



K.T. Construction Services Inc.
New York State and
Federal Regulations

UPDATED: SEPTEMBER 26, 2022

K.T Construction Services Inc. is compliant with all state and federal mandated laws and regulations.

Updated 9/26/22

Introduction

K.T. Construction Services Inc. (K.T.) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of K.T.'s commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with K.T. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. K.T.'s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with K.T. Construction. In the remainder of this document, the term "employees" refers to this collective group.
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 (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. K.T. will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of K.T. who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Human resources department. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject K.T., to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. K.T. will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. K.T. will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees,

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

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 behaviors that violate this policy. K.T. will provide all employees 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 or become aware of, to Ashley Daneau, Human Resources.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, 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 reporting 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 includes, but is not limited to, 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 report 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 acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body or poking another employee’s 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 target’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 or jokes, or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- 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, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers 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, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage 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 unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made 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.

- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. K.T. cannot prevent or remedy sexual harassment unless it knows about it. Any employee paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Human Resources Department. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Ashley Daneau.

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.

Employees, paid or unpaid interns or non-employees who believe they have been a target 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 Ashley Daneau of the Human Resources Department.

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 sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. K.T. will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Human Resources Department, will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create a written documentation 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 basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by K.T. Construction but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at K.T. Construction Services, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to K.T. Construction does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

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

Contact Information for K.T. Construction Services Inc.

- **K.T. Construction Services Inc.**
 - **Office#:** 716.525.1097
 - **Fax #** 716.525.1124
- **Human Resources** – Ashley Daneau.
 - Phone:716.525.1097
 - Email: ashley@ktconstructionservices.net Or payroll@ktconstructionservices.net
- **President** - Kurt Mang.
 - Phone: 716.525.1097



New York State Paid Family Leave (PFL) Policy

K.T. Construction Services Inc. is committed to providing eligible employees with leave afforded under New York's Paid Family Leave Law. Effective January 1, 2018, New York State Paid Family Leave (PFL) provides eligible administrative, and field staff with partially paid, job-protected leave in certain qualifying circumstances. Paid Family Leave is entirely employee-funded through a small employee payroll deduction as set by the Paid Family Leave Law.

PFL is available under the following qualifying circumstances as further set forth in the PFL:

- 1. To bond with a new child** (biological, adopted, or foster child) within the first 12 months after birth, adoption, or placement
- 2. To provide physical or psychological care to a family member with a serious health condition.** A serious health condition, as further set forth in the PFL, is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or continuing supervision by a health care provider. Continuing treatment means a period of more than three consecutive, full days during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to illness, injury, impairment, or physical or mental conditions, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: (a) treatment two or more times by a health care provider; or (b) treatment on at least one occasion by a health care provider, which results in a regimen of continuing treatment under the supervision of the health care provider.
- 3. To address a qualifying exigency** when the employee's child, spouse, parent, or domestic partner is called to covered active military service in the United States armed forces. A qualifying exigency is interpreted consistent with the federal Family Medical Leave Act (e.g., attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, and attending post-deployment re-integration briefings.)

Where applicable, PFL will run concurrently with Family Medical Leave (FMLA). Employees may take leave in continuous or intermittent full-day increments. Employees may not designate partial days as leave under PFL.

PFL is not available for the employee's own health condition or qualifying military event, employees may not receive PFL and disability benefits at the same time, and the University is not required to provide the same PFL to two or more employees at the same time to care for the same family member.

Eligibility

Eligibility is governed by the state law. In general, administrative, staff and student employees who work more than 20 hours per week and have been employed for a minimum of 26 consecutive weeks, are eligible for PFL benefits. State law excludes faculty as covered employees. Employees who work less than 20 hours per week become eligible for PFL benefits after 175 days of work. Use of vacation, personal or sick time counts as workweeks or days of work. Periods of temporary disability taken under Article 9 of the Worker's Compensation Law do not count as workweeks or days of work.

Employee Responsibilities

To apply for PFL, an employee must provide K.T. Construction Services Inc. with at least 30 days advance notice from the requested leave date. Foreseeable qualifying events include, for example, an expected birth, placement for adoption or foster care; planned medical treatment for a serious health condition of a family member; the planned medical treatment for a serious injury or illness of a covered service member; or another known military exigency. Where such notice is not possible, the employee must provide notice as soon as practicable and must comply with normal call-in procedures. When an employee becomes aware of a qualifying event less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. When an employee takes intermittent PFL (which may not be taken in partial day increments) the employee must provide notice as soon as practicable before each day of intermittent leave.

An employee shall provide notice sufficient to make K.T. Construction aware of the qualifying event and the anticipated timing and duration of the requested leave. The employee shall identify the type of family leave when providing notice to the University.

To apply, please contact the Office of Human Resources who will provide you with the forms that need to be completed within 3 business days of your providing notice of request for PFL.

Protection of Health Insurance Benefits

While on PFL, an employee's health insurance coverage will be maintained in the same manner as during the employee's active employment status. Employees are responsible for paying their share of health insurance premiums while on leave. If the premiums are raised or lowered during PFL, the employee is required to pay the new premium rates. In some instances, K.T. Construction Services Inc. may recover premiums it paid to maintain health coverage for an employee who fails to return to work from PFL.

K.T. Construction's obligation to maintain health insurance coverage ceases under PFL if an employee's premium payment during the period of leave more than 30 days is late. The University will provide written notice to the employee at least 15 days before the coverage is to cease, that coverage will end on a specified date at least 15 days after the date of the letter unless payment has been received by that date.

If the employee chooses not to retain health plan coverage during PFL, they may have their health coverage reinstated to the same plan and level of coverage as prior to taking PFL upon return from PFL.

Return to Work

Employees returning from PFL leave will be reinstated to the employees' position of employment held when the applicable leave commenced.

Right to Waive PFL

Employees whose regular employment schedule is (a) 20 hours or more per week but they will not work 26 consecutive weeks; or (b) less than 20 hours per week and they will not work 175 days in a 52 consecutive week period have the option to waive family leave benefits. In order to waive these benefits, and avoid the corresponding payroll deductions, eligible employees must complete a waiver of benefits form. This waiver is optional. Employees who complete a waiver will not contribute to Paid Family Leave through payroll deductions and will not be eligible to take Paid Family Leave. If the employee's schedule changes and they qualify for Paid Family Leave, (e.g., they work 20 hours or more a week and work over 26 consecutive weeks) the waiver is automatically revoked, and the employee is responsible for paying any required Paid Family Leave contributions from the first day of employment. Waiver forms are available in the Office of Human Resources.

For more information on PFL, please contact the Office Megan Meister of Human Resources or go to the New York State Paid Family Leave website. All rights and obligations are subject to New York State Paid Family Leave Law



New York State Paid Family Leave (PFL) Covid-19 Policy

Proof of date test, and negative test result required for all employees to return to work

In response to the outbreak of novel coronavirus (COVID-19) in New York State, workers are guaranteed job protection and financial compensation in the event they are subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19. Financial compensation during such leave time may be provided from a combination of benefits including vacation time, NY State Covid Sick pay, and PFL. Employees returning from a leave are protected from being discharged, penalized, or otherwise being retaliated against for taking this protected leave. This does not include situations in which the previous position no longer exists when the employee is able to return to work following quarantine or isolation.

The new leave law provides benefits in cases where an individual is under an order of quarantine – either mandatory or precautionary. Entities that may issue an “order” include the State of New York, New York State Department of Health, local Board of Health, or any government entity authorized to issue such order.

NY Paid Family Leave Expansion for COVID-19 – Employee’s Own Quarantine

If an employee is under a mandatory or precautionary order of quarantine or isolation due to COVID-19, K.T. will provide up to 5 calendar days of paid sick time at the employee’s regular rate of pay under a quarantine leave along with job-protection. Such leave will not be deducted from any of the employee’s accrued leave

balances. Employees should provide the Employee Benefits Department with proof of the order of quarantine or isolation issued by the state of New York, NYSDOH, local board of health, or any government entity duly authorized to issue such order.

Employees under a mandatory or precautionary order of quarantine or isolation due to COVID-19 may be eligible to apply for Paid Family Leave once they have exhausted the paid sick leave expansion, as listed above. If an employee is not showing symptoms and is physically able to work through remote access or similar means, then the employee would not be eligible for the quarantine leave and instead should consult with the Employee Benefits department and supervisor for a telework arrangement.

Employees will be required to complete Form PFL-1 (Request for Paid Family Leave) and Form SCOV19 (Request for COVID-19 Quarantine DB/PFL-Self. Medical clearance from a licensed medical professional is required to return to work. For more specific questions, please refer to New York PFL COVID-19 FAQs: <https://paidfamilyleave.ny.gov/new-york-paid-family-leave-covid-19-faqs>

If any period of quarantine continues beyond 10 calendar days, the employee should consult with the Human Resources to determine what other type of leave option (e.g., short-term disability leave, NY PFL, unpaid leave, etc.) is appropriate.

Paid Family Leave (PFL) – for the Quarantine of a Minor Dependent Child

An employee who has a minor dependent child under a mandatory or precautionary order of quarantine or isolation due to COVID-19, may be eligible for job-protection and and if the employee is covered under Paid Family Leave, provided the minimum requirements have been met, they should receive monetary benefits. (For employee eligibility and the time off/compensation schedule, refer to policy 509 New York Paid Family Leave.)

Paid Family Leave (PFL) - for Family Care

An employee who has an eligible family member who contracts COVID-19 may be able to take Family Care to care for that family member. COVID-19 is considered a serious health condition, and employees can take PFL to care for a family member with a serious health condition, including family members outside of New York State.

For employee eligibility and the time off/compensation schedule, please refer to policy 509: New York Paid Family Leave. In 2022, PFL may allow for up to 12 weeks leave at 67% of the employee's average weekly wage (up to 67% of the New York State average weekly wage).

Requests for Leave Not Due to Order of Quarantine

Requests for COVID-19 related time off or leave outside of the reasons provided in this policy should follow any applicable K.T. Construction time off/leave policies and procedures.

Employees who voluntarily traveled to a country under a Level 2 or 3 travel warning from the CDC or to a State with a high rate of COVID cases listed on the NY State's travel advisory list may not be eligible for leave benefits under the law or under the University expansion of paid sick leave if employees were notified of the travel warning and the exclusion before such travel.



N.Y. State Paid Sick Law (NYSSL)

Effective 9/30/2020 employers with fewer than 100 employees in any calendar year must provide up to 40 hours of sick leave per calendar year. Employees can begin accruing and using their NYSSL beginning 1/1/2021.

*Please contact the office with any questions pertaining to time off due to Covid-19. You can also contact the Novel Coronavirus hotline 844.337.6303



N.Y. State Forward Safety Plan Communicable Diseases Policy

K.T. Construction Services Inc. will take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of our company during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

We are committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

In accordance with current CDC policy, employees who have symptoms of acute respiratory illness are recommended to stay home and not come to work until they are free of fever (100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants). Employees should notify their supervisor and stay home if they are sick.

CDC recommends that employees who appear to have acute respiratory illness symptoms (i.e., cough, shortness of breath) upon arrival to work or become sick during the day should be sent home immediately. Sick employees should cover their noses and mouths with a tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available).

All employees will have their temperature taken upon arrival at work and prior to entering any other areas of the jobsites. Each employee will be screened privately using a touchless forehead/ temporal artery thermometer. The employee's temperature will be documented, and the record will be maintained as a private medical record.

Preventing the Spread of Infection in the Workplace

K.T. will ensure a clean workplace, including the regular cleaning of objects and areas that are frequently used, such as bathrooms, break rooms, conference rooms, door handles and railings. Our superintendent will monitor

and coordinate events around an infectious disease outbreak, as well as to create work rules that could be implemented to promote safety through infection control.

We ask all employees to cooperate in taking steps to reduce the transmission of infectious disease in the workplace. The best strategy remains the most obvious—frequent hand washing with warm, soapy water; covering your mouth whenever you sneeze or cough; and discarding used tissues in wastebaskets. We will also install alcohol-based hand sanitizers throughout the workplace and in common areas.

K.T. maintains a sick leave policy; check our sick leave policy and PFL, NYSSL. Unless otherwise notified, our normal attendance and leave policies will remain in place. Individuals who believe they may face particular challenges reporting to work during an infectious disease outbreak should take steps to develop any necessary contingency plans.

Confidentiality of Medical Information

K.T. will require a healthcare provider’s note for employees who are sick with acute respiratory illness to validate they are able to return to work or proof of negative test results.

Our policy is to treat any medical information as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials as required by law.



N.Y. State H.E.R.O Act Policy Airborne Infectious Disease Exposure Prevention Plan

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NY H.E.R.O Act

Policy Airborne Infectious Disease Exposure Prevention Plan

The purpose of this plan is to protect employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health.

This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards. Employees should report any questions or concerns with the implementation this plan to the designated contact.

This plan applies to all “employees” as defined by the New York State HERO Act, which means any person providing labor or services for remuneration for a private entity or business within the state, without regard to an individual’s immigration status, and shall include part-time workers, independent contractors, domestic workers, home care and personal care workers, day laborers, farmworkers, and other temporary and seasonal workers.

The term also includes individuals working for digital applications or platforms, staffing agencies, contractors, or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, regardless of whether delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter. The term does not include employees or independent contractors of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

RESPONSIBILITIES

This plan applies to all employees of K.T. and including the office. This plan requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease. The following supervisory employee(s) are designated to enforce compliance with the plan. Additionally, these supervisory employees will act as the designated contacts unless otherwise noted in this plan:

I: RESPONSIBILITIES

Name	Title	Location	Contact
Kurt J Mang	President	Office- Field	716.863.5707 Cell 716.525.1097 Office
Tim Cramer	Vice President	Office	716.481.5171 Cell 716.525.1097 Office
Ashley Daneau	Human Resources	Office	716.525.1097 Office
Bill Youngman	Foreman	Field- Office	716.807.8108 Cell 716.525.1097 Office

II.

EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK

A. MINIMUM CONTROLS DURING AN OUTBREAK

During an airborne infectious disease outbreak, the following minimum controls will be used in all areas of the worksite:

1. General Awareness: Individuals may not be aware that they have the infectious disease and can spread it to others. Employees should remember to:

- Maintain physical distancing.
- Exercise coughing/sneezing etiquette.
- Wear face coverings, gloves, and personal protective equipment (PPE), as appropriate.
- Individuals limit what they touch.
- Stop social etiquette behaviors such as hugging and hand shaking, and
- Wash hands properly and often.

2. “Stay at Home Policy”: If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform the designated contact and follow New York State Department of Health (NYSDOH) and Centers for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.

3. Health Screening: Employees will be screened for symptoms of the infectious disease at the beginning of their shift. Employees are to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease should be removed from the workplace and should contact a healthcare professional for instructions. The health screening elements will follow guidance from NYSDOH and CDC guidance, if available.

4. Face Coverings: When in use, face coverings must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard (e.g., have features could get caught in machinery or cause severe fogging of eyewear). The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.

A. Employees will wear appropriate face coverings in accordance with guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable.

5. Physical Distancing: Physical distancing will be used, to the extent feasible, as advised by guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable.

In situations where prolonged close contact with other individuals is likely, use the following control methods: (Note to employer: Check off the controls you intend to use and add any additional controls not listed here.)

- restricting or limiting customer or visitor entry.
- limiting occupancy.
- allowing only one person at a time inside small, enclosed spaces with poor ventilation.
- reconfiguring workspaces.
- physical barriers.
- Signages
- floor markings.
- preventing gatherings.
- restricting travel.
- creating new work shifts and/or staggering work hours.
- adjusting break times and lunch periods.
- delivering services remotely or through curbside pickup.

6. Hand Hygiene: To prevent the spread of infection, employees should wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:

- Touching your eyes, nose, or mouth.
- Touching your mask.
- Entering and leaving a public place; and
- Touching an item or surface that may be frequently touched by other people, such as door handles, tables, gas pumps, shopping carts, or electronic cashier registers/screens.

Because hand sanitizers are less effective on soiled hands, wash hands rather than using hand sanitizer when your hands are soiled.

7. Cleaning and Disinfection: See Section V of this plan.

8. “Respiratory Etiquette”: Because infectious diseases can be spread by droplets expelled from the mouth and nose, employees should exercise appropriate respiratory etiquette by covering nose and mouth when sneezing, coughing, or yawning.

9. Special Accommodations for Individuals with Added Risk Factors: Some employees, due to age, underlying health condition, or other factors, may be at increased risk of severe illness if infected. Please inform your supervisor or the HR department if you fall within this group and need an accommodation.

B. ADVANCED CONTROLS DURING AN OUTBREAK

For activities where the Minimum Controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Employers should determine if the following are necessary:

1. Elimination: Employers should consider the temporary suspension or elimination of risky activities where adequate controls could not provide sufficient protection for employees.

2. Engineering Controls: Employers should consider appropriate controls to contain and/or remove the infectious agent, prevent the agent from being spread, or isolate the worker from the infectious agent. Examples of engineering controls include:

i. Mechanical Ventilation: General Ventilation, for example:

- Increasing the percentage of fresh air introduced into air handling systems.
- Avoiding air recirculation.
- Using higher-efficiency air filters in the air handling system.
- If fans are used in the facility, arrange them so that air does not blow directly from one worker to another.

ii. Natural Ventilation, for example:

- Opening outside windows and doors to create natural ventilation.
- Opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors. (Note: This method is appropriate only if air will not blow from one person to another.)

iii. Install useable disinfection stations

- iv. Install cleanable barriers such as partitions and/or clear plastic sneeze/cough guards.
- v. Change layout to avoid points or areas where employees may congregate (e.g., install additional timeclocks). * Subject to changes based on operations and circumstances surrounding the infectious disease, engineering controls that are anticipated to be used are listed in the following table:

3. Engineering Controls Utilized/Location:

- i. “Administrative Controls” are policies and work rules used to prevent exposure. Examples include:
 - Increasing the space between workers.
 - Slowing production speed to accommodate fewer workers at a time.
 - Disinfecting procedures for specific operations.
 - Employee training
 - Identify and prioritize job functions that are essential for continuous operations.
 - Cross-train employees to ensure critical operations can continue during worker absence.
 - Limit the use of shared workstations.
 - Post signs reminding employees of respiratory etiquette, masks, handwashing.
 - Rearrange traffic flow to allow for one-way walking paths.
 - Provide clearly designated entrance and exits
 - Provide additional short breaks for handwashing and cleaning
 - Establishing pods or cohorts working on same shift

Subject to changes based on operations and circumstances surrounding the infectious disease, the following specific administrative controls are anticipated to be used:

4. PPE Required - Activity Involved/Location:

- i. Personal Protective Equipment (PPE) are devices like eye protection, face shields, respirators, and gloves that protect the wearer from infection. PPE will be provided, used and maintained in a sanitary and reliable condition at no cost to the employee. The PPE provided to an employee will be based on a hazard assessment for the workplace.
- ii the use of respiratory protection, e.g., an N95 filtering facepiece respirator, requires compliance with the OSHA Respiratory Protection Standard 29 CFR 1910.134 or temporary respiratory protection requirements OSHA allows for during the infectious disease outbreak.
- iii. Respirators with exhalation valves will release exhaled droplets from the respirators. Respirators are designed to protect the wearer. Surgical masks and face coverings, which are not respirators, are designed to protect others, not the wearer.

C. EXPOSURE CONTROL READINESS, MAINTENANCE AND STORAGE:

The controls we have selected will be obtained, properly stored, and maintained so that they are ready for immediate use in the event of an infectious disease outbreak and any applicable expiration dates will be properly considered.

III. HOUSEKEEPING DURING A DESIGNATED OUTBREAK

1. Disinfection Methods and Schedules

Adjustments to Normal Housekeeping Procedures:

- Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control buttons/levers, dials, levers, water faucet handles, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection.
- The disinfection methods and schedules selected are based on specific workplace conditions. The New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) have compiled lists of approved disinfectants that are effective against many infectious agents (see dec.ny.gov and epa.gov/pesticide-registration/selected-epa-registered-disinfectants). Select disinfectants based on NYSDOH and CDC guidance and follow manufacturer guidance for methods, dilution, use, and contact time.
- Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in effect at the time. However, routine procedures may need to be adjusted and additional cleaning and disinfecting may be required.
- Housekeeping staff may be at increased risk because they may be cleaning many potentially contaminated surfaces. Some housekeeping activities, like dry sweeping, vacuuming, and dusting, can resuspend into the air particles that are contaminated with the infectious agent. For that reason, alternative methods and/or increased levels of protection may be needed.
 - * Rather than dusting, for example, the CDC recommends cleaning surfaces with soap and water before disinfecting them. Conducting housekeeping during “off” hours may also reduce other workers’ exposures to the infectious agent. Best practice dictates that housekeepers should wear respiratory protection. See cdc.gov for more guidance.
- If an employee develops symptoms of the infectious disease at work, it is ideal to isolate the area in accordance with guidance issued by NYSDOH or the CDC, before cleaning and disinfecting the sick employee’s work area. This delay will allow contaminated droplets to settle out of the air and the space to be ventilated.
- As feasible, liners should be used in trash containers. Empty the containers often enough to prevent overfilling. Do not forcefully squeeze the air out of the trash bags before tying them closed. Trash containers may contain soiled tissue or face coverings.

IV. INFECTION RESPONSE DURING A DESIGNATED OUTBREAK

If an actual, or suspected, infectious disease case occurs at work, take the following actions:

- Instruct the sick individual to wear a face covering and leave the worksite and follow NYSDOH/CDC guidance.
- Follow local and state authority guidance to inform impacted individuals.

V. TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK

A. Kurt Mang, will verbally inform all employees of the existence and location of this Plan, the circumstances it can be activated, the infectious disease standard, employer policies, and employee rights under the HERO Act. (Note: training need not be provided to the following individuals: any individuals working for staffing agencies, contractors, or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, where delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter).

B. When this plan is activated, all personnel will receive training which will cover all elements of this plan and the following topics:

1. The infectious agent and the disease(s) it can cause.
2. The signs and symptoms of the disease.
3. How the disease can be spread.
4. An explanation of this Exposure Prevention Plan.
5. The activities and locations at our worksite that may involve exposure to the infectious agent.
6. The use and limitations of exposure controls
7. A review of the standard, including employee rights provided under Labor Law, Section 218-

C. The training will be

- Provided at no cost to employees and take place during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off).
- Appropriate in content and vocabulary to your educational level, literacy, and preferred language; and
- Verbally provided in person or through telephonic, electronic, or other means.

VI. PLAN EVALUATIONS DURING A DESIGNATED OUTBREAK

The employer will review and revise the plan periodically, upon activation of the plan, and as often as needed to keep up to date with current requirements. Document the plan revisions below:

Plan Revision History			
Date	Participants	Major Changes	Approved By
10/18/2021	Megan Meister	Updated to include updates for Vaccinated Employees	Kurt Mang
1/03/2022	Megan Meister	Updates to include current changes to quarantine	Kurt Mang

VII. RETALIATION PROTECTIONS AND REPORTING OF ANY VIOLATIONS

No employer, or his or her agent, or person, acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, retaliate against, or take adverse action against any employee for exercising their rights under this plan, including

reporting conduct the employee reasonably believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials or for refusing to work where an employee reasonably believes in good faith that such work exposes him or her, other workers, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer's failure to cure or if the employer knew or should have known of the consistent working conditions.

Notification of a violation by an employee may be made verbally or in writing, and without limitation to format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high-risk disease from the Commissioner of Health, or two years after the conclusion of the Governor's emergency declaration of a high-risk disease. Employer should include contact information to report violations of this plan and retaliation during regular business hours and for weekends/other non-regular business hours when employees may be working.