

CTSB

Community Television for the Southern Berkshires

Personnel Policies & Procedures Manual

Companion to Operating Procedures

EFFECTIVE
February 11, 2004

Approved by CTSB, Corp. BOD on 2/10/04

Personnel Policies & Procedures Manual

CTSB, Corp. (also known as Community Television for the Southern Berkshires) is a non-profit Public, Educational and Governmental (PEG) access organization, committed to providing access to cablecast time, through the medium of television and related technologies, to the citizens and community organizations of Great Barrington, Lee, Lenox, Sheffield and Stockbridge, and to provide training, production facilities and cablecast time to enable its members to produce community programming.

As part of this mission, CTSB, Corp. is instituting personnel policies and procedures for its employees, as outlined in this manual, effective February 4, 2004.

It is noted that the policies and procedures set forth in this manual do not constitute an employee contract and in no way guarantees employment with the organization for a set period of time. The policies and procedures are not all-inclusive, and some of the benefits described in this manual may be changed from time to time by the CTSB, Corp. Board of Directors or by the outside providers of some of the benefits.

Any questions or concerns about the policies or procedures outlined in this manual should be directed to the Executive Director, the President of the Board of Directors or the Chair of the Personnel & Nominating Committee of the Board.

I. Employment

1. **Non-discrimination Policy** Candidates for employment will be considered without regard to race, color, religious creed, national origin, sex, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), age, ancestry, disability, marital status, veteran status, political or union affiliation.
2. **Employment Offers** The Executive Director interviews and recommends all prospective employees to fill positions that are open or created to fill the needs of the

corporation. All prospective employees will receive written offers of employment from the Executive Director.

3. Employment Conflicts Immediate family members may not be employed in any position within CTSB, Corp. where one relative reports to another or is responsible for approving the work schedule. Members of an immediate family are defined as parents, including in-laws, grandparents, siblings, spouses, children and grandchildren. It shall also include any person living in the same household as the employee. Any exceptions to this policy require prior approval of the Personnel Committee.

4. Promotion from Within As part of a promotion from within policy, CTSB, Corp. will, concurrently or prior to the beginning of external recruitment, notify existing employees in writing of openings and position requirements.

II. Employee Status

The federal Fair Labor Standards Act (FLSA) regulates minimum wages, requires overtime (time and one-half) for work in excess of 40 hours in a workweek, and restricts the employment of minors. In order to be considered exempt, an employee must be paid on a "salary basis." In order to be considered exempt from the overtime and minimum wage requirement of FLSA, an employee must meet two tests: The Salary Basis Test and the Duty Basis Test. Exempt employees (as defined below) are not compensated beyond their salaried status, regardless of duties performed. It is noted that extra compensation paid to otherwise exempt employees for work performed in excess of 40 or more hours will not cause the employee to lose his or her exempt status. Paying exempt employees an hourly rate for extra work does not make them more "hourly" than "salaried" and therefore non-exempt.

The following describes employment status and benefits eligibility at CTSB, Corp.:

1. Exempt Employees – those employees who are excluded from receiving overtime under the terms of the Fair Labor Standards Act and do not receive overtime pay. To be exempt, at least 80% of a person's work must be executive, administrative, or professional in nature, requiring regular exercise of discretion and confidentiality, and independent judgment.

2. Non-exempt Employees - those employees who perform work other than executive, administrative or professional as defined by the Fair Labor Standards Act and must receive extra pay or compensatory time off for time worked in excess of 40 hours in a week.

CTSB, Corp. classifies full-time positions as follows:

1. Exempt – Executive Director, Administrative Assistant, Operations Manager, Production Coordinator (s), and such other managerial positions that may be created.

2. Non-Exempt – Support Staff (Production Technicians); part-time employees working less than 1,000 hours per year; seasonal or contracted staff.

III. Employee Benefits Eligibility

1. **New hires** – All new hires will have a 90-day probation period, and, as such, will remain employees-at-will during that time.
2. **Regular, full-time** - Employees who normally work a schedule of at least 40 hours per week will be eligible for full employee benefits.
3. **Regular, part-time** – Employees who work normally a schedule of more than 20 but less than 40 hours per week will be eligible for prorated sick, vacation and personal leave. Those employees who work less than 20 hours per week (or 1,000 hours per year) are not eligible to receive benefits.
4. **Contract employees** – those persons who are hired for a specific and limited period of hours or specific job functions. Temporary workers from agencies will have all of their taxes and liabilities handled by those agencies. Contract labor technicians and/or professionals hired for specific productions only work for the amount of time needed to complete that one specific project or program. Such employees are hired periodically for specific projects such as telethons or parades and are not eligible to receive benefits.
5. **At-will employment** - All employees of CTSB, Corp. are employed on an at-will basis and are not guaranteed employment for specific periods of time.

IV. Employee Schedules and Compensation

1. Working Hours, Overtime and Paydays

A. **Schedules** – All work schedules are approved by the Executive Director. The normal workweek for is 40 hours. Daily schedules are commonly set for eight hours, including a thirty-minute paid meal break. Individual schedules for most full-time employees are five days, generally Monday through Friday. All employees' work schedules are developed according to the needs of CTSB, Corp programs. Scheduling of the work week for such positions as Production Technicians will be done as the membership demand requires (including Saturdays and nights), and time schedules are arranged and approved on a weekly basis by the Executive Director. **Any** schedule change must have prior approval by the Executive Director.

B. **Overtime** - Exempt employees are not compensated beyond their salaried status, regardless of duties performed. Non-exempt employees must receive extra pay for hours worked in excess of 40 hours per week. **No** overtime will be worked without the prior approval of the Executive Director.

C. **Pay** – All personnel are paid bi-weekly. All non-exempt employees will be expected to complete daily time sheets covering the time before each pay period, such time sheets to include the employee's signature.

E. **Absences from Work** - All absences are called in to the Executive Director as soon as an employee knows he or she will be tardy or absent. If the Executive Director is

not in, the employee must leave a message in the main office regarding the absence and the expected time of return. It is required that employees call in themselves unless injury prevents that. Upon returning, it may be necessary to document the absence with the ~~Executive Director~~ and employees will be required to provide a physician's note when requested. The ~~Executive Director~~ shall report to one of the following; the Chairman of the Personnel Committee, the President of CTSB, Corp, or the Chairman of the Finance Committee.

All administrative staff, managers and coordinators are responsible for assuring proper coverage of each programming day, through coordination of a designated person to assist in the channels' requirements as needed. To achieve this, each manager and/or coordinator should have a legible, current, printed copy of the schedule available at the facility covering the period of their absence.

V. Employee Benefits

1. **Sick Days** - No sick days with pay will be granted during the first three months of employment. Sick days with pay, not to exceed six (6) per year, will be granted for illness with the approval of the ~~Executive Director~~. Sick days may be accrued and carried over from year to year to a maximum of 30 days. At termination of employment, there is no cash or compensatory time reimbursement for unused sick days.

2. **Vacation** - Each employee may take vacation with regular salary with the approval of the ~~Executive Director~~. Vacations will be granted when the needs of the facility are met by having proper coverage to achieve the mission of the company. Vacations must be taken in at least half day increments. Vacation time will be based on years of service as of January 1st of each year. Years of service will be counted on anniversary dates of employment. Previous employment by CTSB, Corp may count toward total years of service for vacations. Vacations are based on the following accrual rates:

First year of service – 5/6 days for each month worked prior to January 1 st	
1-2 years service on January 1st	10 days
3-8 years service on January 1st	15 days
9-15 years service on January 1st	20 days
More than 15 years service on January 1st	25 days

In the event of a transition from part-time to full-time service, vacation will accrue from the date of employment eligible for vacation accrual. An employee accrues vacation from the first day of employment but is not eligible to take accrued vacation until three months of service is completed, without a written request being submitted to the Executive Director. The ~~Executive Director~~ must approve the request in writing. Vacation time must be used during the year earned and may not be carried forward.

3. **Personal Days** - No personal days with pay will be granted during the first three months of employment. Personal leave with pay, not to exceed three (3) days per year, will be granted for full time regular employees with the approval of the Executive Director. Reasons for personal days must be in writing. Unused personal days will be compensated

at the end of the fiscal year at employees' current salary rate. Personal days may not be taken immediately before the beginning of, or after a vacation

4. **Holidays** – CTSB, Corp observes the following paid holidays annually:

- New Years Day
- Memorial Day
- Independence Day (4th of July)
- Labor Day
- Thanksgiving Day (Thursday & Friday) *wed. > After FFS*
- Christmas Day

Alternative religious holidays may be accommodated with the prior approval of the Executive Director. *SM*

Consistent with the mission of CTSB, Corp., it is sometimes necessary to operate on some holidays or special events. Each employee will be entitled to one and a half day with pay for each holiday she/he must work; these days are to be approved by the Executive Director at the mutual convenience of CTSB, Corp and the employee. Each such day and a half must be taken near the occurrence of the holiday, within two weeks before or after. *SM*

5. **Bereavement Leave** - CTSB, Corp. will grant paid leave of up to three (3) days to all employees upon the death of a spouse, child, parent, brother, sister, grandparent, grandchild, parent of a spouse, or for any person living in the employee's household. An employee may take time for death of any person not listed in the above categories, but such time shall be taken from other accrued time such as personal or vacation time.

6. **Jury Duty** – CTSB, Corp. will grant leave to any employee called for jury duty upon presentation of a copy of the employee's notice of jury duty. Payment during the employee's jury duty leave will be in accordance with the rules and regulations of the Office of Jury Commissioner.

7. **Military Service** – CTSB, Corp. will grant leave to employees required to undertake active service in the National Guard or military reserves in accordance with the provisions of Mass. General Laws Chapter 33, Sections 59 and 59A (and any amendments thereto). Such leave shall be without pay, but an employee may choose to use accrued vacation and/or personal time for such leave.

8. **Family and Medical Leave** - In accordance with the Family and Medical Leave Act of 1993, CTSB, Corp. will grant leaves of absence to all employees who have been employed by the company for at least **12 months** and have been employed for at least 1,250 hours of service during that 12-month period. Leaves of absence of up to 12 weeks per 12-month period will be granted to employees for the following reasons:

A. **Medical Leave of Absence** - For an employee whose serious health condition causes the employee to be unable to perform the essential functions of his or her job according to the law. This includes medically necessary maternity leave (pre- and post-birth). Sick leave will be applied at this time and may not extend the 12-week period. After twelve weeks, if reason for leave is approved, the employee will be paid any remaining sick leave but his or her job may not be held.

B. **Family Leave of Absence** - For the birth or adoption of a child or receiving a child for foster care. Family leave may also be taken for the care of a spouse, child or parent who has a serious health condition.

9. **Medical Insurance** - CTSB, Corp. pays 70% of the medical insurance premium per month for eligible employees. Periodically the Personnel Committee will review the plan and rates provided for health insurance and may recommend changing the percentage of rates or provider. Employees will be notified in writing of any such changes.

10. **Worker's Compensation** - All employees are covered by Worker's Compensation, which provides for benefits in case of on-the-job injury. Any accident, whether injury is sustained or not, must be reported at once to the Executive Director or designee.

VI. **Sexual Harassment Policy**

It is the goal of CTSB, Corp. to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment, or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint, is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because CTSB, Corp. takes allegations of sexual harassment **seriously**, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Definition Of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

(a) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,

(b) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad, and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

Complaints of Sexual Harassment

If any of our employees believe that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally. If you would like to file a complaint you may do so by contacting:

- ~~Norman McLeod, Executive Director~~, CTSB, Corp. 925 Pleasant Street, South Lee, MA 01260, Telephone 413 243-8211; or
- The President of the Board of Directors of CTSB, Corp. 925 Pleasant Street, South Lee, MA 01260, Telephone 413 243-8211; or
- The Chair of the Personnel Committee of CTSB, Corp. 925 Pleasant Street, South Lee, MA 01260, Telephone 413 243-8211.

These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

Sexual Harassment Investigation

When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

1. The United States Equal Employment Opportunity Commission ("EEOC")
One Congress Street, 10th Floor Boston, MA 02114, (617) 565-3200.
2. The Massachusetts Commission Against Discrimination ("MCAD") Boston
Office: One Ashburton Place, Rm. 601, Boston, MA 02108, (617) 994-6000. Springfield
Office: 424 Dwight Street, Rm. 220, Springfield, MA 01103, (413) 739-2145.