

# GREATER MOHAWK VALLEY LAND BANK CORPORATION

## PERSONNEL POLICY

For the purpose of this personnel policy, individuals who are employees of the Greater Mohawk Valley Land Bank Corporation ("Land Bank") shall be considered "Personnel," including full time administrative staff, interns and part-time employees. "Personnel" shall not include directors, vendors, service providers or other independent contractors.

### **Implementation of Personnel Policy:**

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

### **Equal Employment Opportunity:**

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

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

### **General Grievance Procedures:**

Personnel are assured a fair hearing process for grievances. Employees should first attempt to resolve any problem with their immediate supervisor on an informal basis. If the employee is not satisfied that the grievance is properly resolved, the matter may be referred, in writing, to the Board of Directors. Grievances with the Executive Director should be first directed to the Chairperson of the Board. All grievances will be resolved as expeditiously and confidentially as possible. The Land Bank has also adopted a Whistleblower Policy and Procedures and all Personnel should review and make use of such policy and procedures as needed.

### **Sexual Harassment:**

The Land Bank prohibits all forms of sexual harassment and sexual discrimination by personnel and the board of directors. Any person who believes that he or she has been harassed or subject to discrimination should use the following the procedure:

- Carefully consider whether the questionable behavior is truly harassment or discrimination. Disputes of this nature should not be taken lightly and are considered serious charges.

- Confront the offending party and demand that the behavior cease.
- If the complainant is unwilling or unable to confront the accused directly, he or she should report the behavior to the Executive Director.
- If unresolved after discussions with the Executive Director, it should be reported to the Chairperson of the Board, to be referred to the board of directors as necessary.
- If the complaint is against the Executive Director, it should be referred to the Chairperson of the Board, to be referred to the board of directors as necessary.
- If the complainant is the Executive Director, it should be referred to the Chairperson of the Board or to a disinterested director as appropriate, to be referred to the board of directors as necessary.

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

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

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

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

*Supervisory Responsibility.* All Land Bank personnel who hold supervisory authority over other personnel shall take such action as may be needed to assure that sexual harassment and sexual discrimination does not occur during their employment at the Land Bank.

### **Illegal Substances and Alcohol:**

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

### **Conflicts of Interest:**

Personnel shall comply with the Land Bank’s Code of Ethics and Conflict of Interest Policy, as such may be amended from time to time.

**Expenses:**

Employees will be reimbursed for usual and customary expenses incurred while engaged in the duties of employment. The types of expenses that might be reimbursable would include travel expenses in accordance with the Land Bank's travel policy. All reimbursements shall be subject to the Land Bank's Discretionary Funds Policy.

**Confidentiality:**

The Land Bank may, at times, be entrusted with confidential and proprietary information. Personnel, and members of the Board of Directors, are responsible for maintaining these confidences and treating all information received in a confidential manner. Decisions as to the release of information rest with the Executive Director and, ultimately, the Board of Directors. Personnel should never disclose confidential information to the public and are not authorized to speak on behalf of the Land Bank without first obtaining authorization from the Executive Director.

Personnel files are confidential, to be accessed by the Executive Director and the Chairperson of the Board.

**Business Office Hours:**

Business office hours are to be set by the Executive Director in consultation with the Board of Directors to ensure that the administrative offices are accessible to the public during normal business hours. Typical office hours are 8:30 a.m. to 5:00 p.m. Monday through Friday.

Personnel are allowed a one-hour lunch break.

**Salaried Employee Work Week:**

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

**Compensation:**

Personnel shall be paid in accordance with the customary payroll practices of the Land Bank. A record of hours by non-exempt personnel must be completed and submitted to the Executive Director prior to the payment of wages.

The Executive Director position is considered exempt from overtime compensation.

**Condition of Employment:**

The Executive Director shall interview all potential employees for exempt and nonexempt jobs in consultation with the Hiring Committee. Employment is contingent upon approval by the Board of Directors.

The first six (6) months of employment is a probationary period. After the probationary period, the employee's performance shall be reviewed and, if satisfactory, that person may continue employment with the Land Bank. Only full-time regular staff members are eligible for employee benefits unless otherwise mandated by state or federal law, or as otherwise provided for at the time of employment.

**Attendance:**

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

**Dress Code:**

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

**Injuries/Worker's Compensation:**

Regardless of the severity or nature, all injuries incurred on the job must be reported to the Executive Director within one working day.

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

**Regular Leave (Applicable to the Executive Director Only):**

A full-time Executive Director shall be allowed up to a maximum of twenty six (26) days per calendar year, or pro-rated portion thereof, to be used for any purpose including, but not limited to, the following purposes: sick, vacation or personal time off ("Leave"). A part-time Executive Director shall be allowed such leave on a pro-rated basis.

Leave may be taken at any time during the year with prior approval of the Chairperson of the Board, except in the case of emergency in which case no prior approval is necessary.

The Executive Director should avoid taking three consecutive weeks of Leave. The Executive Director is encouraged to take at least one full week of consecutive days of Leave per year.

Unused Leave will not be carried over to the next calendar year, with the following exception: unused leave from the prior calendar year may be used by January 31. Paid days off shall be considered “available for use” at the beginning of each year of employment. At the time of the Executive Director’s separation from employment, the Land Bank will pay the Executive Director for up to twenty (20) accumulated unused Leave days; however, only those that have been earned during the pro-rated portion of that year at a rate of one and two-thirds days per month (based on full-time employment) shall be paid. For example, were a full-time executive director to leave in the middle of their second year, they could be paid out for up to ten leave days if none had yet been used.

Pay in lieu of Leave is not allowed.

A full-time Executive Director is also entitled to disability benefits to the extent required by New York State Disability law.

**Regular Leave (All other salaried employees):**

Full-time salaried employees shall be allowed up to a maximum of twenty (20) days per calendar year, or pro-rated portion thereof, to be used for any purpose including, but not limited to, the following purposes: sick, vacation or personal time off (“Leave”). After five years of continuous full-time employment with the organization, an additional five days of Leave per year will be awarded annually—for a total of twenty-five (25) days of leave awarded on the fifth anniversary of employment with the Land Bank. Employees working less than full-time shall be allowed a pro-rated portion of the amount described above, based on the number of hours per week worked as a portion of a full-time position (i.e.  $\frac{1}{2}$  time,  $\frac{3}{4}$  time, etc.).

Leave may be taken at any time during the year with prior approval of the Executive Director, except in the case of emergency in which case no prior approval is necessary.

Up to five (5) days of unused Leave may be carried over to the next calendar year, but at no time may more than thirty (30) days be accumulated and ‘banked.’ At the time of the employee’s separation from employment, the Land Bank will pay the employee for up to twenty (20) accumulated unused Leave days. Paid days off shall be considered “available for use” at the beginning of each year of employment and, upon termination, only those that have been earned during the pro-rated portion of that year at a rate of one and two-third days per month (based on full-time employment) shall be paid. For example, an employee leaving in the middle of their second year could be paid out for up to eight leave days if none had yet been used.

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

Pay in lieu of Leave is not allowed.

Full-time employees are also entitled to disability benefits to the extent required by New York State Disability law.

**Other Leave (all employees):**

Bereavement Leave:

Bereavement leave shall not exceed four (4) consecutive days of paid leave per instance, upon the death of a spouse, parent or child.

Jury Duty Leave:

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

Unpaid Leave of Absence:

An unpaid leave of absence may be considered for personal, family, or medical reasons for a period not to exceed thirty (30) days. Unpaid leaves of absence may be permitted or extended, depending on the reasons and circumstances.

A request for an unpaid leave of absence must be in writing and supported by valid reasons. Approval by the Board of Directors is required.

**Performance Evaluations:**

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

The Executive Director shall be reviewed on an annual basis by the Board of Directors. The job description serves as the basis for evaluating performance. The Chairperson of the Board of Directors will make recommendations to the full board of directors as to wage increases and/or performance compensation for the Executive Director.

**Separation and Termination:**

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

Any employee contemplating resigning should discuss matters first with the Executive Director. Personnel who voluntarily leave the employment of the Land Bank shall submit a written letter of resignation at least two (2) weeks prior to their last day of work. The Executive Director should give at least four (4) weeks' notice to the board of directors unless other requirements are set forth in an employment agreement.

The decision to terminate an employee shall be reviewed by hiring committee and the Board of Directors.

**Paid Holidays:**

The Land Bank, unless otherwise stipulated, shall observe the following paid holiday schedule:

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|------------------------|------------------------|
| New Year's Day         | Labor Day              |
| Martin Luther King Day | Thanksgiving Day       |
| Memorial Day           | Day after Thanksgiving |
| Presidents' Day        | Christmas Day          |
| Independence Day       |                        |

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

Permanent part-time employees, who have been employed for more than 12 calendar months, will receive holiday pay equal to their average daily pay during the previous four week period. Part-time employees will only be paid for holidays after they have been employed by the Land Bank for more than one year.

**Group Health Insurance/Reimbursement Program:**

After 90 days of employment, for full-time employees, the Land Bank will offer group health insurance benefits, including medical and dental coverage. The Land Bank will offer both family and individual coverage. The Land Bank will contribute up to a maximum amount of 80% of the premiums for the full-time employee's individual medical and dental coverage. Premiums for all other dependent medical coverage will be the sole responsibility of the Land Bank employee. Upon leaving the Land Bank's employment, to the extent applicable by law, COBRA benefits may be available at the employee's expense.

**Retirement Program:**

Land Bank employees may participate in any employer sponsored retirement program offered by the Land Bank, in accordance with the terms and conditions of the plan. The Land Bank currently envisions matching a participating employee's contributions at a 1:1 ratio up to a maximum employer contribution equal to 3% of the employee's total annual compensation. The Land Bank intends for such retirement plan to provide for the employer's contribution to the plan on behalf of the employee to be 50% vested in the employee on the first anniversary of the employee's entrance into the plan and 100% vested in the employee on the second anniversary of the employee's entrance into the plan.

**Withholdings:**

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

**THIS POLICY DOES NOT CONSTITUTE A CONTRACT OF EMPLOYMENT. THE  
LAND BANK HAS THE RIGHT TO AMEND THIS POLICY AT ANY TIME.**