September | 2026

Academy at MDY Agency

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.

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Chapter 1 Our Yeshivah and Community

1.1 Getting To Know Academy

Our Mission

The Academy at MDY ("Academy" or the "Agency") is dedicated to supporting students with an IESP- "individualized education service plan". The children have diverse learning needs and we are able to provide individualized instruction, related services, and accommodations to help them access the curriculum and reach their full **academic** potential. Working in partnership with families, teachers, and specialists, the department identifies students who may benefit from additional support, develops and monitors Individualized Education Programs (IEPs), and ensures compliance with state and federal guidelines. Through a range of services—such as academic support (SETSS/SEIT), speech and language therapy, occupational therapy, physical therapy, and behavioral interventions—the department fosters an inclusive learning environment that promotes growth, independence, and success for every student.

1.2 The Academy Name

Media and Press Requests

To ensure that any information provided to the public on behalf of Academy is accurate, consistent, and appropriate, only the Executive Director is responsible for managing all interviews, inquiries, and other communications with any member of the media or press and may speak to the media or press on behalf of Academy.

If you are contacted or approached by the media or press regarding Academy, its students, families, employees, programs operations, or any Agency-related matter, do not respond on behalf of Academy unless specifically authorized to do so. Instead, inform them that only the Executive Director may speak on behalf of Academy.

Nothing in this policy is intended to restrict employees from engaging in legally protected communications or from reporting concerns to appropriate government authorities.

Speeches and Presentations

If you wish to give a agency-related speech or presentation outside Academy, other than in the ordinary course of your daily position, you must get prior approval from the Executive Director before agreeing to or participating in the speech or presentation. If you are speaking as a representative of Academy, the presentation must be education-related, accurate, appropriate, and consistent with Academy's mission and policies. It must not be political in nature or state or imply that MDYEs endorses any political candidate, party, campaign, or position. This policy does not prohibit employees from speaking in their personal capacity, provided they do not state or imply that they are speaking on behalf of Academy and do not disclose confidential, student, personnel, or other protected information.

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 Academy, 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 Executive Director for proper review before responding.

1.3 Compliance with the Law

It is the policy of Academy to abide by all federal, state and local laws, rules and regulations applicable to us, and to have all our employees do the same. Nothing in this Handbook is intended to preclude or dissuade employees from engaging in legally protected activities, including those protected by the National Labor Relations Act.

1.4 Equal Employment Opportunity

Equal employment opportunity is a fundamental principal at Academy, 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. Academy prohibits any form of retaliation against individuals who, in good faith, raise issues of equal employment opportunity.

The Agency's Religious Mission

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

Persons with Criminal Convictions

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

Reproductive Health Decisions

The Agency will not tolerate discrimination or retaliation against any employee based on the employee's or their dependent's reproductive health decisions. The Agency will not access an employee's personal information regarding any such decisions by employee or their dependent without the employee's prior informed, affirmative, written consent. No employee will be required

to sign a waiver or other document that denies the employee's right to make their own health decisions.

1.5 Respect in the Workplace

General Policy Against Harassment

In keeping with our commitment to diversity and equal employment opportunities, Academy is firmly committed to a work environment that is free of discriminatory or harassing conduct or bias. The Agency 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. Harassment may include derogatory remarks, nicknames, offensive jokes, the display or circulation of offensive printed, visual, or electronic material, or offensive physical actions. Harassment that affects job benefits, interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment will not be tolerated.

Harassment is not limited to the workplace. It can occur in any work-related setting outside the workplace, such as during Agency trips, meetings and Agency-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

Sexual harassment is a specific type of harassment. Unwelcome sexual advances, requests for sexual favors, or other physical, verbal or visual conduct based on sex constitutes harassment when (1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive workplace.

Sexual harassment may include, but is not limited to, sexual propositions, innuendo, suggestive comments, sexually oriented jokes or teasing, or unwelcome physical contact such as patting, pinching, or brushing against another. The victim as well as the harasser may be a woman or a man. The victim does not have to be of a different sex.

Sexual harassment can also occur outside of physical workspaces, including by electronic means, such as via messaging apps, virtual meeting platforms, or e-mail, and at meetings and work-related social events.

Any of the behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements, constitutes prohibited harassment. Sexual harassment is a form of employee misconduct, and if you are found in violation of this policy, you will be subject to corrective action, up to and including termination of employment.

Training

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

Reporting Procedure

All of our employees are responsible for helping to support, comply with, and enforce this policy against harassment. Whether or not the employee asks the harasser to stop directly, anyone who believes they have been the victim of prohibited harassment should immediately notify Human Resources, the Executive Director, or the Head Agency 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 Academy first before bringing the matter to the attention of one of the other individuals identified above. Employees are encouraged to report concerns as soon as possible so that Academy can respond promptly.

Administrators and supervisors are required to report any complaint that they receive, or any harassment that they observe, to Human Resources immediately, even if the complaining individual requests that no action be taken. When reporting harassment, employees must complete the attached complaint form and submit it to the appropriate individual, but failure to complete the form will not prevent Academy from reviewing, investigating, or responding to a report.

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 consistent with Academy's need to conduct a thorough investigation, take appropriate corrective action, and comply with applicable legal obligations. Only individuals with a need to know will be privy to any investigation. Academy prohibits retaliation against any individual who reports harassment, participates in an investigation, or otherwise exercises rights under this policy.

Once a complaint is received, the Agency will take steps to obtain and preserve any evidence relevant to the complaint, including documents, emails or text messages. The Agency will also interview the complainant, any relevant witnesses and the respondent in the course of the investigation. At the conclusion of the investigation, Academy will take appropriate corrective or remedial action if it determines that this policy has been violated.

Forums Available

In addition to the Agency'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 Agency will not tolerate any form of retaliation against individuals who report unwelcome conduct to Agency 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, or the Head Agency Psychologist/Director of Guidance.

1.6 Whistleblower Policy

Employees and representatives of Academy 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 Agency's goal of compliance and to encourage good-faith reporting of concerns without fear of retaliation.

The New York State Whistleblower Statute protects employees and other covered individuals (including both current and former employees, as well as independent contractors) who disclose or threaten to disclose to their supervisors or an appropriate authority an activity, policy, or practice of Academy that they reasonably believe violates a law, rule or regulation or that they reasonably believe 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 Agency is illegal, fraudulent, or in violation of any policy of the Agency, a written complaint should be submitted as soon as reasonably practicable with Human Resources, or with the Executive Director. Reports may also be made orally, and failure to submit a written complaint will not prevent Academy from reviewing, investigating, or responding to a concern.

Human Resources is the administrator of this policy. Human Resources, or as an alternate, the Executive Director, will report directly to the Board or an appropriate committee of the Board regarding reports made under this policy, as appropriate and consistent with confidentiality, investigation needs, and applicable law.

Non-Retaliation

No staff member who in good faith reports a violation of policy, improper conduct or compliance concerns or who participates in an investigation, objects to or refuses to participate in suspected unlawful conduct, or otherwise exercises rights protected by this policy or applicable law shall suffer harassment, intimidation, humiliation, retaliation or adverse employment consequences as a result of having made such report or engaging in such protected activity. 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 without fear of retaliation.

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. A report made in good faith will not result in corrective action merely because the concern is not substantiated after investigation. 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 submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, take appropriate corrective action, and comply with applicable legal obligations. Academy will make reasonable efforts to protect the confidentiality of individuals who report concerns or participate in an investigation, but confidentiality cannot be guaranteed in all circumstances.

1.7 Individuals with Accommodation Requests

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

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 Agency will engage in a cooperative dialogue with the employee. Even if the employee has not formally requested an accommodation, Academy, in compliance with applicable law, may initiate a cooperative dialogue under certain circumstances, such as when the Agency 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 Agency will communicate openly and in good faith with the employee in a timely manner in order to determine whether and how the Agency may be able to provide a reasonable accommodation. To the extent necessary and appropriate based on the request, Academy will attempt to explore the existence and feasibility of alternative accommodations as well as alternative positions for the employee. Academy 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. Academy will evaluate accommodation requests on an individualized basis.

As part of the cooperative dialogue, the Agency 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 Agency 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. Academy will provide the employee a reasonable opportunity to submit sufficient documentation before making a final determination.

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

- 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 Agency'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 requisite functions of the job.

Academy 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 Agency 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. Academy prohibits retaliation against any individual who requests an accommodation, participates in the cooperative dialogue process, reports discrimination, or otherwise exercise rights under this policy or applicable law.

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 or create any contractual rights, express or implied, to continued employment or any particular term or condition of employment. Employees are considered "at will" unless they have a written employment agreement with the Agency that specifically modifies this status. At-will employees may leave their job, and the Agency may terminate the employee, at any time, with or without advance notice, and with or without cause.

Only the President of the Board of the Agency and the Executive Director have the authority to modify an employee's at-will employment status. No oral statement, practice, course of conduct, or other communication may modify an employee's at-will status or create a contract of employment. At-will employees may leave their job, and the Agency 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 Academy, you must complete several administrative and security measures for new hires, including but not limited to:

- Approval on NYC Department of Education PETS (Personnel Eligibility Tracking System);;
- 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 Academy.

Immigration Reform and Control Act of 1986

The Agency 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 Agency.

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 actual or perceived impartiality, confidentiality, supervision, evaluation, discipline, compensation decisions, or other employment-related activities.

To avoid potential problems, Academy 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 directly or indirectly, or where one employee has influence over the other's hiring, evaluation, promotion, compensation, discipline, scheduling, work assignments, or other terms and conditions of employment.

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 as soon as the employee becomes aware of the relationship or potential conflict, including before an employment decision is made when possible. Academy will review disclosed relationships on a case-by-case basis and may take appropriate steps to avoid actual or perceived conflicts of interest, including changes to reporting relationships, work assignments, schedules, or other employment arrangements. Failure to disclose a covered relationship may result in corrective action, up to and including termination of employment.

2.5 Employment Classifications

Academy 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 Academy 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 Academy 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 Academy 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 Academy.

- 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

- Academy 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 Academy and, therefore, are not eligible to receive wages or Academy's benefits or perquisites.

2.6 Work Schedules and Meal Periods

Academy's regular school hours are as follows:

8:00 AM – 4:45 PM, Monday through Thursday; and 8:00 AM – 1:45 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 Agency's software programs and ID card 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 Agency, 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 Agency and its students, you may occasionally need to work overtime or work hours outside your regular schedule, including evenings, weekends, school events, emergencies, or other operational needs as determined by Academy. 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 workweek. Overtime must be

approved by your immediate supervisor prior to working the overtime hours. Non-exempt employees may not work overtime, begin work early, work through meal periods, stay late, take work home, or perform any "off-the-clock" work unless authorized by their supervisor. All hours worked must be accurately recorded and reported. Employees who work unauthorized overtime will be paid for all time worked but may be subject to corrective action for failing to follow the Agency's overtime approval and timekeeping procedures.

Exempt employees are generally paid on a "salary basis" and do not receive overtime pay or additional compensation for hours worked beyond their regular schedule. Exempt employees are expected to work the hours necessary to fulfill the responsibilities of their positions and meet the operational needs of the Agency.

2.8 Getting Paid

For payroll purposes and overtime rules, the workweek starts on Monday and ends on Sunday. All employees are paid monthly. The pay period starts on the first of the month and ends on the last day of the month. Timesheets must be handed into payroll by the fourth of the following month and you will be paid on the 15th of the following month in which you worked. 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 Agency's favor, please report it to Human Resources immediately so that steps can be taken to correct the error.

Pay Deductions and Offsets

Academy 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 Agency.

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 as otherwise permitted or required by law.

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.

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, are paid through the use of accrued PTO, or paid separately by a government program (for example, New York Paid Family Leave). For 10-month employees whose annual salary is spread over 12 months, any unpaid working days during a leave of absence may result in an overpayment or salary advance because the employee may have received pay for days not actually worked or otherwise paid through available leave or benefits. Each unpaid 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 the employee's paychecks once they return from leave, in accordance with applicable law and any required authorization or agreement.

Academy will indicate the total overage amount the Agency 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 for recovery of an overpayment will not exceed 12.5% of the gross wages earned in the relevant pay period, where required by applicable law, and no deduction will reduce the employee's effective hourly wage below the applicable New York State minimum wage. For repayment of salary or wage advance, deductions will be made in accordance with the employee's written authorization and applicable law. MDY may adjust the deduction schedule as necessary to comply with legal limits.

In the event that an employee is terminated or resigns prior to earning enough time to cover this advance, the Agency 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, to the extent permitted by applicable law. If the full amount cannot lawfully be recovered from the final paycheck, the employee remains responsible for repaying any outstanding balance, and MDY may seek repayment through any lawful means.

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 Agency in the amount, manner, and by the deadline specified by the Agency, the applicable benefit plan, or applicable law. Your contribution responsibility will not be deducted from your pay since you will not be receiving pay from the Agency during your leave. Employees are responsible for ensuring their portion of those benefits premium(s) are paid to the Agency in a timely fashion. Failure to do so may result in loss of that benefits, including loss of your health insurance coverage. If your coverage is terminated for non-payment, you may be responsible for any unpaid premiums or other amounts owed, to the extent permitted by applicable law.

Employee Benefits Continuation During Summer Months

Employees who wish to continue their health benefits during the months of July and August must sign a Benefits Premium Deduction Authorization form, authorizing Academy to deduct their contributions for those months from their wages during the months of May and June of the same year. Employees who do not authorize such deductions will be removed from Academy's health plan as of June 30th, and will be afforded the opportunity to continue their benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

2.9 Employee Benefits

Academy provides eligible employees with a wide range of benefits – including medical insurance, dental insurance 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. Academy 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 an organization. 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 Agency 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 Academy, or any of its students, families, confidential information, resources, relationships, or opportunities, 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.

Academy adheres to the highest legal and ethical standards. The Agency'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 Agency are not jeopardized and/or legal questions do not arise with respect to their association or work with Academy. Employees must avoid both actual conflicts of interest and situations that could reasonably create the appearance of a conflict of interest.

Employees must promptly disclose any and all actual or potential conflicts of interest to Human Resources. Academy reserves the right to determine whether a conflict exists and what action, if any, is necessary to address it. Failure to disclose an actual or potential conflict of interest may result in corrective action, up to and including termination of employment.

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 Academy or otherwise violate the law or Academy policies. Outside employment must not interfere with your schedule, attendance, performance, availability, professional responsibilities, duty of loyalty, or judgment on behalf of Academy. If you are unsure of whether or not outside employment will prevent you from fully performing your job with Academy, violate the law or Academy policies, or create a conflict of interest, please contact the Executive Director before accepting or continuing the outside employment.

Also, Academy work time and the Agency's property must not be used for outside employment under any circumstances. This includes, but is not limited to, the use of MDYEs email, devices, supplies, facilities, curriculum, lesson plans, student or family contact information, confidential

information, or other Agency resources. Employees may not solicit Academy students, families, employees, vendors, or business contacts for outside employment or private services.

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 Academy school without prior written approval from the Executive Director. This includes babysitting, private music lessons, and most instances of tutoring, whether paid or unpaid, and whether arranged directly or indirectly.

When a child is struggling academically or has schoolwork to make up, the Administration may recommend tutoring. Academy faculty members are not permitted to recommend tutoring without the approval of the Executive Director. Also, faculty members are not permitted to recommend specific tutors. These recommendations must come exclusively from the Agency Administration. Furthermore, with the rare exception of some special education teachers, faculty members are not permitted to tutor their own students or any student over whom they have evaluative, grading, disciplinary, advisory, or supervisory responsibility, unless expressly approved in writing by the Executive Director.

All tutoring by Academy faculty members must take place on Agency premises. If needed, prior to the start of the school day and after classes are over, the Agency 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 Agency's office. The Office Manager will assign a room and time, subject to availability and Agency needs.

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 as part of their regular MDYEs duties and without additional compensation from students or families.

The Agency roster may not be used for any purpose other than school related events. Its distribution is limited to Academy parents, faculty and staff, and under no circumstances should the list be sold or made available to other individuals or groups. Employees may not copy, download, disclose, distribute, or use student, parent, family, employee, donor, alumni, or vendor contact information for personal, commercial, political, charitable, religious or outside employment purposes unless expressly authorized by Academy.

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 Academy is exclusively for the benefit of the Agency, and the product of your work ("Work Product") will be the sole and exclusive property of Academy, even after your employment with Academy has ended or the relevant assignment completed. Work Product is considered "performed in the course of your employment" if the work is performed for Academy, during your working time, using Academy equipment, and/or is otherwise for the benefit of Academy. 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, provided that the employee has not modified it for MDYEs, incorporated MDYEs confidential information into it, or otherwise created derivative materials for Academy use.

If you wish to use Work Product to serve private individuals, at another school (including after your employment with Academy has ended) or in another educational environment, prior permission must be provided by Academy. 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 Agency absent permission to the contrary. Certain Work Product may also be considered to be Confidential Agency Information as described in this Handbook. Employees must return or provide access to all Work Product upon request and may not delete, retain, copy transfer, or use Work Product after employment ends except with Academy's prior written authorization.

Gifts

Our Agency has a no-gift policy with regard to faculty receiving gifts from students and/or parents, except for gifts where all parents contribute money and the gift is approved or administered in accordance with Agency procedures. 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. Employees may not solicit gifts, gratuities, favors, entertainment, loans, services, or anything of value from students, parents, vendors, contractors, or others who do not seek to do business with MDYEs. Cash, cash equivalents, gift cards, personal discounts, loans, or preferential treatment are prohibited. Any gift or attempted gift that may violate this policy must be reported promptly to Human Resources or the Executive Director.

3.3 Protecting Confidential Information

Confidentiality Commitment

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

No Academy employee may, at any time, discuss Academy students, families, or other employees with anyone who is not an Academy employee or otherwise authorized to receive the information, except as necessary to perform the employee's job duties or as permitted by applicable law. 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. Employees must use

discretion when discussing confidential matters and should ensure that such discussions occur only with individuals who have a legitimate need to know.

Confidential Information

Confidential Agency 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; student records; disciplinary records; health, medical, counseling, and accommodation information; security procedures; passwords and login credentials; donor and fundraising information; internal communications; investigation materials; and any other documents or information regarding Academy's internal operations, procedures, programs or practices. Confidential Agency Information can be in any form – whether oral, written, electronic, etc. Confidential Agency Information may not be removed from Academy premises, copied, photographed, downloaded, transferred, stored on personal devices or accounts, or transmitted to any unauthorized person or location, without express authorization.

Obligation Not to Disclose

Your obligations under this policy continue even after your employment with Academy has ended. Employees who violate this policy may be subject to corrective action, up to and including termination of employment and/or 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 Executive Director. If they are asked for a reference, they should refer the request to the Executive Director.

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 unless specifically authorized by Academy and consistent with applicable law and Agency policy.

Employees must immediately report any actual or suspected unauthorized access, use, disclosure, loss, theft, or compromise of Confidential Agency Information to Human Resources or the Executive Director. Employees must return all Confidential Agency Information, records, documents, devices, and other Agency property upon request or upon separation from employment, and may not retain copies in any format.

If you disclose Confidential Agency 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. Nothing in this policy is intended to restrict employees from reporting suspected unlawful conduct, participating in a government investigation, filing a charge or complaint with a government agency, or engaging in other legally protected activity.

3.4 Electronic Communications

Electronic Communications, Equipment, and Computer Systems

Use Limited to Business Purposes

For Agency purposes only, Academy provides many of our employees with electronic communications equipment and computer systems, both for non-faculty and faculty, in and outside of the Agency, 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 Academy records and property of the Agency. Use of the electronic communication equipment and computer systems for personal purposes other than occasional use is prohibited unless expressly authorized by Academy and consistent with this policy.

If you are issued a password or access code, you may not allow others to use them without the express consent of the Agency. Please remember that each password and access code is Agency property. Employees are responsible for safeguarding all passwords, access codes, devices, and accounts assigned to them and must immediately report any suspected unauthorized access, loss, theft, or security concern to the IT department and the Education Office Manager.

No Expectation of Privacy

Everything produced or recorded on the Agency's electronic communications equipment and computer systems is Agency property. In order to ensure a safe, efficient and secure work environment, Academy may inspect, monitor and review all Agency property at any time. This includes personal, web-based e-mails (e.g., Google or Yahoo) accessed and stored using the Agency'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 Agency 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 Agency'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 Agency business or your individual job performance. Excessive or inappropriate personal use may be cause for corrective action, up to and including termination. Personal use must not involve unlawful, harassing, discriminatory, offensive, disruptive, commercial, political, or other inappropriate communications; must not compromise Confidential Agency Information; and must not create security, reputational, operational, or legal risks for Academy.

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 Agency may be installed on Agency 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. Employees may not download, install, access, copy, stream, transmit, or store any software, files, applications, media, or other content that is unauthorized, unlawful, malicious, offensive, or unrelated to Agency business.

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. Employees must not click suspicious links, respond to phishing attempts, provide login credentials, bypass security controls, or connect unauthorized devices to Academy systems or networks.

Violations of Policy

Employees must comply with all other Agency policies with respect to their electronic communications, such as the rules prohibiting harassment and the Agency's policy on Confidential Agency Information. Any employee who discovers misuse of any of the computer systems should immediately contact the Executive Director. Violations of this policy may result in corrective action up to and including termination. Academy may also suspend or revoke access to Agency systems, require return of devices, preserve or review electronic records, and take any other action it deems appropriate to protect the Agency, its students, employees, families, systems, and confidential information.

Return of Electronic Devices

Employees must return any and all electronic communications equipment to the Agency immediately upon request or at the end of their employment. Employees, who have received prior authorization to access the Agency'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. Employees may not delete, copy, retain, transfer, download, or forward Agency records, Confidential Agency Information, work product, emails, files, contacts, or other Agency data except as expressly authorized by Academy.

Authorization to access and utilize the Agency's electronic communications equipment and computer systems ends when an employee has been terminated, submits their resignation, or intends to leave the Agency for any reason, even if Academy has not actually blocked the employee's access. Any access after authorization ends is strictly prohibited. Employees must cooperate with Academy in disabling access, returning equipment, and transferring Agency-related data or accounts.

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 Agency letterhead. E-mails containing Confidential Agency Information should be marked "CONFIDENTIAL – DO NOT RE-TRANSMIT." Employees should not use Agency email or messaging systems to send communications that are professional, harassing, discriminatory, threatening, misleading, unauthorized, or inconsistent with Academy policies.

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 Agency Information was sent in error to an unintended recipient, please notify a member of the IT department and the Education Office Manager immediately and do not attempt to recall, delete, or remediate the issue without direction unless instructed to do so by Academy.

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 and delete or return the communication as directed by Academy, without copying, forwarding, saving, or disclosing its contents.

Please note, upon separation of employment, access to your work e-mail account will be immediately terminated or restricted, at Academy's discretion.

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 Agency, 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 Agency, vendors, people who work on behalf of the Agency or the Agency'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 Agency 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. Nothing in the policy is intended to restrict employees from engaging in legally protected communications or activities.

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. Employees also may not create, join, participate in, or communicate through unofficial group chats, direct messages, private accounts, or other online forums with current students or alumni under 18 unless expressly authorized by Academy for Agency-related purposes.

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 Agency, fellow employees, students, or vendors or that could reasonably be understood as an official Academy communication unless you are expressly authorized to speak on behalf of the Agency.

Post only appropriate and respectful content –

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

- Respect all federal, state and local laws and all Academy policies.

- Do not create a link from your blog, website or other social networking site to the Agency's website without identifying yourself as the Agency's employee and without making clear that you are not speaking on behalf of Academy unless expressly authorized.

- 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. Privacy settings do not excuse conduct that violates this policy or other Academy policies.

- Only express your personal opinions. Never represent yourself as a spokesperson for Academy. If the Agency 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 Agency. If you do publish a blog or post online related to the work you do or subjects associated with the Agency, make it clear that you are not speaking on behalf of the Agency. 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 Academy."* Employees may not use Academy logos, trademarks, photographs, videos, student images, Agency materials, or Agency branding for personal social media purposes without prior written authorization.

Using Social Media at Work

Refrain from using social media during working time, unless it is work-related as authorized by Academy. Do not use Agency 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 Academy 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 Academy property of students and/or third parties as part of your work duties must never be posted on social media or otherwise shared outside approved Academy channels without prior authorization. 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 Agency's confidential or proprietary information on any social media platform. Employees must immediately report any unauthorized posting, sharing, tagging, or use of student images, names, information, or Agency-related content to the Executive Director.

Retaliation is Prohibited – There will be no adverse action taken against employees who report violations of the Agency'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 Executive Director 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 Agency therefore prohibits employees from using their personal cellular phones during worktime, unless it is for Agency 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 Academy premises, personal cell phones should be set to silent mode. Employees must not allow personal device use to interfere with supervision of students, instructional responsibilities, safety duties, productivity, professional judgment, or Agency operations.

Due to privacy and security concerns, we request you not take pictures, or record audio or video, without obtaining permission from the Executive Director and all parties involved. Academy reserves the right to request access to, inspect, preserve, or require deletion of Agency-related

photographs, recordings, communications, or information on any employee's cell phone or device in order to determine if this policy has been violated, to the extent permitted by applicable law.

As with all personal property, the Agency is not liable for the loss of personal cell phones or other portable electronics brought into the workplace. Employees who use personal devices for Agency-related business must comply with all Academy confidentiality, security, records, and return-of-property requirements and may be required to remove Agency data from personal devices upon request or separation from employment.

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 Academy.

If you are unsure of whether or not you can use copyrighted material, err on the side of caution and do not use it unless and until you have received appropriate guidance or authorization from Academy. Employees may not copy, distribute, display, perform, upload, download, reproduce, modify, share, or use copyrighted materials, including books, articles, music, videos, images, software, curriculum, online resources, or subscription-based materials, unless the use is authorized by law, license, permission, or Academy policy. Employees must comply with all license terms, subscription restrictions, and technology-use rules applicable to instructional materials and Agency resources.

In addition, faculty members must be able to identify when students plagiarize, and take corrective action accordingly. Academy has a zero-tolerance policy for plagiarism and academic dishonesty, including the unauthorized use of another person's work, improper citation, copying, unauthorized collaboration, or misuse of artificial intelligence or other technology tools.

Copyright infringement or failure to address student plagiarism will result in corrective action, up to and including termination. Employees must promptly report suspected copyright infringement, misuse of licensed materials, or significant plagiarism concerns to the Executive Director. Nothing in this policy permits employees to use Academy resources, systems, or instructional materials in a manner that violates applicable law, licensing requirements, or Agency policy.

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 Academy. 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

Academy 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 Agency 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 Agency 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 Agency 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 Agency 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

Academy is not liable for loss, damage or theft of personal property on our premises. Academy 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 Agency will not provide such information to any student or parent, except as required by law, court order, emergency circumstances, or legitimate Agency business needs. The Agency also strongly encourages employees not to share their personal information with any parents or students. Employees who choose to share personal contact information with students, parents, or families do so at their own discretion and risk and must continue to comply with all Academy policies regarding boundaries, confidentiality, electronic communications, student interactions, and professional conduct.

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 Academy has provided written authorization and may be limited to certain employees or departments. All Agency 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. Academy has the right, at any time, to monitor any communications that utilize Agency networks in any way, including data, voicemail, telephone logs, internet use, network traffic, etc. to determine proper use. Employees who use personal devices for Agency business must understand that Agency-related data, communications, files, photographs, videos, records, and other information stored on or accessed through the device may be subject to review, preservation, deletion, production, or access by Academy to the extent permitted by law and necessary for Agency business, investigations, litigation holds, security, or compliance purposes.

Employees are expected to reasonably protect personal devices used for work-related purposes from loss, damage, and theft. At a minimum, employees must use strong passwords, keep devices updated, avoid sharing devices or access credentials, use only authorized applications or platforms for Agency business, and comply with any security requirements established by Academy. If a personal device is lost or stolen the employee must notify the Agency immediately. Academy bears no responsibility for replacing or repairing personal devices that are damaged, even if that damage occurs on Agency property and/or during working hours.

Employees may not store, download, copy, forward, transmit, or retain Confidential Agency Information, student records, employee records, parent contact information, photographs, videos, or other Agency data on personal devices except as expressly authorized by Academy. Employees may not use personal devices to circumvent Academy systems, security controls, recordkeeping requirements, or communication protocols.

Upon request, upon separation from employment, or when authorization to use a personal device for work purposes ends, employees must cooperate with Academy in returning, transferring, deleting, or disabling access to Agency-related data, accounts, applications, and communications on personal devices. Academy may require employees to remove Agency email, applications, files, or data from personal devices and may revoke BYOD privileges at any time.

Failure to follow these policies and procedures may result in corrective action up to and including termination of employment. BYOD authorization is a privilege, not a right, and Academy may limit, suspend, or revoke an employee's ability to use personal devices for Agency business at any time, with or without notice.

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, professional standards, student-facing responsibilities, safety, and the Agency's educational environment. You represent MDY with your appearance as well as your actions. Appropriate attire helps to create a favorable image for the Agency, to the public and fellow employees and is expected whenever employees are working, attending Agency events, representing MDY, or present on Agency premises.

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 Agency or otherwise representing MDY at Agency-sponsored events.

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

Clothing must be modest, professional, non-revealing, and consistent with the religious standards and expectations of the Agency. Teachers are also expected to wear closed toe and closed back shoes for safety and professionalism, unless otherwise approved by the Agency based on job duties, medical need, or other appropriate circumstances. All employees are prohibited from dyeing their hair in extreme colors or maintaining hairstyles, accessories, or personal presentation that MDY determines to be distracting, unprofessional, inconsistent with Agency standards, or disruptive to the educational environment.

Employees may not wear sneakers, flip flops, sandals, tank tops, shirts which display advertising, jeans or shorts unless expressly permitted by MDY for a specific role, activity, casual day, trip, or event. 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 as approved by their supervisor and consistent with safety, modesty, and professional standards.

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 and whenever employees are representing MDY, including Agency events, parent meetings, professional development, and field trips. Exceptions may be made during special events and field trips only with prior approval from the Executive Director. Academy reserves the right to determine whether an employee's appearance, clothing, or accessories comply with this policy. Employees who report to work in violation of this policy may be required to change, may be sent home, and may be subject to corrective action, up to and including termination of employment. Requests for exceptions or accommodations should be directed to Human Resources.

3.8 Violence-Free Workplace

One of our overriding concerns at Academy 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 Academy premises or at agency-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;"
- Verbal, written, electronic, or social media threats;
- Physical aggression, whether demonstrated or threatened;
- Dangerous pranks or practical jokes;
- Horseplay;
- Fighting;
- Assault;
- Bullying, intimidation, stalking, or menacing behavior;
- Throwing objects, damaging property, or engaging in reckless conduct that could cause injury;
- Possession, display, use, or threat of use of any weapon; 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 and is strictly prohibited, regardless of the employee's intent.

Firearms and Weapons

Possessing firearms and other weapons on Academy premises, while on Agency business, or at Academy-sponsored events, is dangerous to employees and is strictly prohibited with the exception of the Agency's security guards or other individuals expressly authorized by MDYEs and permitted by law. 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. Employees may not bring weapons onto Academy property, store weapons in vehicles on Academy property, or carry weapons while conducting Agency business or attending Agency-sponsored events, unless expressly authorized in writing by Academy.

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, Executive Director, or any other member of the Academy Administration with whom you feel comfortable. Employees must not ignore, minimize, or attempt to handle potentially violent situations on their own when assistance is needed. In an emergency, you should immediately contact the Agency Office, the police, Hatzalah (718-230-1000), or other emergency services, as appropriate. After emergency assistance has been contacted, employees should notify the Executive Director or Security as soon as it is safe to do so.

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. Employees are expected to cooperate fully in any investigation or safety-related inquiry. Academy may take interim or corrective measures as appropriate, including removing an individual from Agency premises, restricting access, contacting law enforcement, requiring fitness-for-duty evaluation where permitted by law, or imposing corrective action up to and including termination of employment.

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.

Academy will work with employees, as appropriate, to address safety concerns that may affect the workplace, including notifying Security, adjusting access procedures, or taking other reasonable safety measures. Employees should promptly provide Human Resources or Security with copies of any restraining orders or protective orders that may affect the workplace.

Suspicious Packages

If you receive a suspicious package in the mail, do not open it. Immediately contact the Security Department (ext. 3283).

3.9 Drugs and Alcohol-free Workplace

The Agency seeks to promote individual wellness in as many ways as possible. We have no tolerance for illegal drugs in our Agency. 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, Academy 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, misused prescription medication, unauthorized cannabis products, intoxicants, or any substance that may impair judgment, performance, safety, or the ability to supervise students, 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 Agency premises, in Agency vehicles, or while engaged in Agency 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 Agency reserves the right to require employees to require employees to submit to drug and/or alcohol tests, to the extent permitted by applicable law, 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.

Refusal to cooperate with a required drug or alcohol test, tampering with a test, delaying a test, failing to appear for a test, or otherwise interfering with the testing process may result in corrective action, up to and including termination of employment, subject to applicable law.

The Agency 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. However, seeking assistance does not excuse policy violations, misconduct, impaired work performance, unsafe conduct, or violations occurring before the request for assistance. Employees who believe they need an accommodation should contact Human Resources.

Legal Cannabis Use

While cannabis may be legal outside of working hours, the Agency 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 Agency premises
- Smoking and vaping of cannabis is prohibited in any location where tobacco smoking is prohibited.
- Consistent with the Agency's fragrance policy (see Section 3.7 – Your Appearance at Work), employees may not report to work smelling of cannabis.
- The Agency 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 Agency is subject to.
- The Agency 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
    - Interfere with the Agency's obligation to provide a safe and healthy workplace and school for its employees and students, and as required by state and federal occupational safety and health law.

The Agency 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. Nothing in this policy limits Academy's right to prohibit impairment, possession, use, distribution, or sale of cannabis during working time, on Agency premises, while performing Agency duties, or where such conduct affects safety, performance, supervision of students, or the Agency's legal obligations.

3.10 Workplace Security

Employee Identification

Academy is committed to maintaining a secure, safe environment for all of our employees. All employees are issued Academy 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 an Academy issued identification card while on Agency property and be prepared to present the card upon request by any Security Officer or other Agency official.

Workplace Searches

To protect the property, security, confidentiality, operations, and to ensure the safety of all employees, students and the Agency, Academy 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 Academy's premises or brought onto

Agency property, Agency vehicles, or Agency-sponsored activities. In addition, Academy 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 Academy, and are issued for the use of employees only during their employment and only for authorized Agency-related purposes.

Inspection may be conducted at any time at the discretion of the Agency, with or without prior notice, where Academy determines that an inspection is appropriate for safety, security, operational, investigatory, or compliance reasons. 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. Refusal by an employee to cooperate with a lawful inspection may result in corrective action, up to and including termination of employment.

Employees should have no expectation of privacy in any Agency-owned property, equipment, systems, work areas, desks, lockers, files, or storage areas, even if the employee uses a personal lock or password. Personal items brought onto Academy premises may also be subject to inspection to the extent permitted by applicable law. Inspections will be conducted in a reasonable manner and, where practicable, in the presence of the employee or another Agency representative.

This policy does not authorize employees to conduct searches on their own. Any suspected theft, possession of prohibited items, safety concern, or other issue requiring inspection should be reported promptly to the Executive Director, Human Resources, or Security.

Workplace Safety

Academy 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 Agency 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 Agency 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 Agency.

Fire and Emergency Drills

Academy is required by law to conduct fire and emergency drills on a frequent basis and expects all employees to take these drills serious and comply fully with all drill, evacuation, lockdown, shelter-in-place, and emergency response procedures. Employees will be asked to assist students during fire and emergency drills on a regular basis and must follow all instructions issued by Agency Administration, Security, emergency personnel, or other designated individuals.

Employees are responsible for knowing the emergency procedures applicable to their assigned work areas, including evacuation routes, designated assembly locations, attendance/accountability procedures, and any responsibilities for supervising or assisting students, visitors, or individuals requiring assistance.

3.11 Student Safety

Maintaining Professional Boundaries

Employees are expected to maintain a professional relationship with students at all times, on and off campus, during and outside of Agency hours, and in all in-person, electronic, and social media communications. Personal disclosures, emotional dependence, unsupervised one-on-one time, and physical displays of affection are prohibited. It is unethical and strictly prohibited to use your position as an adult or Agency employee 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. Consent by a student is not defense to a violation of this policy.

Sexual harassment of a student by a Academy 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 Academy 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. Sexual harassment may also include conduct that creates an intimidating, hostile, offensive, or inappropriate educational environment.

These guidelines apply to the behavior and conduct of all members of the Agency staff, whether teachers or non-teaching personnel, and including athletic coaches, substitutes, volunteers, contractors, advisors, and anyone acting on behalf of Academy, 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, and interactions should occur in observable and interruptible spaces whenever practicable;
- 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 agency related benefit or to avoid discipline or other adverse consequences;
- Spending considerably more time with one student than others;
- Encouraging a student to confide about personal, family, and/or relationship problems except as appropriate within the employee's assigned professional role and promptly involving appropriate Agency personnel;
- 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 Agency;
- "Friending" or "following" students on any social media platform;
- Giving gifts to students;
- Arranging to meet students outside of school not explicitly authorized by the student's parents and the Agency;
- Communicating with students through personal email accounts, personal phone numbers, private messaging, disappearing-message applications, gaming platforms, or unofficial group chats;
- Using nicknames, private jokes, secrecy, favoritism, or special treatment that could reasonably appear to create an inappropriate relationship;
- Requesting or sharing personal photographs, videos, or other personal content with students; and
- Failing to report conduct that may violate this policy.

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 Agency's Executive Director. A report can also be made to any supervisor, who should report the incident to the Executive Director, or if such individuals are involved in such conduct, a report can be made to the Board President of the Agency. Employees must not investigate suspected misconduct on their own, promise confidentiality, or delay reporting.

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 Executive Director. Employees must maintain appropriate boundaries even if a student initiates the conduct.

All allegations of sexual harassment or sexual abuse of students will be reported to parents or guardians, as appropriate and consistent with law, student safety, and investigation needs, 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 Executive Director. Nothing in this policy permits any employee to delay or avoid a mandated report.

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 Agency 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 through personal accounts, personal devices, social media, messaging applications, gaming platforms, or any other electronic means.

However, if a faculty member must contact a student for educational purposes only, they may do so only through the faculty member's Agency issued e-mail address or another Agency-approved platform. 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 Agency's office. Communications must be professional, limited to Agency-related purposes, and must not be deleted, hidden, or moved to personal accounts.

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. Employees must promptly report any attempted or actual student contact through personal social media or electronic communications to the Executive Director, or Human Resources.

Mandated Reporting

Pursuant to §413 of the New York Social Services Law, Academy 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; or
- Student displaying signs of aggression, fear, withdrawal, or sadness.

As mandated reporters, Academy 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. Employees should not wait for proof or conduct their own investigation before making a required report.

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 Executive Director or Head Agency Psychologist/Director of Guidance immediately, unless doing so would compromise student safety or involve the person suspected of misconduct, in which case the employee should report to another appropriate administrator or the Board President.

3. Within 48 hours of the employee/school official's verbal report to the SCR hotline, the employee 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 Executive Director or Head Agency 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 and shared only with individuals who have a legitimate need to know or as required by law.

Recognizing Student Bullying and Student-on-Student Harassment

Academy recognizes that all students should have a safe, orderly, civil and positive learning environment. As employees of Academy, 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 Agency.

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 if it is safe and appropriate to do so and to prevent its recurrence and shall immediately report it to the Executive Director. Any school employee who directly receives information about conduct that might constitute bullying shall immediately report it to the Executive Director. Employees must not dismiss bullying concerns as peer conflict without notifying the appropriate administrator.

Title IX Policy

Title IX protects students from discrimination, based on sex, in educational programs and activities to the extent applicable to Academy. 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 and other applicable laws prohibiting sex-based discrimination, harassment, and retaliation. 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 is 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 based on submission to, rejection of, or participation in sexual or romantic conduct.

"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 Agency 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. Employees must also comply with any separate mandated reporting obligations.

No MDY employee may discourage an individual from reporting misconduct covered by this Policy or retaliate against any individual for making a report, participating in an investigation, or supporting another person's report.

Making a Complaint:

Complaints may be reported by the victim or by anyone else who has knowledge of a violation of this Policy. Complaints may be made orally or in writing, and no particular form is required.

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. Academy may implement interim measures as appropriate to protect students, preserve the educational environment, and prevent retaliation while a complaint is pending.

Medication

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

Students must have written authorization on file from a physician detailing the name, frequency and dosage of a prescribed medication and the Agency must have a written request on file from the parent in order to administer the medication as prescribed by the physician. Medication may be administered only by authorized Agency personnel in accordance with Agency procedures. Employees must promptly refer all medication-related requests to the Agency nurse or designated administrator.

Field Trips

Field trips taken in connection with class work and activities are allowed. These trips must be planned well in advance and approved by the Executive Director at least two weeks before the trip

is to be taken unless the Executive Director approves a shorter timeline due to special circumstances.
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 Agency. These forms should be returned at least a week prior to the activity and submitted by the faculty member to the Executive Director not later than the Friday before the trip.

Employees supervising field trips must maintain appropriate student supervision at all times, follow approved itineraries, comply with transportation and emergency procedures, and may not make unauthorized stops, changes, or arrangements. Employees must immediately report any injury, missing student, safety concern, behavioral incident, or other significant issue to the Executive Director or designated administrator.

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 Executive Director, Head Agency Psychologist/Director of Guidance, or another designated administrator. In an emergency or imminent-risk situation, employees must immediately contact emergency services and notify Agency Administration as soon as it is safe to do so. Employees must not leave a student believed to be at imminent risk alone unless directed by emergency personnel or appropriate Agency personnel.

Pending Criminal Charges

You are required to report to the Executive Director any pending criminal charges lodged against you and any arrest, conviction, order of protection, restraining order, or other legal matter that may affect your ability to perform your duties, be present around students, or represent Academy. Academy reserves the right to take appropriate action as a result of any pending charges in the best interest of Academy and its students, consistent with federal, state, and local laws. Failure to make a required report may result in corrective action, up to and including termination of employment.

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, Academy 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 Agency 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 (ext. 3283) 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 (ext. 3283)

If you see a suspicious object, notify the Security Department (ext. 3283) 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

Academy will make every effort to remain open for business on scheduled workdays. However, Academy 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, Academy 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.

Academy has a consistent policy that provides for our schools to remain open during inclement weather where possible. If the Agency 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 Academy will only pay hourly employees their actual worked hours.

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

3.13 Communicable Illness

In the event of an outbreak of a communicable illness which affects the Agency and its employees, Academy aims to minimize the risk of transmission. This policy operates in conjunction with the Agency's sick leave policy and, in compliance with the NY HERO Act, the Agency's Airborne Infectious Disease Exposure Prevention Plan. Because the spread of communicable illness often happens rapidly, the Agency recognizes you will not have much advance notice. Therefore, Academy 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 Agency 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 Agency will alert employees of our plan to handle the illness. All communications will be sent through the Academy email system.

3.14 Uncontrollable Events, Including COVID-19 Pandemic

While Academy is committed to fulfil the obligations of this Handbook, there are uncontrollable events, like the COVID-19 Pandemic, that may change circumstances. Accordingly, the Agency is not liable for a delay or failure to fulfil any duty under this letter if any of the following conditions occur beyond the Agency'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. Academy may, at its sole discretion, suspend operations in any of the above conditions or switch to tele-education.

3.15 Academy Property

All employees are expected to exercise due care in their use of Academy 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 Agency facility as a whole. The removal of Agency 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 Agency property.

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

3.16 Smoking

Academy 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 Agency, on the block of the Agency, 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 Academy premises at all times.

3.18 Gambling

Employees may not engage in any form of gambling during work or on Academy 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 Executive Director. Similarly, any employee who becomes aware of or suspects students are gambling must immediately notify the Executive Director.

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 Agency Information (as defined in Section 3.3), proprietary information, student information, employee information, parent or family information, privileged communications, or private health information is discussed, without the prior approval of the Executive Director. In addition, employees may not photograph documents or materials containing such information without prior approval from the Executive Director.

Employees also may not photograph, video record, livestream, post, share, copy, download, or distribute images, recordings, screenshots, documents, or other Agency-related materials involving students, employees, parents, visitors, classrooms, offices, Agency events, Agency systems, or Agency premises unless expressly authorized by Academy and consistent with applicable law and Agency policy. Any authorized recording or photography must be used only for the approved Agency-related purpose and may not be posted on social media, shared with unauthorized individuals, stored on personal devices or accounts, or used for personal, commercial, political, or outside employment purposes. Employees must promptly report any unauthorized recording, photography, posting, or disclosures to the Executive Director, Human Resources, or IT.

An exception to this rule concerns pictures and recordings of work areas, where such activity is protected by applicable law, 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. Nothing in this policy is intended to restrict employees from engaging in legally protected activity, reporting concerns to governmental authorities, or participating in investigations or proceedings protected by law.

3.21 Outside Food Policy

Academy is deeply committed to maintaining a communal environment that respects Jewish tradition, values, and dietary laws (**Kashrut**). To ensure that all students, families, and community members can fully participate in school life, this policy governs all food brought onto the school campus. This policy applies to all administrators, faculty, staff, substitute teachers, and external contractors.

1. General Campus Food Standard

Except as explicitly outlined in Section 2 of this policy below, **all food and beverages brought onto the school campus must be strictly kosher** and bear an approved, reliable **Kashrut supervision symbol (hechsher)**.

- **Approved Certifications:** A list of globally and locally accepted symbols (such as Ⓤ, Ⓚ, CRC, etc.) is available from the Main Office.

- **Prohibited Items:** No home-cooked food, uncertified baked goods, or open food items from non-certified establishments may be brought into classrooms, hallways, offices, or student dining areas.

- **Events and Celebrations:** Any food intended for sharing among staff or students must be sealed in its original packaging with a visible, approved hechsher.

2. Designated Non-Kosher Staff Spaces and Departmental Appliances

The Agency recognizes and respects the diverse personal practices of our faculty and staff. To accommodate individual dietary preferences and needs while preserving the religious integrity of student spaces, the school allows for the consumption of personal outside food under the following strict conditions:

- **Permitted Outside Food:** Staff members may bring personal, non-kosher lunches (including home-cooked meals) for their own individual consumption, provided these items remain strictly within designated staff-only areas.

- **Spatial Boundaries:** Non-kosher food must be consumed entirely within designated staff lounges or department offices and may never be carried into classrooms, common student areas, or communal event spaces.

- **Departmental Microwave Ovens:** Individual school departments **may choose to have separate, non-kosher microwave ovens available** for staff use within their restricted department spaces.

    - All such appliances must be **permanently and clearly labeled** as "Non-Kosher / Personal Outside Food Only."

    - Under no circumstances may any food, containers, or utensils from these departmental microwaves enter the main school kitchen or student cafeterias.

    - Staff must ensure that no non-kosher food odors or residue impact adjacent student learning spaces.

3. Nut and Seed Awareness

Our school is a "nut and seed aware" environment to protect students and community members with severe, life-threatening allergies. We ask that all staff members remain highly vigilant and mindful of this policy when bringing food into the school for personal consumption, classrooms, or school events.

4. Compliance and Communication

Maintaining a respectful, inclusive environment requires the cooperation of all staff members. Violations of this policy—such as bringing uncertified food into student spaces or misusing designated kosher/non-kosher appliances—will be addressed by Administration in accordance with standard personnel procedures.

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 Academy's 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 Academy achieve excellence in education and help you reach your potential.

You and Academy 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 Academy about:

- Job requirements and standards;
- Working relationships;
- Future expectations; and
- Any work-related problems or issues, including performance concerns, professionalism, attendance, conduct, compliance with Agency policies, and progress toward previously identified goals or expectations.

Performance reviews are intended to support employee development and Agency operations, but they do not guarantee continued employment, any particular compensation adjustment, promotion, transfer, or change in employment status. Academy reserves the right to evaluate employee performance at any time, with or without a formal review process, and to take corrective action when appropriate.

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 Academy that every one of us is a contributing member of the team. To make sure that this universal standard is met throughout Academy, each one of us is expected to meet standards of performance, attendance, punctuality and professional behavior, and to follow all Academy 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, Academy's policy on corrective action may not be progressive in every case. This means that Academy 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. This is consistent with our "employment at will" policy stated throughout this Handbook.

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 an employee is suspected of abuse:

- NYC Department of Health (DOH) and the NYPD will be notified;
- The employee will be placed on administrative leave until an investigation is completed; and
- MDY will cooperate with DOH and the NYPD in any outside investigation conducted.

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 Academy's 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 Academy, 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 Executive Director 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 Executive Director. The Executive Director will make a final decision to resolve any remaining problem or complaint in the best interests of the employee and the Agency.

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 Agency'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 Academy and do not limit Academy's right to determine appropriate corrective action based on the circumstances.

Any employee whose conduct, actions or performance violates or conflicts with Academy's policies may be terminated immediately and without warning or may be subject to other corrective action, at Academy's sole discretion.

The following are some examples of grounds for immediate dismissal:

- Breach of trust or dishonesty;
- Conviction of a felony or other criminal conduct that Academy determines may affect the employee's ability to perform their duties, work with students, or represent the Agency;
- Willful violation of an established policy or rule;
- Falsification of Agency records or providing false, misleading, or incomplete information to Academy;
- Gross negligence or reckless conduct;
- Insubordination or refusal to follow a lawful or reasonable directive;
- Violation of the Anti-Harassment and/or Equal Employment Opportunity Policies;
- Time card or sign-in violation, including falsifying time records or recording time for another employee;
- Undue and unauthorized absences or lateness from duty during regularly scheduled work hours;

- Deliberate non-performance of work or failure to perform assigned duties;
- Larceny or unauthorized possession of, or the use of, property belonging to any co-worker, visitor or student of Academy;
- Possession of dangerous weapons on the premises or at any Agency-sponsored activity;
- Unauthorized possession, use or copying of any records that are the property of Academy, including confidential, student, employee, parent, or Agency information;
- Marring, defacing or other willful destruction of any supplies, equipment or property of Academy;
- 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 or otherwise failing to remain alert and attentive while responsible for students, safety, or Agency operations;
- Violation of student safety, professional boundaries, mandated reporting, electronic communications, or social media policies;
- Unauthorized recording, photographing, posting, sharing, or disclosure of Agency-related information, students, employees, parents, or Agency activities;
- Conduct that endangers or may endanger the health, safety, welfare, or privacy of students, employees, families, visitors, or the Agency community;
- Conduct that Academy determines is unprofessional, disruptive, inconsistent with the Agency's mission or standards, or harmful to the Agency's reputation, operations, or educational environment.

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 Academy. Academy reserves the right to determine whether misconduct has occurred and what corrective action is appropriate, up to and including immediate termination of employment, subject to applicable law and any written employment agreement.

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 Academy. 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 Agency. 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 a staff member is unable to report to work due to illness, emergency, or other personal matters, the following procedures must be followed: Staff must notify Program Director and notify the teachers as soon as possible, but no later than two hours before their scheduled start time, on the day of the absence. For planned absences (e.g., medical appointments, religious observance), staff must submit a leave request at least 5 school days in advance.

When requesting time off, all non-emergency time-off requests must be submitted via email and ADP, at least 7 school days in advance. For extended time off (2+ consecutive days), requests should be submitted at least 2 weeks in advance.

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. Excessive absenteeism, repeated lateness, failure to follow call-in procedures, abuse of leave, failure to return from leave, or failure to provide requested documentation may also result in corrective action, up to and including termination of employment, subject to applicable law.

Leaving Work during the Workday

Leaving early and not returning to the Agency 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 Academy's attendance and punctuality policy. Employees must obtain prior approval before leaving Agency premises during scheduled work time, except in an emergency.

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 before you leave, unless an emergency prevents advance notice.

5.2 Introductory Period

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 Agency 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 and the operational needs of Academy.

Employees are entitled to PTO based on the schedule below. 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 you have accrued at least four (4) hours of PTO.

Employees will accrue paid sick leave at a rate of one (1) hour for every thirty (30) hours worked, up to a maximum of 56 hours in an academic year (September 1st to June 30th). Unused accrued sick leave may be carried over to the following academic year, though employees may not use or accrue more than 56 hours in any single academic year. Accrued sick leave balances will be reflected on employee ADP accounts. Employees may request time off in no less than 4-hour increments.

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;
- Due to a closure of the Agency 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.

Accrued but unused PTO days are not paid out upon separation from Academy. Employees may not use any PTO days after giving the Agency notice of their resignation, as outlined in Section 6.2, unless the PTO is requested for sick or safe leave purposes.

When you wish to use PTO for personal reasons, a PTO request must be submitted via email and ADP, at least 7 school days in advance. For extended time off (2+ consecutive days), requests should be submitted at least 2 weeks in advance. Requests will be reviewed based on a number of factors, including Agency needs, staffing requirements, etc. The Agency 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 Executive Director. These requests must provide explanation and may be denied.

If you wish to use PTO for sick leave purposes, you must inform the Program Director or Executive Director 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 confirms the need for absence and its beginning and expected

end date. The Agency will reimburse employees for incurred expenses related to such documentation.

Unpaid Sick Time

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. Please see the current year's Academy Calendar for the current year's holiday schedule.

All other employees: Academy 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. Academy reserves the right to modify holiday schedules, Agency closures days, and work schedules based on operational needs, calendar changes, weather, emergencies, or other Agency-related circumstances.

5.4 Doctor Appointments

Doctor appointments should be scheduled during non-Agency hours whenever practicable. An employee who cannot schedule doctor appointments during non-school hours must speak with the Executive Director or Human Resources in advance, except in an emergency or when advance notice is not practicable. Employees may be required to use available PTO, sick/safe leave, or other applicable leave for time away from work, consistent with Academy policy and applicable law. Academy may request appropriate documentation where permitted by law. Employees should make reasonable efforts to schedule appointments in a manner that minimizes disruption to Agency operations and student supervision.

5.5 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 Agency 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 Agency, or as necessitated by applicable law.

5.6 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 Agency. 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. Academy 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.

5.7 Voting Leave

Academy 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.

5.8 Jury Duty

Academy encourages employees to fulfill their civic duty of serving on a jury. However, when possible, Academy prefers employees request a postponement or deferral of jury duty service in accordance with the court's procedures until the summer when Academy is closed or another time that minimizes disruption to Agency operations. 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 a maximum of up to three working days. Beginning on the fourth day of jury service, your jury duty leave will be unpaid with the exception of a jury duty fee paid by the state.

To be eligible for jury duty pay, you must submit a copy of your summons or subpoena to your supervisor and Human Resources prior to your leave as soon as possible after receipt. 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. Employees must also keep their supervisor informed of their expected schedule, any changes in the court schedule, and the anticipated date of return to work.

During jury duty, you are not expected to report to work if the court session ends during your regular work hours and Academy determines that reporting to work is not practicable under the circumstances. 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 for all or part of the day, unless otherwise instructed by your supervisor or Human Resources. Failure to provide required documentation,

maintain communication, or report to work when required may result in loss of jury duty pay and/or corrective action, subject to applicable law.

5.9 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. Academy reserves the right to request a copy of your summons, subpoena, or other certification supporting your need for leave under this policy.

5.10 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 Academy. If advance notice is not feasible, Academy 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 Agency will maintain the confidentiality of any information regarding an employee's status as a victim of domestic violence to the extent allowed by law.

5.11 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 Agency 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.

5.12 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 Agency 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.

5.13 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 Academy 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 Agency 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 Agency 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 Agency 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 Agency will provide a reason for the ineligibility.

The Agency 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 Agency 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 Academy. Employees are also required to cooperate with the Agency 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 Agency, 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 Agency 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 Agency 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 Agency 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 Agency 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 Agency may also request periodic recertifications in accordance with the law.

Fitness for Duty Certifications

Because Academy 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 Agency 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 Agency 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 Agency

If an employee and their spouse both work for the Agency, 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 Agency'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 Agency) 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 Agency. 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 Academy's operations. Employees will be notified of the possibility of non-restoration before the leave commences.

Protection Against Discrimination

Academy 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 Agency 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.

5.14 Return to Work Policy

Academy is committed to providing a safe workplace for all employees and preventing workplace injuries is a primary goal. If any injury should occur, the Agency'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 Agency will attempt to provide reasonable accommodations or temporary modified duty, where appropriate, in accordance with the employee's medical provider's instructions and the effect on the Agency, including operational needs, student supervision requirements, safety considerations, and applicable law.

Should a workplace injury or illness occur, employees must immediately report the injury or illness to Human Resources and their supervisor, regardless of how minor the injury or illness may appear.

Academy will promptly investigate the incident that caused the injury or illness. All injuries must be investigated by the Agency's insurance carrier, and for this reason, employees may be contacted by a representative from the carrier. Employees are expected to cooperate fully with Academy, its insurance carrier, and any related reporting or investigation process.

Academy 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 Agency apprised of any changes in their condition and ability to return to work. Employees must promptly notify Human Resources of any change in work restrictions, medical status, anticipated return-to-work date, or ability to perform job duties. 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 authorization must identify any work restrictions, limitations, duration of restrictions, and whether the employee can perform the essential functions of the position, with or without accommodation. Academy may require clarification or additional information where necessary to evaluate the employee's ability to return safely and to determine whether a reasonable accommodation or modified assignment may be available.

The primary goal is to return any injured employee to their original job as soon as possible. With this goal in mind, Academy recognizes that a temporary or modified job assignment, reduced schedule, or other transitional arrangement 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. Any modified duty assignment is temporary, subject to availability, and may be changed or discontinued at Academy's discretion based on medical restrictions, Agency needs, safety, staffing, student supervision, and applicable law. An employee may not perform duties outside approved medical restrictions or refuse suitable modified work without authorization. However, due to the nature of the operations of our Agency, Academy 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. Academy will administer return-to-work, leave, workers' compensation, and reasonable accommodation obligations in accordance with applicable law and Agency policy.

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.

5.15 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 Academy determines an employee's qualifying event for leave satisfies FMLA eligibility requirements, the Agency 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.

5.16 Nursing Employees

MDY provides employees with reasonable paid break time as required by applicable law 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 or such other period required by applicable law.

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 where practicable and consistent with applicable law. 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 or as soon as the need for lactation accommodation becomes known. 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 Agency will engage in a cooperative dialogue with the employee to determine a different location or other reasonable arrangement that meets the employee's lactation needs to the extent required by applicable law.

Employees should coordinate lactation break times with Human Resources and their supervisor to minimize disruption to Agency operations, student supervision, and classroom coverage, while ensuring that employees are provided the break time and private space required by applicable law. Employees may not be required to make up lactation break time unless permitted by applicable law.

The Agency does not discriminate in any way against an employee who chooses to express breast milk in the workplace or who requests or uses lactation accommodations. MDY prohibits retaliation against any employee for requesting or using lactation break time, requesting a lactation location, participating in a cooperative dialogue, or exercising rights under this policy or applicable law.

5.17 Prenatal Leave

In addition to PTO, Academy 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 Academy with at least seven days' advance notice. When the need is unforeseeable, employees must provide notice to Academy 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.

Chapter 6 Leaving Academy

6.1 Our Approach

Whether the decision to leave Academy is yours or the Agency'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 Academy, please notify your supervisor and Human Resources in writing as soon as possible, providing the effective date and the reason for your decision. Except for unusual circumstances or as otherwise required by a written employee between the employee and Academy, employees are asked to 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. Employees are expected to work cooperatively during the notice period, assist with transition matters, complete outstanding assignments, and comply with all Academy policies through their final day of employment.

In some cases, Academy may wish to accelerate the last day worked. The exercise of this option is at the discretion of the Agency. In either case, you will be paid through your last day worked and only for time actually worked or otherwise required to be paid by applicable law or a written employment agreement. Academy may determine that an employee's resignation is effective immediately or on a date earlier than employee's proposed resignation date. Providing notice of resignation does not guarantee continued employment through the end of the notice period.

Employees may not use PTO during the resignation notice period unless approved in advance by Academy or required by applicable law. Employees must return all Agency property, records, documents, keys, identification cards, electronic devices, files, work product, confidential information, and other Academy materials on or before their last day of employment, or earlier upon request. Employees remain bound by their confidentiality, non-disclosure, return-of-property, and other continuing obligations after employment ends.

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 Agency for the future.

6.3 Return of Agency Property

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

- Issued credit card(s);

- Electronic Communications Equipment;
- Any Confidential Agency Information in your possession;
- Classroom supplies;
- Keys and building entry cards; and
- Your Agency ID card.

Academy 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 Academy

Benefits Continuation

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides you and your eligible dependents the opportunity to continue the Agency's health-care coverage for a limited time after experiencing a "qualifying event" and losing coverage under the Agency'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 Academy, you are responsible for notifying Human Resources promptly if your address changes. The Agency will need this information to make sure that you receive your year-end tax statement.

Severance

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

Receipt for Academy Employee Handbook

I acknowledge that I have received Academy's Employee Handbook. I understand that I need to comply with Academy's policies contained in this Handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from Human Resources.

I understand that all of the policies contained in this Handbook are important, and that violation of any Agency policy contained in this Handbook or elsewhere could result in corrective action, up to and including termination of employment.

I understand that nothing contained in this Employee Handbook may be construed as creating a promise of future benefits or a binding contract with Academy for benefits or for any other purpose.

I also understand that, unless I have a written employment contract with the Agency, my employment is "at will," meaning that either I or the Agency may terminate the employment relationship at any time, with or without advance notice, and with or without cause. I further understand that if I have a written employment contract with the Agency, my employment (including any modification of at-will status) is subject to the terms of that contract, and in the event of any inconsistency between the Handbook and my written employment contract, the terms of my written employment contract will control. I understand that only the President of the Board of the Agency or the Executive Director have the authority to modify an employee's at-will status or to enter into a written employment contract that alters the at-will relationship.

I understand that this Employee Handbook states Academy's policies, practices and benefits in effect on the date of publication, and that these policies, practices and benefits are continually evaluated and may be amended, modified or terminated at any time.

My Signature: _____

My Printed Name: _____

Date: _____

PLEASE RETURN THIS RECEIPT TO HUMAN RESOURCES

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 Agency*?* 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:*