are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, sale, or possession of illegal or unauthorized substances and alcohol in the workplace, including during working time, on School premises, in School vehicles, or while engaged in School activities. Employees are also prohibited from reporting to work or working with any alcohol in their systems and from consuming alcohol during working hours, including meal periods.

The School reserves the right to require employees to require employees to submit to drug and/or alcohol tests in the following circumstances:

- When management has a reasonable suspicion that an employee is using or is under the influence of drugs, alcohol, or other unauthorized substances. "Reasonable suspicion" is a belief based on objective facts sufficient to lead a prudent person to suspect that an employee is using or has used drugs, alcohol, or other unauthorized substances, which affect their behavior; or
- When an employee is found in possession of drugs, alcohol, or other unauthorized substances, or when any of these items are found in an area controlled or used exclusively by the designated employee; or
- Following an accident or incident in which safety precautions may have been violated or careless acts may have been performed.

The School maintains a policy of non-discrimination and reasonable accommodation with respect to recovering addicts and alcoholics, and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before their substance or alcohol use affects their job performance or jeopardizes the health and safety of themselves or others.

### Legal Cannabis Use

While cannabis may be legal outside of working hours, the School has the following policies in place with respect to cannabis use:

- Employees may not use or be impaired by cannabis during business hours (including during breaks) or on School premises

- Smoking and vaping of cannabis is prohibited in any location where tobacco smoking is prohibited.
- Consistent with the School's fragrance policy (see Section 3.7 – Your Appearance at Work), employees may not report to work smelling of cannabis.
- The School may take corrective action against an employee if their use of cannabis violates any state or federal statute, regulation, ordinance, or any other state or federal mandate that the School is subject to.
- The School may also take corrective action if any employee manifests "specific articulable symptoms" while working that:
    - Decrease or lessen the employee's performance of their duties; or
    - Interferes with the School's obligation to provide a safe and health workplace and school for its employees and students, and as required by state and federal occupational safety and health law.

The School will not retaliate against any employee for their personal use of cannabis outside the workplace, off business premises, and otherwise in compliance with the above policy.

## 3.10 Workplace Security

### Employee Identification

MDYHS is committed to maintaining a secure, safe environment for all of our employees. All employees are issued MDYHS identification cards. These cards are issued at the time of hire and are validated annually. All students, faculty and staff members must have in their possession a MDYHS issued identification card while on School property and be prepared to present the card upon request by any Security Officer or other School official.

### Workplace Searches

To protect the property and to ensure the safety of all employees, students and the School, MDYHS reserves the right to conduct personal searches consistent with state law, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes or any other possessions or articles carried to and from MDYHS' premises. In addition, MDYHS reserves the right to search any employee's office, desk, files, locker, equipment or any other area or article on our premises. In this regard, it should be noted that all cell phones, laptops, offices, desks, files, lockers, equipment, etc. are the property of MDYHS, and are issued for the use of employees only during their employment.

Inspection may be conducted at any time at the discretion of the School. Persons entering the premises who refuse to cooperate in an inspection conducted in accordance with this policy may not be permitted to enter the premises. Employees working on, or entering or leaving the premises must cooperate in inspections.

### Workplace Safety

MDYHS considers safety in the workplace a top priority and intends to comply with all the Occupational Safety and Health Administration (OSHA) standards. You are expected to obey safety rules and to exercise caution in all work activities. To protect yourself and your fellow employees, you should immediately report any unsafe conditions to your supervisor.

Often, some of the best safety-improvement ideas come from employees. If you have ideas, concerns, or suggestions for improved safety in the workplace, you are encouraged to raise them with your supervisor.

*Employee Injuries* - If an employee is injured on the job, the School provides coverage and protection in accordance with the Worker's Compensation Law. When an injury is sustained while at work, it must be reported immediately to the Nurse or your supervisor. If the accident or injury is serious, your first call should be to Hatzalah (718-230-1000) or 911. Failure to report accidents is a serious matter as it may preclude an employee's coverage under Worker's Compensation Insurance.

*Student Injuries* – All accidents or injuries must be reported immediately to the Nurse or your supervisor. If the accident or injury is serious, your first call should be to Hatzalah (718-230-1000) or 911.

### Visitors

Due to safety concerns, employees are not allowed to have visitors in the School without express permission from the Administration. Similarly, employees must not admit visitors into the building or their respective assigned areas (offices, classrooms etc.) unless the individual visitor is cleared by Security. Please notify the Security Department (ext. 3283) or your supervisor of any suspicious individuals inside the School.

### Fire and Emergency Drills

MDYHS is required by law to conduct fire and emergency drills on a frequent basis. Employees will be asked to assist students during fire and emergency drills on a regular basis.

## 3.11 Student Safety

### Maintaining Professional Boundaries

Employees are expected to maintain a professional relationship with students. Personal disclosures, emotional dependence, unsupervised one-on-one time, and physical displays of affection are prohibited. It is unethical to use your position as an adult to develop relationships with students for personal disclosures, intimacy, and emotional commitment.

Sexual misconduct is any solicitation of any sexual act with a student, whether written, verbal or physical; any act of child abuse; any solicitation, encouragement or consummation of a romantic or physical relationship with a student; or any sexual contact with a student. “Romantic relationship” includes dating a student or otherwise being involved in an inappropriate social relationship with a student.

Sexual harassment of a student by a MDYHS employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or non-verbal conduct; or other conduct or communication of a sexual nature when an MDYHS employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct.

These guidelines apply to the behavior and conduct of all members of the School staff, whether teachers or non-teaching personnel, and including athletic coaches, and whether on-campus or off-campus.

The staff member must recognize that he/she is always the adult and should refrain from getting too close to a student or from crossing professional boundaries. Every staff member is expected to avoid and/or report any behavior that could be considered sexual assault, harassment, or inappropriate. Behaviors to avoid include, but are not limited to, the following:

- Being alone with a student, especially when engaging in otherwise permitted contact such as teaching. For example, doors should remain unlocked and windows uncovered;
- Remarks, jokes, and comments about a student's body, appearance, sex, or sexual orientation;
- Use of inappropriate or derogatory sexual language or gestures;
- Engaging in sexually oriented conversations for the purpose of personal sexual gratification;
- Telephoning or texting students at home or elsewhere for inappropriate social relationships; and
- Enticing or threatening students to engage in sexual behavior in exchange for grades or other school related benefit.
- Spending considerably more time with one student than others;
- Encouraging a student to confide about personal, family, and/or relationship problems;
- Unnecessary physical contact such as touching, hugging, and/or affectionate or "playful" contact;
- Driving students' home or to other locations not explicitly authorized by the student's parents and the School;
- "Friending" or "following" students on any social media platform;
- Giving gifts to students; and
- Arranging to meet students outside of school not explicitly authorized by the student's parents and the School.

Anyone who believes they have been subject to inappropriate behavior, or others who have knowledge of or witness any possible occurrence, should report the incident immediately to the School's Head of High School. A report can also be made to any supervisor, who should report the incident to the Head of High School, or if such individuals are involved in such conduct, a report can be made to the Board President of the School.

If a student initiates inappropriate behavior to a member of the staff, that staff member should document the incident and report it immediately to their supervisor. The supervisor should then promptly report the incident to the Head of High School.

All allegations of sexual harassment or sexual abuse of students will be reported to parents and promptly investigated. Conduct that may be characterized as known or suspected child abuse will also be reported to appropriate authorities, as required by law. Employees with questions or concerns relating to alleged sexual harassment of a student should contact their immediate supervisor, Human Resources or the Head of High School.

## Retaliation

Retaliation against any individual who filed and/or participated in the investigation of a complaint in good faith, even if the complaint is unsubstantiated, is prohibited. The School will take reasonable action to protect individuals from retaliation or reprisal.

## Electronic Communication with Students

All employees are prohibited from electronically communicating with students. This includes, but is not limited to, texting, e-mailing, calling, instant messaging, Tweeting, private messaging, and Snapchatting students.

However, if a faculty member must contact a student for educational purposes only, they may do so only through the faculty member's School issued e-mail address. The student's parent and/or a school administrator must be copied on any such e-mail. If you do not have a parent's e-mail address, please contact the School's office.

## Social Media

Employees with social media sites such as Instagram, Twitter/X, Snapchat, Tiktok, etc., should take all possible precautions to prevent students from being able to view personal sites. This may require setting social media accounts to "private." In the event of a student locating an employee account, employees must decline the invitation from the student.

This policy applies to all employees 12 months a year. Violation of this policy will result in corrective action, up to and including termination.

## Mandated Reporting

Pursuant to §413 of the New York Social Services Law, MDYHS employees (including all teachers, nurses, school administrators, social workers, coaches and other school officials who are required to hold a teacher or administrative license or certification) are required to report instances of suspected child abuse or maltreatment to the State Central Register of Child Abuse and Maltreatment ("SCR"). This applies to all faculty members, employes, and volunteers are mandatory reports who must notify designated child welfare authorities of incidents of alleged missing, abused, and/or neglected children. In New York State, reports are made to:

**New York State Central Register (Mandated Reporter Hotline)**
1(800) 635-1522

Child "abuse" occurs when a parent or other person legally responsible for the child inflicts serious physical injury upon the child, creates a substantial risk of serious physical injury, or commits a sex offense against the child. In addition, the definition includes instances where the parent (or person legally responsible) allows any of the preceding to take place.

Child "maltreatment" (which includes neglect) occurs when a child's physical, mental, or emotional condition has been impaired, or is in imminent danger of impairment, by the parent's (or other person legally responsible for the child's) failure to exercise a minimum degree of care by (i) failing to provide sufficient food, clothing, shelter, education or medical care; (ii) failing to provide proper supervision or guardianship; (iii) unreasonably inflicting harm, including excessive corporal punishment; (iv) abandoning the child; (v) misusing drugs; and (vi) misusing alcoholic beverages leading to loss of self-control of actions and, in such actions, causing the child to be placed in imminent danger.

Examples of conditions that should raise suspicions of child abuse and/or maltreatment include:

- Evidence of physical injury not likely to have been caused accidentally;
- Student complaint of having been injured or sexually abused with or without any external signs;

- Appearance of malnourishment; Student displaying signs of aggression, fear, withdrawal, or sadness.

As mandated reporters, MDYHS employees are required to report suspected child abuse or maltreatment when they have reasonable cause to suspect either has occurred. "Reasonable cause" to suspect child abuse or maltreatment means, based on a school official's rational observations, professional training, and experience, the official suspects the parent, or other person legally responsible for the child, has harmed the child or placed the child in imminent danger of harm.

## Reporting Child Abuse

With regard to reporting instances of child abuse and maltreatment, the following procedures must be followed:

1. If an employee/school official learns of or has reasonable cause to believe a situation of abuse or maltreatment of a student by their parent or person legally responsible for the student's care, the employee must immediately report the situation to the hotline as outlined above (1-800-635-1522). The employee/school official should ask the SCR representative their name and the "Call I.D."

2. After reporting to the hotline, the employee must report the situation to the Head of High School or Head School Psychologist/Director of Guidance immediately.

3. Within 48 hours of the employee/school official's verbal report to the SCR hotline, the employe must complete and submit to SCR, mandated reporter form "LDSS-2221A." Form LDSS-2221A may be obtained from the New York State Office of Children and Family Services website at: http://ocfs.ny.gov/main/cps/ or by calling (518) 473-0971.

4. If an employee/school official is uncertain about whether a situation rises to the level of abuse or maltreatment, or for general guidance, they should contact the hotline to discuss the matter with a trained SCR specialist. Such calls may be made anonymously.

5. The Head of High School or Head School Psychologist/Director of Guidance shall document for their confidential file the events, conversations, and facts associated with an allegation of child abuse or neglect, whether or not those circumstances rise to the level of reasonable suspicion that cause them to make a report to SCR.

All information relating to reports of child abuse or maltreatment shall be strictly confidential.

## Recognizing Student Bullying and Student-on-Student Harassment

MDYHS recognizes that all students should have a safe, orderly, civil and positive learning environment. As employees of MDYHS, you are responsible for the sustainability of that environment. Bullying is a form of dangerous and disrespectful behavior that is not tolerated.

For the purposes of this policy, "bullying" is defined as any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which:

- is repeated over time;
- is intended to ridicule, humiliate, or intimidate the student; and
- either:
    a. occurs during the school day on school property, on a school bus or at a school-sponsored activity; or
    b. does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

Examples of bullying include, but are not limited to:

- Name-calling and verbal taunts;
- Physical threats or actual physical harm; or
- Off-campus text messages or social media posts that ridicule or intimidate to the extent that the targeted student is not able to fully participate in their education at the School.

Any employee who witnesses conduct or is informed of conduct that they reasonably believe might constitute bullying must take reasonable action to stop the conduct and to prevent its recurrence and shall immediately report it to the Head of High School. Any school employee who directly receives information about conduct that might constitute bullying shall immediately report it to the Head of High School.

## Title IX Policy

Title IX protects students from discrimination, based on sex, in educational programs and activities. Title IX states:

> No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by MDY.

This policy reaffirms MDY's commitment to comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence. This policy covers sexual harassment and sexual violence alleged to have been committed by one student against another, as well as sexual harassment alleged to have been committed by an employee or contractor against a student.

### Prohibited Conduct:

"Sexual Harassment" refers to any unwelcome or unwanted sexual advances. Conduct that may constitute sexual harassment can include, but are not limited to, verbal comments of an overtly sexual nature, comments of a sexual nature not relevant to the material being taught, remarks of a sexual nature about an individual's clothing, gesturing, leering, unwanted touching, requests for sexual favors, and sexual violence. Sexual harassment may occur in a single incident or consist of a series of incidents.

"Sexual Violence" is any nonconsensual sexual act prohibited by law, including when the victim lacks capacity to consent. Examples of sexual violence include, but are not limited to, rape, sexual battery, molestation or attempts to commit those offenses, and intentional physical contact which is sexual in nature.

"Sexual Favoritism" is the granting or withholding of MDY opportunities and benefits including assignments, discipline, and progress marking and reporting.

"Stalking" is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others, or to suffer substantial emotional distress. This includes two or more acts done directly, indirectly, or through a third party.

"Dating Violence" is violence committed by a person who is or has been in a romantic or intimate relationship with the victim.

"Domestic Violence" includes felony or misdemeanor crimes of violence.

### Title IX Coordinator:

MDY has appointed the School Psychologist/Director of Guidance as the Title IX Coordinator to ensure its compliance with Title IX. The Title IX Coordinator is responsible for overseeing all Title IX complaints and investigations, identifying and addressing any patterns of systemic problems that are based on review of complaints, and providing education and training about this Policy to the MDY community.

If any faculty member or other member of staff at MDY is first notified of a complaint, that person must promptly inform the Title IX Coordinator of the complaint.

No MDY employee may discourage an individual from reporting misconduct covered by this Policy.

### Making a Complaint:

Complaints may be reported by the victim or by anyone else who has knowledge of a violation of this Policy.

### Procedure:

Once the Title IX Coordinator has received a complaint, a timely and thorough investigation will be conducted. MDY's disciplinary procedures will be used to adjudicate complaints of sexual harassment or sexual violence.

## Medication

Employees should never give a student any type of medication, including cough drops. This includes all over-the-counter products, including pain relievers.

Students must have written authorization on file from a physician detailing the name, frequency and dosage of a prescribed medication and the School must have a written request on file from the parent in order to administer the medication as prescribed by the physician.

## Field Trips

Field trips taken in connection with class work and activities are allowed. These trips must be planned well in advanced and approved by the Head of High School at least two weeks before the trip is to be taken.

Each student is required to submit written permission slips from their parents for all field trips. It is the responsibility of the supervising faculty member to see that the students return these forms, properly signed, to the School. These forms should be returned at least a week prior to the activity and submitted by the faculty member to the Head of High School not later than the Friday before the trip.

### Suicide Prevention

Any employee who suspects that a student presents a risk of self-inflicted violence or harm (as the result of a conversation with that student, information the faculty member learns from other students, or any other information that leads them to this conclusion) must immediately report such suspicions to the Head of High School.

### Pending Criminal Charges

You are required to report to the Head of High School any pending criminal charges lodged against you. MDYHS reserves the right to take appropriate action as a result of any pending charges in the best interest of MDYHS and its students, consistent with federal, state, and local laws.

## 3.12 Emergency Situations

### Emergency Procedures

In general, you should notify the Security Department (ext. 3283) of any emergency situation. All school buildings are equipped with fire extinguishers. You should familiarize yourself with the emergency procedures at your designated facility.

### Emergency Notification

In an emergency, MDYHS may need to contact your family or any other person you designate as an emergency contact. As a result, it is very important that you keep the names, addresses, and phone numbers of your emergency contacts accurate and up-to-date at all times.

### Lockdown Procedure

An incident may arise in which a lock-down mode may be put into place, such as persons armed with firearms on school property, gunshots directed at or near school grounds, police incidents involving dangerous person(s) that are adjacent to or within a short distance of the School site, intruders, hazardous chemical spills, gas leaks, electrical conditions, or disasters close to the school or grounds. Severe weather conditions can also involve a lock-down mode. The list is not all inclusive.

*Secure your classroom* – Teachers and assistants need to perform the following:

- All activities should cease.
- Check the hallway – students and other school members should be brought into the closest classroom.
- Lock doors and windows.
- Pull down shades.
- Insert Night Locks (if available in your room).
- Turn off lights and barricade door.
- Move Students away from windows and potential threat and stay down.
- Keep students calm and quiet.
- Silence your phone.
- Do not let *anyone* in your room.
- The Lock Down is not over until you hear the password – not even for police.
- In the event of a fire alarm during a lock down, do not exit unless you smell smoke or see fire.
- If locked out, go to nearest safe room or evacuate.

### Bomb Threat

If you receive a bomb threat, remain calm and immediately attract the attention of a co-worker or staff member and have them call the Security Department to determine if an evacuation is necessary.

- Listen carefully
- Be polite and show interest.
- Try to keep the caller talking to learn more information
- Try to identify the voice characteristics of the caller, and any background noises such as bells, motors, traffic noises, voices, etc.
- If your phone has a display, copy the number and/or letters on the window display
- Complete the Bomb Threat Checklist
- Immediately upon termination of the call, do not hang up, but from a different phone, contact the Security Department

If you see a suspicious object, notify the Security Department and clear the area.

In the event of an explosion or fire, take cover or leave the building as directed by the Security Department. Use stairs only; do not use elevators.

### Severe Weather and Emergency Closings

MDYHS will make every effort to remain open for business on scheduled workdays. However, MDYHS will declare the school closed, if weather or other conditions are severe enough to warrant closing. If emergency conditions develop during normal business/school hours, MDYHS may declare the school closed so that employees and students can leave early before conditions worsen. You are encouraged to remain at work until you are officially notified that the school is closing early. Should you feel the need to leave sooner, you should speak to your supervisor.

MDYHS has a consistent policy that provides for our schools to remain open during inclement weather where possible. If the School remains opened, and an exempt employee takes time off due to poor weather conditions, they must use their accrued paid time off.

When operations are officially closed due to emergency conditions MDYHS will pay hourly employees their scheduled hours, if they were scheduled to work on that day. MDYHS may schedule "make up days," following a school closure due to emergency conditions.

For notification of closings, delayed openings, or other emergencies, check the School's Instagram account, check the official school app or visit www.magendavidyeshivah.org.

## 3.13 Communicable Illness

In the event of an outbreak of a communicable illness which affects the School and its employees, MDYHS aims to minimize the risk of transmission. This policy operates in conjunction with the School's sick leave policy and, in compliance with the NY HERO Act, the School's Airborne Infectious Disease Exposure Prevention Plan. Because the spread of communicable illness often happens rapidly, the School recognizes you will not have much advance notice. Therefore, MDYHS requires that you provide your supervisor with notice that you are unable to work due to a communicable illness as soon as practicable prior to using sick time.

If you develop a fever, cough, or upper-respiratory illness, you should stay home. Do not return to work until you are free of fever and other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-alleviating medication.

In the event that the State Department issues Travel Advisories in response to a communicable illness, the School will follow the recommendations of those advisories in determining whether to suspend travel to the affected regions.

If there is an outbreak of a communicable illness, the School will alert employees of our plan to handle the illness. All communications will be sent through the MDYHS email system.

## 3.14 Uncontrollable Events, Including COVID-19 Pandemic

While MDYHS is committed to fulfil the obligations of this Handbook, there are uncontrollable events, like the COVID-19 Pandemic, that may change circumstances. Accordingly, the School is not liable for a delay or failure to fulfil any duty under this letter if any of the following conditions occur beyond the School's control: an extraordinary element of nature or act of G-d, an epidemic, a pandemic, quarantine restriction, an act or order of government, a riot, war, or act of terrorism. MDYHS may, at its sole discretion, suspend operations in any of the above conditions or switch to tele-education.

## 3.15 MDYHS Property

All employees are expected to exercise due care in their use of MDYHS property and to utilize such property only for authorized purposes. Students should be called upon to do the same and should be encouraged to care for books, athletic equipment, and the School facility as a whole. The removal of School property from the premises or its conversion for personal use is prohibited.

Employees are expected to keep their offices, classrooms, and work areas clean and orderly. The care and condition of all classroom desks and equipment is the responsibility of the faculty member. Faculty members are responsible for taking appropriate disciplinary action if they see a student damaging School property.

Those employees who use common areas such as the Faculty Room and restrooms should keep them clean.

## 3.16 Smoking

MDYHS is committed to the health and safety of students and employees. Smoking, including electronic cigarettes (including, but not limited to, JUULs, halos, vaporizers, and vape pens), is not permitted in any building, on any property belonging to the Yeshivah, on the block of the School, or anywhere in which you could potentially be visible to children.

## 3.17 Solicitation and Distribution

In the interest of efficiency and security, employees are prohibited from soliciting, or requesting information from, another employee to obtain membership in or support for any organization while either person is on working time. Employee distribution of literature (including handbills) is prohibited during working time and at any time in a working area.

Non-employees are prohibited from distributing literature or soliciting employees on MDYHS premises at all times.

## 3.18 Gambling

Employees may not engage in any form of gambling during work or on MDYHS premises. Examples of gambling include, but are not limited to: any kind of game, contest, lottery or raffle where proceeds from employee contributions are used to fund or purchase a prize (e.g., a sports pool or fantasy league). Any employee who becomes aware of or suspects gambling in violation of this policy must immediately report such suspicions to the Head of High School. Similarly, any employee who becomes aware of or suspects students are gambling must immediately notify the Head of High School.

## 3.19 Bulletin Boards

Information of interest and importance to you is regularly posted on our bulletin boards. We suggest that you read them regularly. Employees may not post or remove any information from the bulletin boards.

## 3.20 Recording and Photography

Employees may not record conversations in which Confidential School Information (as defined in Section 3.3), proprietary information or private health information is discussed, without the prior approval of the Head of High School. In addition, employees may not photograph documents or materials containing such information without prior approval from the Head of High School.

An exception to this rule concerns pictures and recordings of work areas, would be to engage in activity protected by the National Labor Relations Act including, for example, taking pictures of health, safety, and/or working condition concerns or of strike, protest, and work-related issues and/or other protected concerted activities.

# Chapter 4 Performance Management and Problem-Solving

## 4.1 Performance Management Process

We are committed to helping you manage your performance by providing you with feedback about your performance and evaluating your skills and knowledge.

Performance management is a key part of MDYHS' overall culture, and it is an important tool that provides you with the opportunity for growth in personal responsibility, accountability, reward and recognition. Performance management can help MDYHS achieve excellence in education and help you reach your potential.

You and MDYHS will participate together in the performance management process.

### Performance Reviews

The main purpose of the performance review is to provide you with feedback about your strengths in performance and opportunities for improvement. This is accomplished through open, frank and direct communication between you and MDYHS about:

- Job requirements and standards;
- Working relationships;
- Future expectations; and
- Any work-related problems or issues.

### Timing of Performance Reviews

Faculty: The Administration will conduct both scheduled and unscheduled, periodic classroom observations. Observations will provide the basis of an annual, formal, written faculty evaluation.

All other employees: Formal performance reviews are typically scheduled once a year. However, we strongly encourage you to discuss your job performance regularly, on an informal basis, with your supervisor.

## 4.2 Performance Counseling / Corrective Action

It is important to the success of MDYHS that every one of us is a contributing member of the team. To make sure that this universal standard is met throughout MDYHS, each one of us is expected to meet standards of performance, attendance, punctuality and professional behavior, and to follow all MDYHS policies and procedures.

In most cases, if there is an issue with your performance, your supervisor will work with you to provide the appropriate counseling and corrective action so that you have the opportunity to improve. Corrective action may include a verbal warning, written warning, final written warning, suspension with or without pay, and/or termination of employment.

***However, MDYHS' policy on corrective action may not be progressive in every case.*** This means that MDYHS reserves the right to escalate the process or use any part of it that is appropriate for the situation

– and, if necessary, to dismiss you from employment without implementing performance counseling or corrective action.

The level of performance counseling and corrective action that may be used depends on considerations such as the:

- Nature and severity of the issue;
- Timing and frequency of previous issues; and
- The employee's overall performance.

In the event that there is a finding of abuse, the child's parents will be notified and the employee will be terminated.

## 4.3 Problem-Solving Through Communication

### Direct and Open Communication

The intent of all of MDYHS' policies is to provide a productive working environment. We respect your right to communicate directly and openly, on an individual basis, with your supervisor about any terms or conditions of your employment. At MDYHS, the open communication policy is meant to create a more informal conflict-resolution process that is an add-on to other procedures for employee reviews and grievances.

A positive and direct team relationship between management and employees is the key to success, growth and development. We believe that employees should be able to deal directly with management to resolve issues and individual concerns. The ability to deal directly with individuals provides the best climate for maximum personal development, teamwork and collective achievement.

In accordance with this policy, we encourage you to bring your issues, suggestions, and concerns to directly us so that we can understand each other better. Letting us know of your concerns directly gives us the opportunity to understand your concerns and do our best to address them.

### Problem-Solving Procedure

We believe that effective communication is essential in any work environment. Your supervisor and the Head of High School have an open-door policy and are prepared to discuss any concerns you may have. It is our hope that you will feel free to discuss any issues you may have directly with them. If you have any concerns, ideas, suggestions, or you feel you have not been treated fairly, please use the following Problem-Solving Procedure:

**Step 1**: If you have any work-related problem or complaint, you are encouraged to discuss the situation with your direct supervisor or with Human Resources. After hearing about and investigating the issue, your direct supervisor will provide you with an answer as soon as possible.

**Step 2**: If, for any reason, you feel uncomfortable discussing your problem with your direct supervisor, you should contact the Head of High School. The Head of High School will make a final decision to resolve any remaining problem or complaint in the best interests of the employee and the School.

## 4.4 Professional Development and Faculty Meetings

Professional development activities/workshops and faculty meetings will be held on a regular basis either during or after school hours and all faculty are required to attend. Please see the School's calendar for specific dates. Additional activities/workshops and meetings will likely be held in addition to those on the calendar. You will be informed of them in advance.

## 4.5 Misconduct

The following guidelines may be applied at the discretion of MDYHS.

Any employee whose conduct, actions or performance violates or conflicts with MDYHS's policies may be terminated immediately and without warning.

The following are some examples of grounds for immediate dismissal:

- Breach of trust or dishonesty
- Conviction of a felony
- Willful violation of an established policy or rule
- Falsification of School records
- Gross negligence
- Insubordination
- Violation of the Anti-Harassment and/or Equal Employment Opportunity Policies
- Time card or sign-in violation
- Undue and unauthorized absences or lateness from duty during regularly scheduled work hours
- Deliberate non-performance of work
- Larceny or unauthorized possession of, or the use of, property belonging to any co-worker, visitor or student of MDYHS
- Possession of dangerous weapons on the premises
- Unauthorized possession, use or copying of any records that are the property of MDYHS
- Marring, defacing or other willful destruction of any supplies, equipment or property of MDYHS
- Failure to call or directly contact your supervisor when you will be late or absent from work
- Fighting or serious breach of acceptable behavior
- Violation of the Alcohol or Drug Policy
- Theft
- Leaving the work premises without authorization during work hours
- Sleeping on duty.

This list is intended to be representative of the types of activities that may result in corrective action. It is not exhaustive, is not intended to be comprehensive and, as applicable, does not change the employment-at-will relationship between the employee and MDYHS.

# Chapter 5 Time Off and Work-Life Balance

In this chapter, you will find information about the different types of paid and unpaid time off available to you.

## 5.1 Attendance and Punctuality

You were hired to perform an important function at MDYHS. As with any group effort, operating effectively and efficiently takes cooperation and commitment from everyone. Therefore, your attendance and punctuality are essential. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on your fellow employees and the School. Excellent attendance and on-time arrival is expected from every employee.

However, we know there are times when absences and lateness cannot be avoided. If you are going to be absent or late, you must notify your supervisor as far in advance as possible in accordance with the time off policies below, but no later than one hour before your scheduled start time.

Faculty: If a faculty member knows they will be absent, a Planned Absence Form needs to be filled out and approved by the Head of High School. If the absence is unforeseeable and/or last minute, please call the School at 718-954-3300 as early as possible, but no later than 7:00 AM. Please also e-mail your immediate supervisor and/or the office staff if you will be absent.

Be sure to provide a clear reason for each absence or lateness, as well as the amount of time you plan to be out. You are required to contact your supervisor each day you are absent unless your supervisor instructs you otherwise. An employee who fails to contact their supervisor for three (3) or more consecutive days may be considered as having voluntarily resigned.

Unexcused or sporadic absences may lead to corrective action up to and including termination of employment.

### Leaving Work during the Workday

Leaving early and not returning to the School in connection with scheduled work times, breaks, or meal periods is not acceptable, unless authorized by your supervisor. Similarly, returning late from breaks or meal periods violates MDYHS' attendance and punctuality policy.

Repeated incidents without prior approval may result in corrective action, up to and including termination. If it becomes necessary to leave the workplace during normal working hours, your supervisor must be notified.

Please note that absence from the following events for those to whom these apply will count as two PTO days, regardless of the number of accumulated absences you may have:

- Parent-Teacher Conferences
- Professional Development Sessions
- Chaperoning days your class is scheduled to go on a class trip

In addition, for those faculty employees who are expected to attend but are absent from the Israeli Day Parade will result in a deduction of one day's salary.

If there is a pattern or practice of missing these events, you may be subject to corrective action, up to and including termination of employment.

## 5.2 Introductory Period for Non-Faculty

Employees are on an introductory period during their first 90 days of employment.

During this time, employees will be able to determine if your new job is suitable for you and the School will have an opportunity to evaluate your work performance. However, the completion of the introductory period does not guarantee employment for any period of time since you are an at-will employee both during and after your introductory period.

## 5.3 Time Off

### Paid Time Off (PTO)

This PTO policy has been designed to increase flexibility for employees and assist in balancing their work and personal lives. PTO combines vacation leave, sick/safe leave and personal days to be used at the employee's discretion, subject to certain requirements specified below.

Employees are entitled to PTO based on the below table. Newly hired employees may use accrued PTO for sick or safe leave purposes immediately, but PTO for vacation or personal leave purposes may not be taken until after the first 90 days of employment. Employees may be entitled to a prorated amount of PTO based on the average number of hours worked per week. In addition, Employees hired in the middle of the school year will be entitled to a prorated amount of PTO based on the number of months left in the school year.

| Status | Annual PTO |
|---|---|
| Full-Time | 10 PTO Days |
| Part-Time and Casual Staff | 7 PTO Days |
| **Non-Faculty (12 Month Employees)** | |
| Full-Time, Part-Time and Casual Staff | 12-month employees enjoy an additional month off while the school is closed. |

In addition to personal reasons, PTO may be taken for sick/safe leave purposes.

Sick time may be used only for the following reasons:

- Mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
- The diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care; or
- Due to a closure of the School resulting from a public health emergency; or

- To care for a child whose school or childcare provider has been closed due to a public health emergency; or
- To attend or prepare for legal proceedings to take necessary actions related to applying for, maintaining, or reinstating subsistence benefits or housing for the employee, a family member, or a care recipient; or
- To meet with a legal or social service provider and take other protective actions if the employee or their family member were a victim of workplace violence; or
- In the event of a "public disaster" resulting in the closure of the workplace, the closure or restricted in-person operations of the school or childcare provider of the employee's child, or a directive by public officials to remain indoors or avoid travel.

Safe time may be used only for the following reasons:

- An absence from work when the employee or employee's family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking;
- To obtain services from a domestic violence shelter, rape crisis center or other services program;
- To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or the employee's family members;
- To meet with an attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- To file a complaint or domestic incident report with law enforcement;
- To meet with a district attorney;
- To enroll children in a new school; or
- To take other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

A "family member" for the purpose of this policy, is defined as an employee's parents, spouses or domestic partners, children, grandparents, grandchildren, siblings, the child or parent of an employee's spouse or domestic partner, or any other individual related by blood to the employee and any other individual whose close association with the employee is the equivalent of family.

For purposes of this policy, a "public disaster" means a fire, explosion, terrorist attack, severe weather, or other emergency declared by the U.S. president, New York governor, or New York City mayor.

All PTO days are provided at the beginning of the academic year. Although PTO days are frontloaded, they accrue throughout the academic year. If you use your PTO days at the beginning of the academic year, you must fill out the Advanced Paid Time Off Deduction Form, which is available from Human Resources. If you have used all your PTO days and end your employment with the School before the completion of the academic year, the PTO days you used but did not accrue will be deducted from your final paycheck in accordance with the Advanced Paid Time Off Deduction Form.

Employees may not use any PTO days after giving the School notice of their resignation, as outlined in Section 6.2.

PTO may be taken in partial-day increments. Employees who are hired in the middle of the academic year will receive a pro-rated amount of PTO in their first year of employment.

When you wish to use PTO for personal reasons, a PTO request must be submitted and approved by the Head of High School or Department Manager at least seven days in advance. PTO requests for personal reasons in excess of ten consecutive days require additional approval from the Head of High School (for faculty and educational staff) or Executive Director (for Business Office employees) in addition to the approval of the employee's department manager. Requests will be reviewed based on a number of factors, including School needs, staffing requirements, etc. The School reserves the right to restrict when you may take PTO if allowed by law. Faculty and Educational Staff: For coverage reasons, any personal days taken in June must be approved in advance by the Head of High School. These requests must provide explanation and may be denied.

If you wish to use PTO for sick leave purposes, you must inform the Head of High School or department manager seven days in advance where the need is foreseeable. Where the need is unforeseeable, please follow the above procedure outlined in Section 5.1 Attendance and Punctuality. If an employee is absent for more than three consecutive days due to illness or injury, a note must be provided from your medical provider which verifies the reason for absence and its beginning and expected end date. The School will reimburse employees for incurred expenses related to such documentation.

In addition, all salaried faculty employees receive paid time off when the School is closed, in accordance with the School's calendar.

### Banked PTO

Up to 5 unused PTO days will roll over into the next academic year and any remaining PTO will be placed in a Family Medical Leave Act ("FMLA") PTO bank. Employees may bank a maximum of 12 weeks in the FMLA PTO bank. The purpose of this bank is for employees to use PTO time to receive pay during an FMLA leave of absence (See Section 5.18, Family and Medical Leave). Employees will only receive pay during an FMLA unpaid leave of absence for as many days as the employee has in their bank and for unused PTO for the then current academic year. The "academic year" is defined as September 1 to August 31. Unused PTO, including those in the FMLA PTO bank and those that rolled over, will not be paid out upon separation from employment.

### Unpaid Sick Time

This unpaid sick time policy applies to part time and casual employees (as set forth in the above Paid Time Off policy).

Eligible employees are entitled to 32 hours of unpaid sick/safe leave each year, which is frontloaded at the start of employment and at the beginning of each calendar year thereafter (as applicable). Unpaid sick/safe leave may be used for any sick or safe leave purposes set forth within the above Paid Time Off policy.

### Preparation for Leave

When leave is foreseeable, you may be asked to provide work, including lesson plans, for all or a portion of the time you are out.

### Holidays

Salaried employees will receive their normal pay for any holiday that falls on a regularly scheduled work day.

Hourly employees will only be paid for hours worked and will not receive pay for holidays. Hourly employees who are regularly scheduled to work on Thursdays will be paid for Thanksgiving Day. Hourly and Casual employees may elect to take unused PTO days for any holiday they wish to observe.

Faculty members should not plan absences immediately prior to or after a school holiday or long weekend even for trips to Israel. Each PTO day taken in this context is counted as the equivalent of two absences. Please see the current year's Magen David Yeshivah Calendar for the current year's holiday schedule.

All other employees: MDYHS will distribute an annual holiday calendar for non-faculty employees at the beginning of each academic year. The calendar will indicate the specific holidays and their respective dates.

The specific days will vary from year to year, based on how the calendar falls.

## 5.4 Bereavement Leave

We know the passing of a family member is a time when one wishes to be with family and friends. Should you lose a close relative, you will be allowed up to five work days of paid time off so that you can attend to your obligations and commitments. In the event you need more time, we will provide you with leave until the conclusion of Shivah.

Bereavement days are granted for the death of the employee's spouse, parent, child, grandchild, grandparent, sibling and corresponding in-laws.

Special consideration may also be given to any other person whose association with you was similar to any of the above relationships. Bereavement pay is calculated based on your base pay rate at the time of absence. Part-time employees receive bereavement pay based upon the number of hours they are normally scheduled to work.

Subject to permission from your supervisor, you may use any unused accrued paid time off to attend a funeral for any other person not included in the list above.

## 5.5 Shiva Visits

Shiva visits must not be made during School hours. If an employee is a spouse, sibling or child of the mourner, they must request permission from the Head of High School to make a Shiva visit during School hours.

## 5.6 Attendance at a Bris

Employees who want to attend a bris must make a request to the Head of High School as soon as possible. The Head of High School will grant the request based on the operational needs of the School.

## 5.7 Doctor Appointments

Doctor appointments should be scheduled during non-School hours. An employee who cannot schedule doctor appointments during non-school hours must speak with the Head of High School.

## 5.8 Blood Donation Leave

Employees who work an average of 20 or more hours per week may take a yearly three-hour, unpaid leave of absence to donate blood at an off-premises location. Employees who wish to donate blood off-premises must provide notice to their supervisor at least three working days prior to the day on which leave will be taken.

The School reserves the right to require longer notice (up to a maximum of ten days) of those employees it deems essential to the operations of the School, or as necessitated by applicable law.

## 5.9 Bone Marrow Donation Leave

Employees who work an average of 20 or more hours per week may take up to 24 hours of paid leave to undergo a medical procedure to donate bone marrow.

Verification of donation and the length of necessary leave may be required by the School. For scheduled donations, employees must notify their supervisor at least 24 hours prior to the day of donation. For unscheduled donations, employees must notify their supervisor as soon as possible after receipt of the request to donate. Employees may opt to use accrued PTO for this purpose. MDYHS will not retaliate against an employee for requesting or obtaining a leave of absence for the purpose of undergoing a medical procedure to donate bone marrow.

## 5.10 Voting Leave

MDYHS encourages employees to participate in elections. Any employee whose work schedule does not permit them four consecutive hours to vote while polls are open will be granted up to two paid hours off in order to vote.

You should request time off to vote from your supervisor two to ten working days before the election. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to our normal work schedule.

## 5.11 Jury Duty

MDYHS encourages employees to fulfill their civic duty of serving on a jury. However, when possible, MDYHS prefers employees defer jury duty service in accordance with the court's procedures until the

summer when MDYHS is closed. In the event you are called for jury duty during your normal working hours, you will be paid your regular hourly rate of pay or salary for the duration of your jury duty service.

To be eligible for jury duty pay, you must submit a copy of your summons or subpoena to your supervisor prior to your leave. When you return to work, you must submit certification from the court indicating the actual time you spent on jury duty as proof of attendance.

During jury duty, you are not expected to report to work if the court session ends during your regular work hours. However, you are expected to report to work on any workday when court is not in session and when you are excused from jury duty.

## 5.12 Court Appearances

You will receive leave if you are required to testify as a witness in a court case. Employees are permitted to use their unused PTO to attend court proceedings. Otherwise, this leave will be unpaid. Employees must notify their supervisor of their intent to take leave at least one day in advance. MDYHS reserves the right to request a copy of your summons, subpoena, or other certification supporting your need for leave under this policy.

## 5.13 Domestic Violence Victim Leave

Employers are required to reasonably accommodate a victim of domestic violence who must be absent from work, as long as the leave does not place an undue hardship for the employer. An employee may take leave for domestic violence for the following reasons:

- Seeking medical attention or obtaining psychological counseling, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
- Obtaining services from a domestic violence shelter, program, or rape crisis center;
- Participating in safety planning, including temporary or permanent relocation; or
- Obtaining legal services, assisting in the prosecution of the offense, or appearing in court in relation to an incident of domestic violence.

Employees who must miss work for domestic violence-related reasons are required to provide advance notice to MDYHS. If advance notice is not feasible, MDYHS requests employees to provide timely certification of the domestic violence-related leave in the form of a police report, court order, medical documentation, or evidence of court appearance. The School will maintain the confidentiality of any information regarding an employee's status as a victim of domestic violence to the extent allowed by law.

## 5.14 Military Leave

Employees who are required to fulfill military obligations in any branch of the Armed Forces of the United States or in state military service will be given the necessary time off and reinstated in accordance with applicable federal and state laws.

The time off will be unpaid unless otherwise required by law. Accrued paid time off may be used for this leave if the employee chooses. Military orders should be presented to your supervisor and arrangements for leave made as early as possible before departure. Employees are required to give advance notice of their service obligations to the School unless military necessity makes this impossible. You must notify your supervisor of your intent to return to employment based on the requirements of the law. Your benefits may continue to accrue during the period of leave in accordance with the law. Additional information regarding military leaves may be obtained from Human Resources.

## 5.15 Military Spouse Leave

New York law permits employees who work an average of 20 or more hours per week, and who have a spouse in the military who is on active duty in a combat theater or zone of operations, to take up to ten days of unpaid leave when the spouse serving in the military is on leave from active duty.

While no advance notice of intention to take leave is required, the School would appreciate as much notice as possible for scheduling purposes. An employee's paid time off will be unaffected by the decision to take unpaid leave.

## 5.16 Family and Medical Leave

*The following policy describes your rights under the Family and Medical Leave Act (FMLA). An employee seeking leave benefits under this Policy must satisfy all eligibility requirements as set forth below and required by applicable law. This Policy does not create any rights (contractual or otherwise) not already provided under the FMLA.*

Employees of MDYHS are eligible for family and medical leave if they have at least 12 months of service and have worked at least 1,250 hours within the preceding 12-month period. If eligible, an employee may be able to take up to 12 weeks of unpaid leave during any "rolling" 12-month period, measured backward from the date of any leave, for the following reasons:

- The birth of a child and to care for a newborn child within the first 12 months after birth; or
- The placement of a child with the employee for adoption or foster care and to bond with and care for the child (within the first 12 months after placement); or
- To care for an immediate family member (spouse, parent or child) who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the functions of their position; or
- If the employee experiences a *qualifying exigency* that arises out of the fact that a spouse, parent, or child is on covered active duty (or has been notified of an impending call or order to active duty) in the Armed Forces. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

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

A *health care provider* means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices, or any other person determined by the Secretary of Labor to be capable of providing health care services.

**Military Caregiver Leave**

An employee who is the spouse, parent, child (of any age) or next of kin of a covered service member who incurred a *serious injury or illness* while on active duty may be eligible for up to a combined total of 26weeks of FMLA leave in a single "rolling" 12-month period, measured backward from the date of any leave. Leave for the other reasons listed above may constitute no more than 12 of those 26 weeks.A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform their duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

A covered service member also includes veterans who were members of the Armed Forces (including the National Guard or Reserves) at any point in time within five years preceding the date on which the veteran undergoes medical treatment, recuperation or therapy.

A *serious injury or illness* is one that was incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his /her office, grade, rank, or rating. This includes an injury or illness that existed before the beginning of the service member's active duty and was aggravated by service in the line of duty while on active duty in the Armed Forces. For veterans, the injury or illness may manifest itself before or after the service member became a veteran.

**Employee Responsibilities**

When requesting leave, the employee must do the following:

- Provide notice of the need for leave to your supervisor at least 30 days in advance or as soon as practicable.

- Supply sufficient information for the School to be aware that the FMLA may apply to the leave request, as well as information regarding the anticipated timing and duration of leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment

by a health care provider, or circumstances supporting the need for military family leave (calling in sick, without providing more information, will not be considered sufficient information to inform the School that the FMLA may apply to an employee's leave request).

- Inform your supervisor if the requested leave is for a reason for which FMLA leave was previously taken or certified.

- Cooperate with all requests for information regarding whether absences are FMLA-qualifying.

- Update your supervisor periodically on the employee's status and intent to return to work. These updates should be made once a month or as soon as practicable.

- Submit certification and periodic recertification supporting the need for leave, as described below.

- Provide reasonable notice (i.e., within two business days), where foreseeable, to your supervisor of any changes in the amount of leave initially anticipated.

Failure to comply with these notice requirements may result in leave being delayed or denied.

## Employer Responsibilities

The School will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the School will provide a reason for the ineligibility.

The School will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. Employees will be notified if the School determines that the leave is not FMLA-protected.

## Intermittent Leave

When medically necessary, employees may take FMLA leave intermittently or on a reduced schedule basis for their own serious health condition, the serious health condition of a family member, or for military caregiver leave.

Employees are required to explain the reasons why intermittent leave or a reduced leave schedule is necessary if requested by MDYHS. Employees are also required to cooperate with the School to arrange reduced work schedules or intermittent leave so as to minimize disruption of operations.

Qualifying exigency leave may be taken intermittently without regard to medical necessity or disruption of operations.

Leave because of the birth or adoption of a child may not be taken intermittently and must be completed within the 12-month period beginning on the date of birth or placement of the child.

## Medical and Other Certifications

Employees will be required to provide a doctor's certification if the leave request is: 1) for the employee's own serious health condition, 2) to care for a family member's serious health condition, or 3) military caregiver leave. Failure to provide the requested certification within 15 days of such request may result in denial of the leave until it is provided. If an employee refuses to provide a certification, their leave request may be denied and the employee may be placed on corrective action.

Employees who submit certifications which are incomplete (information is missing) or insufficient (information provided is vague, ambiguous or non-responsive) will be notified in writing and given seven calendar days to cure any such deficiencies. Failure to cure the deficiencies and resubmit the certification within seven calendar days may also result in denial of the leave until it is provided.

The School, at its expense, may require a medical examination by a health care provider of its own choosing if it has reason to question the validity of the medical certification provided by the employee. In lieu of a second opinion, the School may contact the health care provider directly to clarify or authenticate a medical certification, including certifications for military caregiver leave. Second opinions may not be required for military caregiver leave.

The School requires that the serious medical condition be recertified every 30 days except for leave related to pregnancy or childbirth or where the minimum duration of the serious health condition at issue is more than 30 days. For employees requesting intermittent or reduced leave for periods in excess of six months, the School requires recertification every six months. In addition, employees are required to report periodically on their status and intent to return to work. If the circumstances of an employee's leave change and the employee is able to return to work earlier than originally indicated, the employee should notify the School at least two days prior to the date that he or she intends to return to work.

Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency.

The School may also request periodic recertifications in accordance with the law.

## Fitness for Duty Certifications

Because MDYHS wishes to ensure the well-being of all employees, any employee returning from FMLA leave for their own serious health condition will need to provide a Fitness for Duty (FFD) certification signed by their treating physician. An employee who fails to provide an FFD certification will be prohibited from returning to work until it is provided. An employee who fails to provide an FFD certification may be placed on corrective action or terminated. FFD certifications may be required when an employee returns from intermittent FMLA leave if serious concerns exist regarding the employee's ability to resume their duties safely.

## Maintenance of Benefits

The School will maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying the normal monthly contribution. If the employee elects not to return to work

at the end of the leave period, the employee will be required to reimburse the School for the cost of premiums paid for maintaining coverage during the leave period. All other benefits cease to accrue during the unpaid portion of the leave. Use of FMLA leave will not result in the loss of any benefits accrued prior to the start of an employee's leave.

## Concurrent Leave

Employees must use any accumulated PTO, including PTO in the employee's FMLA PTO bank, to the extent available during FMLA leave unless such leave is covered under workers' compensation or a statutory disability law, in which case the employee may use accumulated leave time only for the purpose of satisfying any waiting period. Absences in excess of these accumulated days will be treated as FMLA leave without pay.

## Married Couples Who Work for the School

If an employee and their spouse both work for the School, they are both eligible for leave. The employee and employee spouse may be limited to a combined total of 12 weeks of FMLA leave in a 12-month period if the leave is taken for:

- The birth, adoption, or foster placement of a child; or
- To care for and bond with such child who does not suffer from a serious health condition; or
- To care for a parent with a serious health condition; or
- A combination of the above.

For military caregiver leave, the employee and employee spouse may be limited to a combined total of 26 weeks of leave in a single 12-month period, including the types of leave listed above in this paragraph.

## Outside Employment

The rules and procedures outlined in the School's Outside Employment policy apply to employees on FMLA leave. Any outside employment which is inconsistent with the reason for the employee's FMLA leave (as determined by the School) is prohibited.

## Return from Leave

Upon return from leave, the employee will be restored to their original or an equivalent position. An employee who fails to return at the end of FMLA leave will, in most cases, be considered to have voluntarily resigned their position with the School. Employees who do not return to work at the end of their leave will be terminated unless they are entitled to additional leave as a reasonable accommodation under the law.

## Exceptions for "Highly Compensated Employees"

Under the FMLA, an employee whose salary is among the highest 10 percent of all the employer's employees within a 75-mile radius of the employee's worksite may be denied restoration of their

position if doing so would cause substantial and grievous economic injury to MDYHS' operations. Employees will be notified of the possibility of non-restoration before the leave commences.

**Protection Against Discrimination**

MDYHS will not (1) interfere with, restrain, or deny the exercise of any right provided under FMLA, or (2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Any employee who believes their FMLA rights have been violated should contact Human Resources immediately. The School will investigate all FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violations. An employee may also file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

**State and Local Family and Medical Leave Laws**

Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits provided by those laws will apply.

## 5.17 Return to Work Policy

MDYHS is committed to providing a safe workplace for all employees and preventing workplace injuries is a primary goal. If any injury should occur, the School's policy is to provide opportunities for employees to remain at work or return to work as soon as medically possible. If an employee is not able to do all or part of their regular work while recovering, the School will attempt to provide reasonable accommodations in accordance with the employee's medical provider's instructions and the effect on the School.

Should a workplace injury or illness occur, employees must immediately report the injury or illness to Human Resources. MDYHS will promptly investigate the incident that caused the injury or illness. All injuries must be investigated by the School's insurance carrier, and for this reason, employees may be contacted by a representative from the carrier.

MDYHS will strive to keep regular and appropriate contact with the employee while they are on leave due to a workplace injury or illness. Employees should also keep the School apprised of any changes in their condition and ability to return to work. In order for an employee to return to work, the employee must provide a Return-to-Work authorization to Human Resources from their medical provider as soon as possible. The employee cannot return to work without this authorization.

The primary goal is to return any injured employee to their original job as soon as possible. With this goal in mind, MDYHS recognizes that a temporary or modified job assignment will help to minimize lost time and may serve to facilitate recovery and the transition back to the employee's regular duties and full-time work. However, due to the nature of the operations of our School, MDYHS cannot guarantee either that an employee's job will remain available or that a comparable position will exist when return from leave is sought, unless otherwise required by law.

This policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under disability laws or leave benefits under the Family and Medical Leave Act, New York Paid Family Leave, or any other applicable leave laws. Inquiries about these procedures should be directed to the Human Resources.

An employee who returns to work following a leave of absence will be considered as having continuous service. If an employee does not return from a leave of absence, the termination date is the last day of the authorized leave period or the date the employee notifies Human Resources they are not returning, whichever is sooner.

## 5.18 New York State Paid Family Leave

Employees who work a regular schedule of 20 or more hours per week are eligible for Paid Family Leave ("PFL") after 26 consecutive weeks of employment. Employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive. Your benefit amount, as determined by law, is the lesser 67% of your average weekly wage and 67% of the New York State average weekly wage.

You are allotted the preceding PFL benefits each calendar year (52 consecutive weeks).

**Reasons to Take PFL**

Employees are eligible for PFL for the following reasons:

- To care for a family member with a serious medical condition;
- To bond with a child (including births, adoptions, and placements);
- To attend court appearances, travel, etc. in connection with an adoption process or foster care placement; and
- When a family member is called into active military service.

A qualifying family member includes the following:

- Spouse;
- Domestic partner;
- Child;
- Parent;
- Sibling;
- Grandparent; and
- Grandchild.

**Use of PFL**

Employees seeking to use PFL must provide MDY at least 30 days notice prior to the start of the leave. If the need for leave is unforeseeable, employees seeking to use PFL must contact Human Resources as soon as practicable.

Employees are permitted to take PFL in daily increments and intermittent intervals. However, employees are not permitted to take PFL for routine examinations, cosmetic treatments or minor illnesses.

Employees may only take PFL to bond with a child, and may not take it prior to birth or for pregnancy-related complications. PFL for bonding with a child must be taken within the first consecutive 52 weeks following the birth, adoption, or placement.

**Interaction with Other Forms of Leave**

Days spent on Workers' Compensation disability or other leaves of absences do not count towards eligibility requirements. If an employee is not working and is collecting benefits under Workers' Compensation, they are not permitted to use PFL. Days spent on vacation, sick days or holidays count towards eligibility requirements.

An employee who is eligible for both disability benefits and PFL during the same period of 52 consecutive calendar weeks will not receive more than 26 total weeks of combined disability and PFL during that period of time. If an employee is receiving total disability payments pursuant to a claim under Workers' Compensation, they will not be entitled to PFL benefits during that time.

Employees have the option to elect to use other paid time off benefits, such as PTO, to supplement their income while out on PFL. At no point will you be entitled to combine pay of PTO and PFL benefits that is over 100% of your normal salary/pay. Note, other forms of paid leave do not accrue while you are out on PFL.

PFL runs concurrently with all other forms of leave, such as FMLA and Military Spouse Leave. If MDYHS determines an employee's qualifying event for leave satisfies FMLA eligibility requirements, the School has the right to designate the requested leave as FMLA leave and will notify the employee of such designation.

If the qualifying event is eligible for both FMLA leave and PFL, the time an employee is out will count towards both forms of leave. For example, if an employee is out for eight weeks on FMLA leave, they will have used all PFL available, but will still have four weeks of FMLA leave remaining. However, if the leave reason qualifies for PFL, but not FMLA, the employee may use up to eight weeks of PFL and will still be entitled to 12 weeks of FMLA for a subsequent, unrelated event.

## 5.19 Nursing Employees

MDY provides employees with reasonable paid break time (up to 20 minutes) and/or permits an employee to use paid mealtime each day for the purpose of expressing breast milk for their nursing child for up to three years following childbirth.

MDY will make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy. The room will not be permitted to be used for any other reason while the employee is expressing milk. MDY will also supply refrigeration appropriate to

store the employee's breast milk. Locations of the lactation rooms can be found on the MDY Designated Lactation Rooms poster found in the Teacher's Lounges and available in Human Resources.

An employee who requires time to express breast milk under this policy should notify Human Resources prior to their return to work following the birth of their child. Human Resources will respond to the employee's request within five business days. If an employee wishes to request an alternative location, they must discuss the request with Human Resources. If the request for an alternate lactation room poses an undue hardship to MDY, the School will engage in a cooperative dialogue with the employee to determine a different location.

The School does not discriminate in any way against an employee who chooses to express breast milk in the workplace.

## 5.20 Prenatal Leave

In addition to PTO, MDYHS provides employees with up to 20 hours of paid prenatal leave each in a 52-week period. Leave under this policy may be used to obtain health care services during or related to the employee's own pregnancy, including:

- Physical examinations;
- Medical procedures;
- Monitoring and testing; and
- Discussions with a health care provider related to the pregnancy.

Paid prenatal leave may be taken in increments of at least one hour. When the need for prenatal leave is foreseeable, employees are requested to provide MDYHS with at least seven days' advance notice. When the need is unforeseeable, employees must provide notice to MDYHS as soon as practicable.

Employees will receive pay for prenatal leave at the employee's regular rate of pay. Unused paid prenatal leave is not carried over into the following calendar year and will not be paid out upon separation of employment.

## 5.21 Wedding Leave

Both full- and part-time employees are eligible for up to five days of paid leave to celebrate their own wedding. Employees must submit a request for wedding leave to their immediate supervisor as soon as a wedding date is known in order to facilitate adequate coverage.

# Chapter 6 Leaving MDYHS

## 6.1 Our Approach

Whether the decision to leave MDYHS is yours or the School's, it is our intention that every employee who leaves feels that they were treated with dignity, respect and courtesy.

## 6.2 Employee Resignation

If you decide to leave MDYHS, please notify your supervisor as soon as possible, providing the effective date and the reason for your decision. Except for unusual circumstances, employees must provide at least 10 working days (excluding PTO and holidays) written notice in advance of your last day at work. In the case of a faculty member, please provide four weeks written notice in advance of your last day of work. We appreciate this professional courtesy since adequate notice may allow us time to find a suitable replacement, and results in a more orderly transition.

In some cases, MDYHS may wish to accelerate the last day worked. The exercise of this option is at the discretion of the School. In either case, you will be paid through your last day worked.

### Exit Interview

Human Resources may arrange an exit interview with you before you leave. The purpose of the exit interview is to review departure procedures and review how your separation will affect your benefits. In addition, we may ask you about some of the reasons for your departure so we can learn from your experience and improve the School for the future.

## 6.3 Return of School Property

You must return all School equipment and other property immediately upon request or at the end of your employment with MDYHS. This includes:

- Issued credit card(s);
- Electronic Communications Equipment;
- Any Confidential School Information in your possession;
- Classroom supplies;
- Keys and building entry cards; and
- Your School ID card.

MDYHS may take all action deemed appropriate to recover or protect its property.

## 6.4 Employment References

All requests for references should be directed to Human Resources. In response to written requests for employment references from future prospective employers, MDY only provides confirmation of a former employee's job title and dates of service.

## 6.5 After You Leave MDYHS

### Benefits Continuation

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides you and your eligible dependents the opportunity to continue the School's health-care coverage for a limited time after experiencing a "qualifying event" and losing coverage under the School's health care program. The coverage is available to employees and dependents for up to 36 months. For more information on COBRA, contact Human Resources.

### Address Changes

After you leave MDYHS, you are responsible for notifying Human Resources promptly if your address changes. The School will need this information to make sure that you receive your year-end tax statement.

### Severance

MDYHS does not follow the custom of providing severance to separating employees at a rate of *hodesh le-shana*.

# COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to Human Resources.

**COMPLAINANT INFORMATION:**

Name:

Home Address: Work Address:

Home Phone: Work Phone:

Job Title: Email:

Preferred Communication Method:

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone: Work Address:

**COMPLAINT INFORMATION**

1. **Your complaint of Sexual Harassment is made against:**

Name:

Work Address: Work Phone:

**Relationship to you: ❑ Supervisor ❑ Subordinate ❑ Fellow Employee ❑ Other**

2. **Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. 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 that may have information related to your complaint:**

*The last two questions are optional but may help facilitate the investigation.*

**5. Have you previously complained or provided information (verbal or written) about sexual harassment at the School*?* If yes, when and to whom did you complain or provide information?**

*Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.*

**6. Have you filed a claim regarding this complaint with a federal, state or local government agency?**

❑ **Yes** ❑ **No**

**Have you instituted a legal suit or court action regarding this complaint?**

❑ **Yes** ❑ **No**

**Have you hired an attorney with respect to this complaint?**

❑ **Yes** ❑ **No**

❑ *Signature:* *Date:*