NEW YORK STATE ADDENDUM

This addendum to the MCAD Handbook (the “New York Addendum”) applies to all eligible employees working in the state of New York. The New York Addendum modifies and supersedes some, but not all, of the policies set forth in the Handbook. To the extent there are any inconsistencies between the Handbook and the New York Addendum, the terms of the New York Addendum shall control. If you have any questions regarding the application of the New York Addendum, please contact Human Resources.

The College will provide employees with all required state notices and posters.

Equal Opportunity Employment

In addition to the protected classifications outlined in our general Equal Employment Opportunity policy, the College also prohibits any form of discrimination or harassment based on domestic violence victim status, prior arrest or conviction record, retaliation for opposing discriminatory practices, reproductive health decisions, and height and weight in accordance with state law.

Meals and Breaks

Employees are provided an unpaid meal period of no less than thirty (30) minutes to be taken between 11 a.m. and 2 p.m. when they work more than six (6) consecutive hours during which they are relieved of all duties.

Prohibition of Discrimination Based on an Employee’s or a Dependent’s Reproductive Health Decision Making

The College will not access an employee’s personal information regarding the employee’s (or the employee’s dependent’s) reproductive health decisions without the employee’s prior informed affirmative written consent.

The College will not discriminate or retaliate against an employee with regard to compensation terms, conditions, or privileges of employment because of or based on the employee’s (or employee’s dependent’s) reproductive health decisions.

The College will not require an employee to sign a waiver or other document that purports to deny employees the right to make their own reproductive healthcare decisions.

An employee may bring a civil action against any employer alleged to have violated the provisions of this law.

Lactation Policy

The College will allow employees who need to express breast milk up to thirty (30) minutes of paid break time to express breast milk for such employee's nursing child each time such employee has reasonable need to express breast milk for up to three (3) years following childbirth. If the employee requires additional time to express breast milk, the employee is permitted to use existing paid break time or meal time for any time in excess of thirty (30) minutes. The College will not discriminate against employees who choose to express breast milk in the workplace.

New York Paid Family Leave

<u>Overview</u>

New York Paid Family Leave ("PFL") provides job-protected, paid time off to bond with a newly born, adopted, or fostered child; care for a close relative with a serious health condition; or assist with family situations when a family member is deployed abroad on active military service.

Full-time employees who work a regular schedule of twenty (20) or more hours per week are eligible for PFL after twenty-six (26) consecutive weeks of employment. Part-time employees who work a regular schedule of less than twenty (20) hours per week are eligible after working 175 days, which do not need to be consecutive. Employees with irregular schedules should look at their average schedule to determine if they work, on average, fewer than twenty (20) hours per week. Once employees meet eligibility requirements, they remain eligible with the College until separation from employment.

Time spent on paid time off will be counted toward an employee's eligibility determination, and the College will continue to collect the employee's contribution during periods of paid time off.

Eligible employees may take up to twelve (12) weeks of protected leave in full-day increments, either all at once or intermittently, at 67% of the employee's average weekly wage, capped at the same percentage of the New York State Average Weekly Wage. PFL is funded through employee payroll contributions.

Taking Paid Family Leave

Employees wanting to take PFL must notify the College at least thirty (30) days before leave will start if the need for leave is foreseeable. If the need is not foreseeable, notify the College as soon as possible.

Employees may use or supplement PFL with accrued time in order to receive their full pay during their absence. Under no circumstances may an employee receive more than their full wages while receiving PFL benefits. While on PFL, employees will not continue to accrue paid time off.

Employees may obtain the required forms by contacting Human Resources, the College's insurance carrier, or visit PaidFamilyLeave.ny.gov to obtain the required forms. Complete the employee portion of the required form(s) and provide the completed form(s) to Human Resources. The College will return its portion of the required form(s) to the employee within three (3) business days, after which the employee will send all required forms directly to the College's insurance carrier.

Requests for PFL forms and submissions should be directed to Human Resources. The College's PFL insurance carrier is New York Life. Learn more about these value-add resources at:

- Website:guidanceresources.com
- Web ID: NYLGBS
- Phone: (800) 344-9752

If your PFL claim is denied, the insurance carrier will provide the employee with information about how to request arbitration. A neutral arbitrator will decide claim-related disputes.

The College shall not discriminate or retaliate against an employee for taking PFL.

Relationship of PFL to FMLA, Short-Term Disability, and Workers' Compensation

Paid Family Leave can be taken by employees who are eligible for time off under the provisions of the FMLA. PFL will run concurrently with designated FMLA leave when the reason for leave qualifies under both PFL and FMLA. Eligible employees must then apply for both PFL and FMLA. Employees will be required to use PTO while on FMLA leave.

You may not receive short-term disability and Paid Family Leave benefits at the same time. You may not take more than 26 combined weeks of short-term disability and Paid Family Leave in a 52-week period.

If you are unable to work and qualify for Workers' Compensation Benefits, you may not use Paid Family Leave benefits at the same time as you are receiving Workers' Compensation benefits. If you are receiving reduced earnings, you may be eligible for Paid Family Leave. Please check with Human Resources.

Paid Leave for New York Employees

The Sick Time policy in the Handbook meets or exceeds the requirements of New York's Sick Leave law, and New York employees may utilize sick leave in a manner consistent with state law.

Prenatal Leave

MCAD provides New York employees with up to twenty (20) hours of paid prenatal leave during any 52-week period. The 52-week period is measured by the first date the employee uses paid prenatal leave. Prenatal leave must be used in hourly increments, and employees should request time off like any other time off by using MCAD's existing notification/request procedures. MCAD will not ask employees to disclose confidential information about their health condition as a condition of requesting paid prenatal leave. An employee may use paid prenatal leave on more than one pregnancy per year, but only twenty (20) hours are available in a 52-week period. Leave under this section is not paid out upon separation of employment for any reason.

Voting Leave

If an employee does not have four (4) consecutive off-duty hours during which to vote while polls are open, the College will provide sufficient time off to vote. Up to two (2) hours of time off to vote will be paid.

Sexual Harassment Prevention Training

The College will provide sexual harassment prevention training in accordance with state law.

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