

B & H HEALTHCARE SERVICES, INC.

To: All Employees

From: B&H Healthcare Services, Inc. ("B&H")

Re: **PAID TIME OFF POLICY ("PTO") & SICK TIME ACT ("STA") (REVISED AS OF MARCH 30, 2015) – THE POLICIES AND PROCEDURES SET FORTH BELOW ARE INTENDED TO SUPERCEDE ALL PRIOR POLICIES AND PROCEDURES IMPLEMENTED BY B&H**

Date: March 30, 2015

Principles

B&H seeks to provide quality service in the community. In order to do so, B&H understands that our employees are our most valued resource and require paid time off to recharge. Therefore, our Agency will continue to provide our employees with Paid Time Off ("PTO") and/or up to 40 hours of paid sick leave per year in compliance with the Sick Time Act ("STA").

This memo serves to remind eligible employees of our PTO policy as well as the right to paid sick leave under the STA. Employees who have questions about how the PTO or STA policies and procedures affect and/or apply to them are encouraged to speak to their supervisor, Coordinator, and/or Human Resource Department representative. **All of our policies and procedures are also available on our Employee Intranet, which you can access at any time at your convenience.**

Failure to comply with any of the policies or procedures outlined in this memo may result in discipline, up to and including termination. In addition, the Agency expressly reserves the right to change, modify, or update its policies and procedures at any time. The policies and procedures outlined in this memo do not create or constitute any contractual rights, promises, or binding obligations of any kind with respect to the terms and conditions of employment.

Paid Time Off ("PTO")

B&H's existing PTO policy grants eligible employees up to 40 hours paid time off per quarter-year worked. Eligible employees include those employees who are regularly scheduled to work per diem, part-time, and/or full-time (over 35 hours a week on a regularly scheduled basis), and have completed their introductory 90-day period of employment successfully. Number of hours that an employee is eligible for is dependent on the average weekly hours worked by the employee. For example, if an employee's average weekly work hours is 25 hours, the employee is entitled to 25 hours of PTO per quarter.

Employees receiving \$10.00 per hour are eligible for an additional bonus of up to the amount equal to 40 hours of work, regardless of whether said employees took time off the job. This is an added incentive above the 40 hours given to each employee under the STA. This additional bonus incentive in no way discourages employees from taking their 40 hours of paid time off under the

STA, since employees will be granted this bonus regardless of their utilization of paid time off under the STA and in the Employer's discretion.

Employees receiving above \$10.00 per hour are ineligible for the above-quoted quarterly bonus, but will still be entitled to the 40 hours of paid time off under the STA.

All vacation and personal days off must be approved by an employee's Coordinator or supervisor. No paid days off may be granted during the first 90 days after the employee's start date, although they will accrue at the normal rate.

When PTO is needed for planned events, such as vacation or planned medical treatment, you must try to schedule time off so not to unduly disrupt B&H's operations. The scheduling of leave must be discussed in advance with your Coordinator or Supervisor so that a mutually satisfactory arrangement can be made.

All vacation days must be scheduled in writing through your Coordinator or supervisor as far in advance as possible. Every effort will be made to accommodate your vacation request. However, individual circumstances and workloads must be considered in granting the requests of all employees. Conflicting requests for vacation may be settled by seniority or other factors at the Agency's discretion.

Your vacation time must be accurately recorded on your payroll time sheets, and vacation days do not accrue during leaves of absence. Unused vacation will not be paid in the event of termination.

In the event you require a personal day, you must notify your Coordinator or supervisor as far in advance as possible. Every effort will be made to accommodate personal day requests. However, individual circumstances and workloads must be considered in granting the requests of all employees, which will be granted at the Agency's discretion.

You may not carry any unused vacation/personal days forward into a new year, and vacation/personal days do not accrue during any type of leave of absence. Unused personal days will not be paid in the event of termination.

New York City Earned Sick Time Act Notice of Employee Rights

The Agency adheres to federal, state, and local laws, which includes compliance with New York City's Earned Sick Time Act ("STA" or the "Sick Time Act"). If you are eligible for paid time off pursuant to the STA, it is ***not to exceed 40 hours of paid leave***. B&H is not required to provide eligible employees with additional paid vacation or personal time off. In light of the PTO policy, you may not be eligible for additional paid time off pursuant to New York City's Earned Sick Time Act ("STA" or the "Sick Time Act") ***as the requirements of the Sick Time Act may be satisfied by the PTO***. For employees who do not meet the eligibility threshold of B&H's PTO, you are entitled to up to 40 hours of paid leave pursuant to the STA.

Attached to this Memorandum is a copy of notice of rights (in English) under the STA. If for any reason that you are not provided with a copy of said notice or require a notice that is in your native language, please immediately notify your supervisor, Coordinator, or Human

Resource Representative. While B&H's PTO policy may be deemed more generous than what the Act requires, it is still important that you carefully read and understand your rights under the STA.

General Overview

The Sick Time Act provides eligible employees with paid time off not to 40 hours of paid leave. B&H is not required to provide eligible employees with additional paid vacation or personal time off over 40 hours per calendar year.

Unused paid leave is carried over to the next calendar year only for purpose of compliance with the Sick Time Act. For employees who have used less than all of their accrued paid sick time under the Sick Time Act, you are only eligible to use balance of unused but accrued time off during the following year for the sole purpose of avoiding the accrual process, and not for purpose of banking the unused but accrued paid time off in order to gain more than 40 hours of paid sick leave under the Sick Time Act. Any accrued but unused sick time under this policy will not be paid out upon termination. Sick days do not accrue during any type of leave of absence.

In the event you need to request time off from work, you must provide seven days' notice for such time off. If seven days' notice is impracticable due to an unforeseen circumstance, you must inform your supervisor or Coordinator immediately and allowances for absences will be decided on a case-by-case basis. If you (or someone on your behalf if you are unable to do so) are unable to contact your supervisor or Coordinator, you must have someone do so on your behalf. When contacted, your supervisor or Coordinator must be informed of the length of time you will be absent and when you expect to return to work.

B&H reserves the right to require an employee to submit a physician's certificate (doctor's note) in the event of repeated absences for medical reasons or in the event of medical absences exceeding three days. If you are absent from work for three consecutive days without notice or documentation, B&H has the right to treat the absence as your voluntarily resignation from your employment. Absenteeism or tardiness that is deemed unexcused or excessive in the judgment of B&H constitutes a ground for disciplinary action, up to and including termination of employment. Your Coordinator or supervisor must be notified on each additional day(s) of absence due to illness. Failure to do so may result in unauthorized absences.

You have a right to be free from retaliation from your employer for using sick leave. B&H will not tolerate retaliation and requires all employees to immediately report instances of such conduct to their supervisor, Coordinator, or Human Resource representative. For additional details on what may constitute retaliation and/or how to file a complaint, refer to the general notice provided to you in compliance with the Department of Consumer Affairs ("DCA") notice requirements.

Compliance

Employees who have questions about how the PTO or STA policies and procedures affect and/or apply to them are encouraged to speak to their supervisor, Coordinator, and/or Human Resource Department representative. You can access B&H's policies and procedures at any time at your convenience on the Employee Intranet.

Failure to comply with any of the policies or procedures outlined in this memo may result in discipline, up to and including termination. In addition, the Agency expressly reserves the right to change, modify, or update the PTO policy at any time.

The policies and procedures outlined in this memo do not create or constitute any contractual rights, promises, or binding obligations of any kind with respect to the terms and conditions of employment.

New York City Earned Sick Time Act Notice of Employee Rights

The following is a notice of rights under the New York City Earned Sick Time Act. The Agency may provide sick leave that is more generous than what the Act requires.

Under New York City's Earned Sick Time Act ("the Act"), certain employers must give their employees sick leave. Employers with five or more employees who are hired to work more than 80 hours a calendar year in New York City must provide paid sick leave. Employers with fewer than five employees must provide unpaid sick leave.

You have a right to sick leave if you meet the eligibility requirements, which you can use for the care and treatment of yourself or a family member.

Amount of Sick Leave

Under the Act, the Agency must provide up to 40 hours of sick leave every calendar year. Please see the attached policy regarding your sick leave entitlement.

Your employer's calendar year is:

Start of Calendar Year: _____ End of Calendar Year:

Rate of Accrual

Under the Act, you are entitled to accrue sick leave at the rate of at least one hour for every 30 hours worked. Your rate of accrual is:

_____.

Date Accrual Begins

Under the Act, eligible employees begin to accrue sick leave on April 1, 2014 or on your first day of employment, whichever is later.

Date Sick Leave is Available for Use

Under the Act, you can begin using sick leave on July 30, 2014 or 120 days after you begin employment, whichever is later.

Acceptable Reasons to Use Sick Leave

Under the Act, you can use Sick Leave when:

- You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.

- You must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider is closed due to a public health emergency.

Family Members

The Act recognizes the following as family members: child, grandchild, spouse, domestic partner, parent, grandparent, child or parent of an employee's spouse or domestic partner, sibling (including half, adopted, or step siblings). A "family member" is defined to include an employee's spouse or registered domestic partner; parent, parent-in-law or parent of a domestic partner; child or child of a domestic partner, including a biological, adopted or foster child, a stepchild, a legal ward, or a child of an employee standing in loco parentis; siblings, including half-siblings, step-siblings and siblings related through adoption; grandchildren and grandparents.

Advance Notice

If the need is foreseeable, the Agency requires up to seven (7) days advance notice of your intention to use sick leave. If the need is unforeseeable, the Agency requires you to give notice as soon as practicable (within 1 or 2 days).

Documentation

Under the Act, the Agency requires documentation from a licensed health care provider if you use more than three (3) consecutive workdays as sick leave. The Paid Sick Leave Law prohibits employers from requiring the health care provider to specify the medical reason for sick leave. Disclosure may be required by other laws.

Unused Sick Leave

Under the Act, the Agency is required to either i) permit you to carry over up to 40 hours of accrued but unused sick leave or ii) to advance to you a minimum of 40 hours of sick leave at the start of a new year.

Regardless of the Agency's carryover policy, under the law your employer is only required to let you use up to 40 hours of sick leave per calendar year.

Any accrued but unused sick time under this policy will not be paid out upon termination.

Right to be Free from Retaliation

You have a right to be free from retaliation from your employer for using sick leave. Your employer cannot retaliate against you for:

- Requesting and using sick leave consistent with Agency policies;
- Filing a complaint for alleged violations of the law with New York City Department of Consumer Affairs;
- Communicating with any person, including coworkers, about any violation of the law;
- Participating in a court proceeding regarding an alleged violation of the law;
- Informing another person of that person’s potential rights.

Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law, if consistent with Agency policies.

Right to File a Complaint

You can file a complaint with New York City Department of Consumer Affairs (“DCA”). To get the complaint form, go online to nyc.gov/PaidSickLeave or contact 311 (212-NEW-YORK outside NYC). DCA will conduct an investigation and try to mediate your complaint. DCA will keep your identity confidential unless disclosure is necessary to conduct the investigation, mediate the complaint, or is required by law.

Keep a copy of this notice and all documents that show your amount of sick leave and your sick leave accrual and use.