**Paid Time Off**

The term Paid Time Off ("PTO") refers to authorized absences from The Legal Project, exclusive of holidays and jury duty, for which pay is due. PTO time when appropriate, may be taken in a minimum of four hours per day when used for vacation or personal time or in increments of no less than thirty (30) minutes when used for sick/safe time. PTO may be used for vacation, personal reasons, or for safe and sick leave purposes as set forth below and without any conditions prohibited by law.

Qualifying absences when PTO is taken due to sick/safe time include:

1. An employee's own mental or physical illness, injury, or health condition, including the need to seek a medical diagnosis, care, or treatment of a mental or physical illness, injury, or condition, or preventive care or health condition and regardless of whether such illness, injury or health condition has been diagnosed or requires medical care at the time that such employee requests the leave; or
2. An employee's need to care for a spouse, child, or parent who requires medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care or health condition and regardless of whether such illness, injury or health condition has been diagnosed or requires medical care at the time that such employee requests the leave; or
3. An Employee or a family member is the victim of any act or threat of domestic violence or a sexual offense, stalking, or human trafficking and employee needs to avail him/herself or the employee's family member of such services or assistance, including but not limited to:
    i. Obtain services from a domestic violence shelter, rape crisis center or shelter or services for relief from a family offense matter, sexual offense, stalking or human trafficking;
    ii. Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the employee's safety or that of the employee's family member from future family offense matters, sexual offenses, stalking or human trafficking, including enrolling children in a new school
    iii. Meet with an attorney or social services provider to obtain information and advice on, and/or prepare for or participate in any criminal or civil proceeding, including but not limited to matters relating to a family offense, sexual offense, stalking or human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
    iv. File a complaint or domestic incident report with law enforcement or meet with a district attorney's office; or
    v. Take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

Advance Notice:

If PTO time is being used for vacation or personal reasons, an employee must request the time off in writing one (1) week in advance and have it pre-approved by your supervisor. PTO when used or requested for vacation or personal time, may be used throughout the year subject to the operating requirements of the Legal Project. If a conflict arises between employees regarding the use of PTO for vacation time, vacation will be granted to the employee with the longest service.

If the PTO time is being used for sick/safe time (one of the qualifying reasons above), the employee must request the time off orally or in writing prior to using it by contacting his/her supervisor. Employees are not required to disclose confidential information to verify the need for sick/safe leave and are not required to provide verification in advance of taking the leave. Employees must still follow the Legal Project's policy on time and attendance.

Documentation: Any employee who has used PTO time due to sick/safe due to illness for more than three days consecutively may be asked to submit documentation, e.g., a doctor's certificate, that his/her absence was due to a bona fide illness and that the employee is able to return to his/her job with or without a reasonable accommodation. If such documentation is not provided, the absence may be deemed to be an unexcused absence and the employee may be subject to discipline, up to and including termination. The Paid Safe and Sick Leave Law prohibits employers from requiring the health care provider to specify the medical reason for sick leave or requiring safe leave documentation to specify the details of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking. Disclosure may be required by other laws. The Legal Project will reimburse employees who must pay for the required documentation.

**PTO-Eligibility Full Time Employees**:

Full time employees shall receive PTO days annually commencing on January 1 of each year based on the following schedule:

1 year: 25 days
2-3 years: 30 Days
4-5 years: 35 Days
5-7 years: 40 Days
After 7 years, employees will receive 1 additional vacation day for each year of service, up to 10 additional days (Maximum number of PTO days is 50 days)

Part-time employees working 20 hours/week or more on a regular basis are eligible for PTO on a pro rata basis, but in an amount equal to not less than 1 hour for every thirty hours worked, but may not use more than forty (40) hours in a calendar year.

PTO time may not be used for vacation or personal time by any employee until an employee has been employed continuously by The Legal Project for at least ninety (90) days.

New full-time and part time employees who regularly work twenty (20) hours/week or more will receive PTO time on a pro rata basis for the remainder of their first calendar year of employment.

Sick/Safe Time Eligibility Part-time Employees Working Fewer Than 20 Hours/Week and Temporary Employees: Part time employees working fewer than twenty (20) hours/week and temporary employees are not eligible for Paid Time Off for vacation or personal time, but are eligible for sick/safe leave time for the qualifying reasons set forth above. These part-time and temporary employees will accrue safe/sick time at a rate of one (1) hour for each thirty (30) hours worked from date of hire, but will not be allowed to use more than forty (40) hours of accrued sick/safe leave in a calendar year. Part-time employees who do

not have their time front loaded and temporary employees may carry over unused sick/safe leave time into another calendar year, but may not use more than forty (40) hours of sick/safe leave time in a calendar year.

The above provisions on notice, documentation and minimum usage set forth above also apply to safe/sick time taken by part-time and temporary employees.

**Additional PTO Time Provisions Applicable to All Employees:**
Employees will be paid for PTO time at the employee's regular hourly rate of pay but not less than applicable minimum wage.

Employees may be disciplined up to and including termination for the misuse of PTO time leave.

Employees are not paid for unused PTO/sick/safe time either during employment or upon resignation or termination of employment for any reason.

Employees who provide notice of their intention to resign from their employment from the day they advise The Legal Project of their resignation – whether verbally or in writing -- may not use PTO time for the purpose of vacation or personal time during the notice period (even if a request for PTO time had been previously approved), but may use it as required by the New York State Sick Leave law for sick/safe time.

PTO and sick/safe time may not be "borrowed" against future accruals.

No employee shall be discharged, threatened, penalized or discriminated or retaliated against because such employee has taken sick/safe leave under this section.

Upon oral or written request of an employee, The Legal Project will provide a summary of the amounts of sick leave accrued and used by the employee in the current calendar year and or any previous calendar year. The Legal Project will provide such information within three (3) business days of receiving such a request.

**Extended Personal Leave for Funerals and Bereavement**
Should an employee's spouse, parent, sibling or child or grandchild die (this includes birth and/or adopted children, foster children, stepchildren and children related by blood or marriage who have lived with the employee in a parent-child relationship), the employee is eligible for up to two (2) days of pay for bereavement leave in a calendar year to attend a funeral. Employees may be requested to provide documentation of the need to attend the funeral.

**Jury Duty**
Jury Duty is one's privilege as a citizen. The Legal Project expects its employees to serve if called upon. You must inform your supervisor immediately upon your receipt of a jury duty notice so that the necessary arrangements may be made to reassign your work during your absence.

The Legal Project will pay you your regular salary, for up to a one week period for jury duty service if you submit proof of jury service.

During any time you are receiving your full pay from the Legal Project during jury duty service, you must provide the Legal Project with any payments you receive from any federal or state court for your jury service.

If you are excused from jury duty, you are expected to return to your job if you are excused from jury duty during your regular working hours.

**PTO LEAVE DONATION POLICY**

**Policy Statement**
The purpose of this PTO Leave Donation policy is to establish a way for eligible employees to share their available PTO hours with co-workers in need of additional leave in case of illness. Eligible employees may donate available paid PTO hours from their unused available balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary.

**Eligibility**
Donors and Donees -- To be eligible to receive or donate PTO leave, an employee must have been employed with the Legal Project for at least one consecutive year. Both full time and part time employees are eligible to participate in this program. Temporary or seasonal employees may not participate in this program.

Donees --In addition, to be eligible to receive a PTO leave donation, the donee employee must: 1) have exhausted all of his/her leave accruals, including vacation, sick and holiday time; and 2) be out of work on an unexpired and approved Medical Leave of Absence.

Donors – The donation of PTO time must be made in whole hours, on an hourly basis and for a minimum of one hour of time per donation, without regard to the dollar value of the donated or used leave. The maximum hours an employee may donate is eight (80) hours within any twelve (12) month period, commencing on the date of the first PTO leave donation. Employee may not borrow against future PTO time to donate. Employees who are currently on a leave of absence for any reason or who are not in good standing with their employment may not donate PTO time.

**Procedure**
An employee who desires to donate PTO leave to another employee, must submit a written request to Human Resources in the form attached. Human Resources will review the request and in its sole discretion, determine whether to approve the request. Both the employee donating the PTO time and receiving the PTO time donation will be notified whether the request is approved. Any donated PTO time will be paid at the donor employee's regular hourly rate of pay or if the donor employee is paid on a salary basis at an hourly rate based on a 40 hour work week, but no more than the hourly rate of the highest paid non-exempt employee The donated PTO time will be converted to dollars by the Legal Project by multiplying the number of hours donated by the donor's hourly base pay rate at the time of processing. The resulting amount, less mandatory withholding, will be paid to the donee employee. The donations processed for a donee each pay period shall be

limited to the amount equal to the done employee's regular gross earnings per pay period (i.e. his/her current hourly base rate multiplied by his/her scheduled hours of work per pay period). Employees receiving pay under the New York State Paid Family Leave may receive donated PTO leave time in an amount not to exceed the difference between the amount of compensation received under the New York State Paid Family leave and the employee's regular pay. Once a donation has been processed, neither the donor nor the donee may revoke the transaction, even if it has not yet been paid.

**Leave Time**
Donated PTO time leave will run concurrently with New York State Paid Family Leave or disability leave and will not extend the time allowable out of work.

**PTO LEAVE DONATION REQUEST FORM**

**Employee Name: _____**

**Employee Regular Work Schedule: _____**

**Employee Hourly Rate of Pay: _____**

**Name of Donee Employee: _____**

**I _____, have read and understood the Legal Project's PTO leave donation policy. I am hereby requesting that I donate _____ hours of PTO leave time for the benefit of _____. I understand that all federal, state and local taxes will be deducted from the gross amount of the PTO leave donation pay.**

**For Office Use Only:**

**_____ Approved**

**_____ Rejected**

**Reason For Rejection_____**

**Signature of HR Officer: _____**

**Printed Name: _____**

**Military Duty**
Members of the National Guard or military reserve units of the Armed Forces who must report for their annual two weeks active duty may take a leave of absence and are entitled to re-employment consistent with relevant State and Federal laws. The Legal Project will pay employees on military leave the difference between their regular salary and the military pay they receive for up to three weeks (15 business days) per year.

And, in accordance with any existing Federal and State laws, The Legal Project will grant you, in writing, a military leave of absence upon request for active duty. However, you must provide The Legal Project with supporting official documents about military leave before you report for duty.

If you return to The Legal Project within 90 days of the day you are discharged, you will be reinstated to your old job or one of like status and pay if the old job is not available. This provision does not apply to those persons that were not protect ed by any federal law or who reenlist after becoming eligible for discharge.

You are also eligible to receive up to eight hours pay (one time only) for work missed due to a pre-induction or enlistment physical.

**Leave For Military Spouses**
If your spouse is a member of the armed forces of the United States, National Guard or reserves who has been deployed during a period of military conflict to a combat area or combat zone, you shall be eligible for up to ten (10) days unpaid leave. Such leave may only be used when your spouse is on leave from the armed forces of the United States, National Guard or reserves while so deployed.

**Nursing Mother Lactation Policy**
Legal Project employees who are nursing mothers may take reasonable unpaid break time of a minimum of 20 minutes or may use paid break time or meal time each day to express breast milk for the nursing of her child for up to three years following child birth. Breaks to express milk, depending on the needs of the nursing infant and the mother's physical needs may be taken at least once every three hours if requested by the employee. An employee who wishes to avail herself of this benefit must give the Legal Project advance notice, preferably prior to the employee's return to work following the birth of her child in order to give the Legal Project an opportunity to establish a designated lactation room or area and schedule leave time amongst multiple employees as needed. Employees may elect to work before or after a normal shift to make up the amount of time used during the unpaid break time(s) so long as such additional time requested falls within Legal Project's normal work hours. Please note that the Legal Project is not responsible for insuring the safekeeping of expressed milk stored in any refrigerator on its premises and that employees are required to store all expressed milk in closed containers and to bring such milk home each evening. The Legal Project will provide access to refrigeration during the day. Employees who choose to express breast milk at the Legal Project shall not be discriminated against in any way for doing so.