



*A Greater Rochester Chamber Division*

# Employee Handbook

**Revised January 2021**

## **WELCOME TO RBA STAFFING**

For more than 30 years, RBA Staffing employees have worked in some of the best companies and organizations in the Rochester area. Our employees have earned the reputation as being reliable, skilled, and professional, and we depend on our employees to represent us in a professional manner.

At RBA Staffing, we value our employees and appreciate their efforts every day. We also value our partnership with employees and will work hard to help them to be successful in their careers. These guidelines have been established to ensure that each employee's working relationship with RBA Staffing is successful.

## **RBA STAFFING CONTACT INFORMATION**

The RBA Staffing office is generally open Monday through Friday, from 8a.m. to 4:30p.m. Messages can be left after business hours by calling RBA Staffing at (585) 256-4666.

## **PLEASE NOTIFY US IMMEDIATELY:**

- If you have questions or concerns related to your assignment.
- If the work you are doing is different from the type of work you were told it would be.
- If you are asked to do anything that may endanger your health, safety, or general welfare.
- If you are going to be late or absent for work. (**at least 30 minutes prior to shift start**)
- Within 24 hours of completing your assignment.
- If you are injured on the job.
- If you feel you have been harassed or discriminated against.

## **HR CENTER – ONBOARDING PORTAL** - <https://hrcenter.tempworks.io/en/RBAStaffing>

The HR Center is used for and provides access to:

- Onboarding documents – Required forms, such as state and federal withholding tax forms, form I-9, etc.
- Assignment-specific orientation
- Update personal contact information
- Additional forms – ex. direct deposit forms

## **WEB CENTER** – <https://webcenter.tempworks.com/RBAStaffing/>

The Web Center is used for and provides access to:

- Enter/submit/view timecards (Placement Specialist will specify if this option is available)
- View/print pay stubs as well as W-2 form
- Assignment detail information

## **PAYROLL PROCEDURE**

An RBA Staffing representative will go over which method of timecard submittal will be used for each assignment. Payroll is processed based on the information contained on an employee's timecard. RBA Staffing employees are responsible for submitting a completed timecard no later than 4:00 p.m. on the Monday following the previous work week. If a timecard is received after that time, or is incomplete, or is not signed by the onsite supervisor, we CANNOT process a paycheck. Employees must report timecard and/or paycheck errors as soon as possible so they can be reviewed and corrected (if an error is confirmed) in a timely manner.

## **PAY OPTIONS**

Employees are encouraged to enroll in direct deposit or rapid! PayCard, as these pay methods save cost and provide employees with faster access to their pay. The following pay options are available to RBA Staffing employees:

**rapid! PayCard** - The weekly paycheck will be electronically deposited onto the rapid! PayCard on payday. A pay stub will be mailed indicating the amount that was deposited into the employee's account, or it can also be viewed on Web Center. Employees may contact their Placement Specialist to enroll.

**Direct Deposit** - The weekly paycheck is electronically deposited into the designated checking or savings account. A pay stub will be mailed indicating the amount that was deposited into the account, or it can also be viewed on Web Center. Employees may contact their Placement Specialist to enroll.

**Paper Paycheck** - The weekly paycheck will be mailed to the address provided and should arrive by end of day Friday. Employees should contact their Placement Specialist if their paycheck is not received by the normal mail delivery time on the Monday following payday.

## **EQUAL OPPORTUNITY EMPLOYER**

RBA Staffing is an Equal Opportunity Employer. It is the policy of RBA Staffing to provide equal opportunity in employment and conditions of employment to all individuals regardless of age, race, color, religious beliefs, national origin, sexual orientation, gender identity, sex, veteran or military status, disability, pregnancy-related condition, predisposing genetic characteristics, genetic information, marital status, familial status, prior arrest, domestic violence victim status, non-job related convictions, participation in lawful activities outside of our workplace, or any other status protected by law.

RBA Staffing recruits, selects, hires, and promotes individuals on the basis of their qualifications as related to the requirements of the position, satisfactory work record, and/or adherence to all other conditions of employment.

All related RBA Staffing policies such as those pertaining to compensation, benefits, and terminations will be administered without regard to age, race, color, religious beliefs, national origin, sexual orientation, gender identity, sex, veteran or military status, disability, pregnancy-related condition, predisposing genetic characteristics, genetic information, marital status, familial status, prior arrest, domestic violence victim status, non-job related convictions, participation in lawful activities outside of our workplace, or any other status protected by law.

## **IMMIGRATION LAW COMPLIANCE**

In compliance with federal law, RBA Staffing is committed to employing individuals authorized to work in the United States. As a condition of employment, employees must complete the Form I-9 and present documentation establishing identity and employment eligibility to RBA Staffing at time of hire. If this form and verification of employment eligibility are not completed by the employee during the first three days of employment, RBA Staffing is required by law to terminate the employee's employment.

## **DISABILITY ACCOMMODATION**

RBA Staffing prohibits discrimination against qualified individuals with disabilities in all aspects of employment including, but not limited to, recruitment, hiring, compensation, promotion, job assignments, transfers, demotions, training, leaves of absence, layoff, benefits, and termination.

RBA Staffing's commitment to this policy includes making reasonable accommodations to persons with disabilities unless doing so poses an undue hardship. A reasonable accommodation is defined as any change or adjustment to a job, the work environment, or the way things are usually done that enables a qualified individual with a disability to enjoy an equal employment opportunity.

It is the responsibility of the employee to notify the office administrator of the need for an accommodation. RBA Staffing will take such requests seriously and engage in an interactive process with the employee to determine what actions are available that can be taken by RBA Staffing to reasonably accommodate the disability. The office administrator may ask the type of accommodation being requested, or the functional limitations caused by the disability. RBA Staffing reserves the right to offer an alternative accommodation. Also, when appropriate, we may need the applicant's or the employee's permission to obtain additional information from their physician or other medical professionals. All medical information for qualified post-offer candidates and employees is maintained separately from personnel files.

## **RELIGIOUS ACCOMMODATION**

RBA Staffing is dedicated to treating the religious diversity of all our employees equally and with respect. Employees may request an accommodation when their religious beliefs necessitate a deviation from our dress code, work schedule, basic job duties, or other aspects of employment. We will consider the request but reserve the right to offer our own accommodation to the extent permitted by state or federal law. Some, but not all, of the factors that we will consider are cost, the effect that an accommodation will have on current policies and the burden on operations, including other employees, when determining a reasonable accommodation.

## **ABSENTEEISM AND TARDINESS**

Punctuality and reliable attendance are the key to employee success. RBA Staffing employees are expected to arrive at work on time each day. Those assigned a shift after regular business hours should ask their RBA Staffing Placement Specialist for details about start and end times.

Employees who will be absent or late MUST contact RBA Staffing at least one hour before your start time. Some employees may be required to contact their direct supervisor at the company they have been assigned to in addition to calling RBA Staffing. Excessive absenteeism, tardiness, or "no call/no show" situations are serious and may result in termination from both the assignment and also from employment with RBA Staffing.

Employees of RBA Staffing that need to end an assignment prior to the agreed upon end date must notify their RBA Placement Specialist immediately. RBA Staffing will contact the client company and let them know the final day of work. If an employee fails to show up for work or call in with an acceptable reason for the absence for a period of three consecutive days, he or she will be considered to have abandoned his or her job and voluntarily resigned.

## **SEXUAL HARASSMENT POLICY**

### **Introduction**

RBA Staffing, a division of Greater Rochester Chamber of Commerce is committed to maintaining a workplace free from sexual harassment. RBA Staffing has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of RBA Staffing's commitment to a discrimination-free work environment, as sexual harassment is a form of workplace discrimination.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with RBA Staffing, or with a government agency or in court under federal, state or, where applicable, local anti-discrimination laws.

### **Policy**

1. This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, vendors, consultants, and other third parties providing services at or doing business with RBA Staffing.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this Policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this policy shall be subject to adverse employment action by RBA Staffing including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. RBA Staffing has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of RBA Staffing who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, contractor, vendor, consultant, or other third party providing services at or doing business with RBA Staffing who believes he or she has been subject to such retaliation should inform a supervisor, manager, or any contact at RBA Staffing such as the Office Administrator, Director of Business Services, Placement Specialist, etc.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects RBA Staffing to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability, meaning that they may have to use their own money to satisfy any judgment entered against them. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be disciplined for such misconduct, up to and including termination.
5. Upon receipt of any complaint of sexual harassment, or awareness of any possible harassing conduct, RBA Staffing will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behavior that violates this policy. RBA Staffing will provide a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe to the Office Administrator.
8. This policy applies to all employees, paid or unpaid interns, and contractors, vendors, consultants, and other third parties providing services at or doing business with RBA Staffing and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

### **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination. It includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

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

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

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

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

### **Examples of sexual harassment**

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

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employees’ body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.

- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, contractors, vendors, consultants, and other third parties providing services at or doing business with RBA Staffing. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

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

### **What is "Retaliation"?**

Retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation under this policy.

RBA Staffing prohibits retaliation against any individual who has:

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

## **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** RBA Staffing cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern, contractor, vendor, consultant, and other third party providing services at or doing business with RBA Staffing who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, or any contact at RBA Staffing such as their Placement Specialist, Office Administrator, Director of Business Services, etc. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or any contact at RBA Staffing such as the Office Administrator, Director of Business Services, Placement Specialist, etc.

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

Although RBA Staffing encourages individuals to complain internally so that it may remedy any inappropriate behavior, those who believe they have been victims of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

## **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the RBA Staffing Office Administrator or Director of Business Services, who will then report to the Rochester Chamber Human Resource Director for investigation.

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

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

## **Complaint and Investigation of Sexual Harassment**

*All* complaints or information about suspected sexual harassment will be investigated, regardless of how the information is reported or discovered. Investigations will be conducted in a timely manner, and, although confidentiality cannot be guaranteed, will be conducted as discretely as possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and, in most circumstances, should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Employees may be required to cooperate as needed in an investigation of suspected sexual harassment. RBA Staffing prohibits retaliation against employees who participate in investigations of sexual harassment.



Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, the Rochester Chamber Human Resource Director will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is oral, the Rochester Chamber Human Resource Director will encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, the Rochester Chamber Human Resource Director will prepare a Complaint Form based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, the Rochester Chamber Human Resource Director will take steps to obtain and preserve them.
- The Rochester Chamber Human Resource Director will request and review all relevant documents, including all electronic communications, interview all parties involved, including any relevant witnesses, and create a written document of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The final resolution of the complaint, together with any corrective actions action(s).
- The Rochester Chamber Human Resource Director will keep the written documentation and associated documents in RBA Staffing’s records for three (3) years after the employment of the complainant and/or alleged harasser has ended for any reason.
- The Rochester Chamber Human Resource Director will promptly notify the complainant and the alleged harasser of the outcome of the investigation and implement any corrective actions identified in the written document.

### **Legal Protections and External Remedies**

Sexual harassment and retaliation are not only prohibited by RBA Staffing but are also prohibited by the New York State Human Rights Law, Title VII of the Civil Rights Act of 1964, as amended, and, where applicable, other local laws. Aside from the internal process at RBA Staffing, employees may also choose to pursue legal remedies with the New York State Division of Human Rights (“DHR”), the New York State Supreme Court, or the United States Equal Employment Opportunity Commission. These forums can adjudicate your complaint and award remedies, which vary, but RBA Staffing may include requiring RBA Staffing to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney’s fees and civil fines.

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

**RBA Staffing**  
**Complaint Form for Reporting Sexual Harassment**

Please complete both pages of the form that follows and submit to your supervisor, manager, or any contact at RBA Staffing such as the Office Administrator, Director of Business Services, Placement Specialist, etc.

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**COMPLAINANT INFORMATION**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Client Company Assigned To: \_\_\_\_\_

Work Address: \_\_\_\_\_

Email: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Select Preferred Communication Method:    Email    Phone    In person

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**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

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**COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Relationship to you: Supervisor    Subordinate    Co-Worker    Other

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

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing?  Yes  No

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

*The last question is optional, but may help the investigation.*

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

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **NON-HARASSMENT**

RBA Staffing is committed to maintaining a work environment that is free from all types of harassment, including sexual harassment and other forms of workplace harassment based upon, or related to, a person's age, race, color, religious beliefs, national origin, sexual orientation, gender identity, sex, veteran or military status, disability, pregnancy-related condition, predisposing genetic characteristics, genetic information, marital status, familial status, prior arrest, domestic violence victim status, convictions, participation in lawful activities outside of our workplace, or any other status protected by law.

RBA Staffing prohibits all forms of harassment of, or by, other RBA Staffing employees, client employees, onsite supervisors or management, vendors, customers, visitors, etc. for any reason or as prohibited by law. Violations of this policy will not be tolerated and may result in disciplinary action up to and including termination.

Harassment consists of unwelcome conduct whether verbal, physical, or visual, that is based upon or related to any status protected by law.

Examples of workplace harassment include, but are not limited to: (a) the use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to the above protected categories; (b) written or graphic material that insults, stereotypes or shows aversion or hostility towards an individual or group because of one of the above protected categories and that is placed on walls, bulletin boards, email, voicemail, or elsewhere on RBA Staffing's premises, or circulated in the workplace; and (c) a display of symbols, slogans, or items that are associated with hate or intolerance towards any select group.

Prohibited physical harassment includes but is not limited to unwelcome touching, hitting, pushing, or other unwelcome physical contact.

### **Procedure to Report Harassment:**

Any employee who believes that she/he is a victim of harassment, or any employee who is a witness to any kind of harassment, should report the act immediately to their RBA Staffing Placement Specialist, the RBA Staffing office administrator, the Director of Business Services, or Sr. Director of Business Services. Non-management personnel who are notified of potential harassment must immediately notify the Director of Business Services, the Sr. Director of Business Services, or Sr. Director, HR Services and should not investigate the matter themselves.

RBA Staffing will promptly and thoroughly investigate every reported incident of harassment and will take appropriate action based on the findings. RBA Staffing considers harassment to be a violation of RBA Staffing policy, and any employee or agent of RBA Staffing who has been found to have harassed an employee will be subject to disciplinary action, up to and including immediate discharge (for employees) or potential for termination of existing contracts or membership (for vendors or members).

RBA Staffing also recognizes that accusations of harassment can have serious effects on the employees involved. We trust that all employees of RBA Staffing will act in a responsible fashion and provide for a pleasant work environment that is free from all types of discrimination.

Each employee who files a harassment complaint or participates in an investigation of potential harassment will be free from coercion, intimidation, interference, discrimination or retaliation by other employees or managers of RBA Staffing. Violations of this policy will not be tolerated and may result in disciplinary action up to and including termination.

### **UNACCEPTABLE JOB PERFORMANCE/DISCIPLINARY ACTION**

If an employee's conduct interferes with the orderly and efficient operations of a department, disciplinary measures will be taken. Grounds for discipline, up to and including immediate discharge, may include but are not limited to:

- Violation of RBA Staffing and/or customer safety policies or safety rules; please reference RBA Staffing Safety Information and/or customer specific orientation;
- Insubordination;
- Poor performance or unsatisfactory work quality;
- Theft, attempted theft, or dishonesty;
- Willful destruction of RBA Staffing and/or customer property;
- Harassment or Sexual Harassment of Employees in violation of Non-Harassment policy
- Possession, use, or sale of illicit drugs or alcohol or firearms, fireworks, explosives, or other weapons on customer property and/or RBA Staffing property;
- Abusive, threatening, violent, or coercive language or behavior;
- Misrepresentation of physical health or medical condition, or failure to provide medical evidence as necessary;
- Reporting to work under the influence of drugs or alcohol; or
- Other misconduct.

Discipline may include verbal warnings, written warnings, suspension, or termination, depending upon the circumstances involved and customer's decision. Discipline is intended to provide an opportunity for the employee to correct his or her performance or conduct. However, RBA Staffing reserves the right and the sole discretion to decide what level of discipline is appropriate based upon the specific circumstances, and does not guarantee that any particular form of discipline will precede another. Termination of employment may occur without prior warning if circumstances warrant such action.

### **CELL PHONE USAGE**

Use of an employee's personal cell phone (including but not limited to texting, phone calls, Internet surfing, social media, instant messaging, etc.) is discouraged during working hours for some clients and prohibited by other clients. We realize use may be necessary under certain circumstances. Any personal calls should be limited and not interfere with the employee's duties and responsibilities. Care should be taken to not disturb coworkers or disrupt meetings due to personal cell phone use. If abuse is identified by the client and/or Placement Specialist, then the employee is subject to disciplinary action. If cell phone abuse continues after the employee has already been disciplined, the employee will be subject to further disciplinary action, up to and including suspension, removal from assignment, or termination from further employment with RBA Staffing.

## **DRESS CODE**

Clothing should always be clean, neat and appropriate for the assignment. In a manufacturing or industrial environment, open-toed shoes/sandals, shorts, halter tops, bare midriffs or other inappropriate clothing are not permitted for safety reasons. On clerical and office assignments, professional business attire is suggested though casual business wear may be acceptable. Denim jeans are not usually permitted. Check with the onsite supervisor for specifics.

## **SUBSTANCE ABUSE AND DRUG TESTING**

All employees and clients of RBA Staffing are entitled to a workplace that is free from the dangers of drug and alcohol abuse. It is the goal of RBA Staffing to help provide a drug and alcohol-free workplace. RBA Staffing prohibits the possession of and/or use of illegal drugs or controlled substances (not prescribed by a doctor) and/or alcohol during work hours, on work property, or while using work equipment. Violation of this policy may result in disciplinary action, up to and including termination of employment.

The following are examples of prohibited conduct on RBA Staffing or client premises, or while performing an assignment, and are not meant to be a complete list of prohibited conduct:

- Consuming, possessing, selling, distributing, manufacturing, using, or bringing onto RBA Staffing/client property illegal or controlled substances, or related paraphernalia.
- Reporting to work or working under the influence of alcohol or a controlled substance.
- Operating a vehicle on RBA Staffing/client business when under the influence of alcohol or drugs.

### **RBA Staffing may elect to drug test under the following circumstances:**

**Pre-Employment:** As required by the client. All applicants of clients that require pre-employment testing must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification for further employment consideration at the client company and possible removal from consideration for further employment with RBA Staffing.

**Reasonable Suspicion and Post Accident:** When there is reasonable belief that an RBA Staffing employee is in violation of this policy, including but not limited to evidence of drugs, accidents or injuries in the workplace, fights or other behavioral symptoms of drug abuse, negative performance patterns, excessive absenteeism or tardiness, testing will be required.

When a client notifies RBA Staffing that there is a possibility that an RBA Staffing employee has violated this policy, a representative of RBA Staffing will meet with the client to discuss. If RBA finds enough evidence is present, the employee will be notified and a test will be scheduled immediately to confirm whether drugs or alcohol are present in the system in violation of policy.

Depending on the client, the test will be either conducted onsite, or the employee will be transported to the testing facility. Under no circumstances will the employee be allowed to drive him or herself to the testing facility, and will not be allowed to drive home.

Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled with RBA Staffing to discuss the results of the test. Should the results prove to be negative; the employee will receive back pay for the times/days of suspension.

Employees of RBA Staffing who refuse to submit to drug testing will be subject to disciplinary action, up to and including termination from the current assignment and possible removal from consideration for further employment with RBA Staffing.

Employees of RBA Staffing who test positive, admit to substance abuse during work hours, or otherwise violate this policy, may be referred to local public agencies that provide rehabilitation and counseling services, but will be still be subject to disciplinary action, up to and including termination from the current assignment and possible removal from consideration for further employment with RBA Staffing.

All desks, file cabinets, lockers, handbags, briefcases, vehicles and other personal property on RBA Staffing or client premises are subject to inspection by RBA Staffing and/or the client at any time. Refusal to submit to, or otherwise impede any inspection or search will result in disciplinary action, up to and including termination, or in the case of an applicant, removal from consideration for further employment with RBA Staffing. Any suspected or known illegal substance activity will be reported to appropriate law enforcement agencies and RBA Staffing will cooperate in the course of any investigation and prosecution of any illegal conduct. All confiscated illegal substances will be given to the proper authorities.

Information and records relating to drug tests will be kept confidential to the extent required by law. Such records and information may be disclosed on a need-to-know basis or when relevant to a charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

### **SAFETY IN THE WORKPLACE**

RBA Staffing knows that the most important part of our business is our employees, so we are committed to ensuring a safe work environment for employees. RBA Staffing employees are expected to conduct themselves in a safe manner at all times and to follow all safety policies and procedures at the location to which they are assigned. Employees must contact their Placement Specialist immediately if asked to do anything that may endanger their health, safety, or welfare. We work with our customers to ensure a safe work environment as well.

### **ON THE JOB INJURIES**

To simplify the treatment of on-the-job injuries, we developed a relationship with Riverfront Medical and Rochester Regional Health Occupational Medicine to help handle many of these situations. Employees should make arrangements for evaluation/treatment at Riverfront Medical, Rochester Regional Health Occupational Medicine, or their own workers' compensation certified physician, within **24 hours** after the incident.

Employees in need of medical treatment for an on-the-job incident that IS NOT life threatening can seek treatment at Riverfront Medical or Rochester Regional Health Occupational Medicine, without an appointment, during regular business hours, Monday through Friday, 8am-4pm.

Below is the procedure to follow for on-the-job injuries:

- Tell your onsite supervisor IMMEDIATELY and fill out an accident report.
- An accident report must be filled out whether the injury requires basic first aid in the workplace, or a visit to Riverfront Medical/Rochester Regional Health Occupational Medicine or other qualified medical practice.
- If an injury requires medical treatment, contact Riverfront Medical at (585) 325-3002, Rochester Regional Health Occupational Medicine at (585) 922-4173 and tell them that you are coming in for treatment for a work-related injury. If you are unable to drive yourself or unable to secure other transportation arrangements to Riverfront Medical/Rochester Regional Health Occupational Medicine for a non-life-threatening injury, reach out to a taxi service in which you will be reimbursed for by RBA Staffing.
- When you arrive, please inform them that you are an employee of RBA Staffing (not the client company you came from).
- If you are injured outside regular business hours, please inform the alternate medical facility that you are an RBA Staffing employee.
- Notify the office administrator at (585) 256-4630 the same day of the accident when possible, otherwise, the next day, that you have had an on-the-job injury, that you have notified your supervisor, and that you have made arrangements with Riverfront Medical (or mention the name of the other medical facility).
- Continue to stay in touch with the office administrator regarding your medical situation, especially if further medical attention is needed after the initial treatment.

Workers' compensation provides benefits for employees injured on the job. Medical expenses and compensation for lost time are determined by NYS law. Employees must report all on-the-job injuries immediately to their onsite supervisor and the office administrator to ensure that the necessary documentation is completed and submitted. Failure to report an injury within a reasonable time period may jeopardize a benefits claim.

## **WORKPLACE VIOLENCE AND WEAPONS**

### **Prohibited Conduct:**

Violence by an RBA Staffing employee or anyone else against an employee will not be tolerated. The list of behaviors below, while not inclusive, provides examples of conduct that is prohibited.

- Causing physical injury to another person;
- Aggressive, threatening, or hostile remarks or behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Unauthorized possession, use or sale of knives, firearms, pepper spray or other gases, explosives, ammunition, and electric weapons (i.e. Tasers and stun guns) on client or RBA Staffing premises.
- Concealed carry permit is not considered authorized possession;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.



**Reporting Procedures:**

Any RBA Staffing employee who receives or overhears any threatening communications from an employee or a client's employee must report it to their onsite supervisor and their Placement Specialist, unless the onsite supervisor is the one engaging in prohibited conduct. Do not engage in either physical or verbal confrontation with a potentially violent individual. If an employee encounters an individual who is threatening immediate harm to them or a client's employee on work premises, they should contact 911 immediately.

All reports of work-related threats will be investigated and documented. Employees are expected to participate in an investigation of any suspected or actual cases of workplace violence. All parties involved in a situation will be counseled and the results of investigations will be discussed with them.

**Individual Situations:**

While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their onsite supervisor and RBA Staffing Placement Specialist if any employee exhibits behavior which could be a sign of potentially dangerous situations. Such behavior includes:

- Discussing weapons or bringing them to the workplace;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;

**Dangerous/Emergency Situations:**

RBA Staffing employees who encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

**Enforcement:**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Client employees or client visitors engaged in violent acts on the client's premises will be reported to the proper authorities.

Violations of this policy, including failure to report or fully cooperate in RBA Staffing's investigation, may result in disciplinary action, up to and including immediate termination.

**HEALTH INSURANCE**

Under the Affordable Care Act, RBA Staffing offers health insurance to qualified, eligible employees. As of April 1, 2019, eligibility is based on a full-time employee working an average of 20 hours or more per week for benefits to be effective as of the first of the month after hire, or day of hire if hired on the first of the month. Employees are notified at hire of enrollment and are provided with plan information and rates.

## **PAID FAMILY LEAVE (PFL)**

Effective January 1, 2018, RBA Staffing offers Paid Family Leave (PFL) to eligible employees pursuant to the New York Paid Family Leave Benefits Law.

Eligible employees may take PFL in full day increments for the following purposes:

- to bond with a child within the first 12 months of the child's birth, adoption, or placement with the family;
- to care for a spouse, domestic partner, child, parent, parent-in-law, grandparent, or grandchild with a serious health condition; or
- to assist loved ones when a family member is deployed abroad on active military duty.

An employee may not take PFL to address his or her own serious health condition. However, the employee may be eligible for FMLA or NYS disability for this purpose.

### **Eligibility:**

Employees with a regular work schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment. Employees with a regular work schedule of less than 20 hours per week are eligible after working 175 days since their most recent hire date. Citizenship and immigration status do not impact eligibility.

### **Notice and Claims Process:**

An employee must provide notice, apply for, and be approved in order to receive PFL benefits. After receiving notice, the office administrator will provide the required PFL forms to the employee. The employee must complete the forms, obtain supporting documentation, and then submit PFL forms and supporting documentation to the insurance carrier. An employee's claim for PFL will be paid or denied by the carrier within 18 days of receipt of the completed claim forms. Failure to provide required notice or complete required paperwork may result in the delay or denial of the request for PFL.

Generally, employees must give 30-days' advance notice to the office administrator of the need for PFL. If 30 days' advance notice is not possible, an employee must notify the office administrator as soon as possible and, generally, must follow RBA Staffing's normal absence reporting requirements. The failure to do so, absent unusual circumstances justifying the failure, may result in disciplinary action under applicable RBA Staffing policies.

### **Rights and Benefits:**

Eligible employees may request PFL beginning January 1, 2018. No more than one employee at a time can take PFL to care for the same family leave recipient or to bond with the same child. If approved, the employee will be eligible for, and compensated during, PFL per the schedule that follows (subject to modification by the New York State Department of Financial Services ("DFS")). All PFL will run concurrently with FMLA leave, depending on employee eligibility, to the maximum extent permitted by law.

<b>Effective Date</b>	<b>Maximum Leave Amount in A Rolling 12-Month Period</b>	<b>Employee Benefit Amount</b>	<b>Maximum Employee Benefit Amount</b>
January 1, 2018	8 weeks or 40 days	50% of avg. weekly wage (AWW)	50% of statewide avg. weekly wage (NYAWW)
January 1, 2019	10 weeks or 50 days	55% of AWW	55% of NYAWW
January 1, 2020	10 weeks or 50 days	60% of AWW	60% of NYAWW
January 1, 2021	12 weeks or 60 days	67% of AWW	67% of NYAWW

Notwithstanding the foregoing, an employee’s combined total disability leave and PFL in any rolling 52-week period may not exceed 26 weeks.

Employees shall be returned to their same or comparable positions upon their return from PFL, and may be extended by FMLA or other approved leave program.

While employees are on PFL, health insurance coverage, if applicable, will continue as if the employee was not on leave. An employee must continue to pay his or her portion of any health insurance premiums during leave. It is the employee’s responsibility to send payment for his or her portion of the insurance premium(s) to the attention of the office administrator by the first day of the month for that monthly premium (i.e., the payment for the month of July is due by July 1.) Note: RBA Staffing may terminate an employee’s health insurance coverage if an employee’s premium payment is more than 30 days late.

**Other Information:**

PFL benefits are generally funded by employee contributions, which are made through automatic after-tax payroll deductions from employees’ paychecks. Employees on PFL must continue to make contributions during any PFL.

Employee contributions are calculated on a weekly basis at the rate set, and adjusted annually, by the DFS. The maximum employee contribution in 2018 shall be 0.126% of an employee’s weekly wage up to the annualized New York State Average Weekly Wage.

During leave, employees should main contact with the office administrator on a monthly basis and give at least one week (7 calendar days) of notice prior to the date they expect to return to work.

RBA Staffing will not discriminate or retaliate against employees who take or request PFL. Any questions regarding this benefit should be directed to the office administrator.

## **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

To be eligible for FMLA leave, the employee must:

- Have worked for RBA Staffing for at least 12 months; and
- Have at least 1,250 hours of service in the 12 months before taking leave.

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in any rolling 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

An employee is not required to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. Employees may choose, or RBA Staffing may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with RBA Staffing's normal paid leave policies set forth below in Section 6 Benefits.

While employees are on FMLA leave, health insurance coverage, if applicable, will continue as if the employee was not on leave. An employee must continue to pay his or her portion of any health insurance premiums during leave. It is the employee's responsibility to send payment for his or her portion of the insurance premium(s) to the attention of the office administrator by the first day of the month for that monthly premium (i.e., the payment for the month of July is due by July 1.) Note: RBA Staffing may terminate an employee's health insurance coverage if an employee's premium payment is more than 30 days late.

Upon return from FMLA leave, employees will be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. RBA Staffing will not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If 30 days' advance notice is not possible, an employee must notify the office administrator as soon as possible and, generally, follow RBA Staffing's usual procedures.

Employees must inform RBA Staffing if the need for leave is for a reason for which FMLA leave was previously taken or certified. RBA Staffing may require a certification or periodic recertification supporting the need for leave.

To request leave, an employee should obtain leave forms from the office administrator. The form(s) will need to be completed and returned within the stated timeframe. If the reason for leave involves a serious health condition, the employee may need to provide additional information on a medical certification form completed by the attending health care provider.

During the leave, employees should maintain contact with the office administrator on a monthly basis and give at least one week (7 calendar days) of notice prior to the date they expect to return to work.

### **DISABILITY LEAVE**

RBA Staffing provides for continuation of part of an employee's salary when absence from work is required for more than seven calendar days due to non-work-related illness, injury or pregnancy-related disability, after applicable eligibility and waiting periods have been met.

If an employee is totally disabled in excess of one week, benefits will be provided in accordance with the New York State Disability Benefits Law. Generally, the benefit is 50% of an employee's average salary up to a statutory maximum of \$170.00 each week for up to 26 weeks.

Employees must contact the office administrator if they are out of work, or expect to be out of work, for more than seven consecutive days due to non-work-related illness, injury, or pregnancy-related disability to determine eligibility for state disability benefits. Employees will be required to submit proper medical forms in order for the insurance company to determine eligibility. FMLA leave paperwork will also be provided and if the employee is eligible, will run concurrently with the disability leave for up to 12 weeks in a 12-month period.

While employees are on disability leave, health insurance coverage, if applicable, will continue as if the employee was not on leave. An employee must continue to pay his or her portion of any health insurance premiums during leave. It is the employee's responsibility to send payment for his or her portion of the insurance premium(s) to the attention of the office administrator by the first day of the month for that monthly premium (i.e., the payment for the month of July is due by July 1.) Note: RBA Staffing may terminate an employee's health insurance coverage if an employee's premium payment is more than 30 days late.

## **RBA STAFFING NYS PAID SICK LEAVE POLICY**

Effective January 1, 2021, employees will be provided with paid sick leave (PSL) as required under New York State law.

### **PSL Amount**

Employees will receive PSL as follows:

- On September 30, 2020, full time and part time employees began accruing PSL at a rate no less than 1 hour of PSL for every 30 hours expected to be worked, up to a maximum of 56 PSL hours, for use throughout the calendar year.
- Employees hired after January 1 will begin accruing upon hire for hours worked at a rate no less than 1 hour of PSL for every 30 hours expected to be worked, up to a maximum of 56 PSL hours, for use throughout the calendar year.

### **Permissible Use of PSL**

Employees may use available PSL following an advance verbal or written request to their RBA Placement Specialist as well as their onsite manager for the following reasons that impact the employee or a “family member” (as defined below) for whom the employee is providing care or assistance with care:

#### **Sick Leave:**

- For 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
- For the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or need for medical diagnosis or preventive care.

#### **Safe Leave:**

- For 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 employee’s family members;
  - to meet with an attorney or other social services 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’s office;
  - to enroll children in a new school; or
  - to take any 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.

## **Bereavement leave is not generally a permissible reason for use of PSL.**

Employees may use PSL in a minimum increment of 4 hours. **Requesting PSL**

When requesting PSL, an employee must speak directly to their RBA Placement Specialist as well as their onsite manager or leave a message if one or both are not available. If the employee will be absent due to one of the reasons listed above, the employee must notify their RBA Placement Specialist as well as their onsite manager at least 30 minutes prior to the start of the scheduled work day unless there are extenuating circumstances that prevent timely notice, in which case notice should be provided as soon as is reasonably possible. Both the RBA Placement Specialist and the onsite manager should be notified as soon as possible in advance of absences that must occur during the work day.

If an employee has knowledge of the need to use PSL at a future date, the employee must inform their manager of the date and time they will need the PSL as soon as possible to ensure client, member, or other business needs are covered to the extent possible.

An employee who has a PSL absence in excess of three consecutive work days must present “documentation” (as defined below) that the absence was used for purposes authorized under this policy to their RBA Placement Specialist as well as their onsite manager.

Documentation is defined as follows:

- (1) An attestation from a licensed medical provider supporting the existence of a need for PSL, the amount of leave needed, and a date that the employee may return to work, or
- (2) An attestation from an employee of their eligibility to leave.

Notwithstanding the foregoing, no employee shall be required to disclose confidential information relating to the mental or physical illness, injury, or health condition of such employee or such employee’s family member, or information relating to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of using PSL. However, an employee may be required to disclose such information to qualify for other leaves of absence in accordance with state and/or federal law, such as Family and Medical Leave, Paid Family Leave, and/or Disability. See the appropriate section in this handbook for information on those leaves.

Excessive absences after exhaustion of all PSL may result in disciplinary action.

### **PSL Pay**

Employees will be paid for PSL at their regular pay rate. If an employee has multiple pay rates, the PSL pay rate will be a weighted average of those rates. PSL may only be used to compensate an employee who is unable to work on a previously scheduled workday.

### **Return from PSL**

Upon return from PSL, employees will be restored to the position of employment they held prior to taking PSL with the same pay and other terms and conditions of employment. Employees requesting and/or using PSL will not be subject to retaliation of any kind.

**Carryover**

At year-end, up to 56 hours of an employee's unused PSL balance will be carried over to the next calendar year. Employees are limited to using up to 56 hours of PSL per calendar year, regardless of carry over balance.

**Forfeiture**

Employees will not be paid for unused PSL upon termination, resignation, retirement, or other separation from employment.

**Additional Provisions**

Employees may request a summary of the amount of PSL available and/or used in a calendar year by contacting the RBA Placement Specialist. The requested information will be provided within 3 business days.

An employee may be subject to disciplinary action, up to and including termination, if an employee uses PSL for purposes other than those provided for under the law, or who lies to their employer in connection with taking such leave.

**Definitions**

- Family member means an employee's child, spouse, domestic partner, parent, sibling, grandchild, or grandparent; and the child or parent of an employee's spouse or domestic partner.
- Parent shall mean a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.
- Child shall mean a biological, adopted, or foster child, a legal ward, or a child of an employee standing in loco parentis.