



**HR Director's Report
May 2022**

Dear Board of Directors:

Staffing:

New Hires – 3/26/2022 – 4/30/2022

Family Development – 1 (Assistant Teacher)

Career & Family Services – 2 (1 Employment Counselor for Youth and 1 Youth)

Turnover – 3/26/22 – 4/30/22 - average of 110 employees including substitutes and youth.

Terminations in the months of 3/26/22 – 4/30/22:

Family Development – 3 (1 Family Advocate; 1 Teacher; 1 Teacher's Aide)

Career & Family Services – 2 (1 Food Pantry Assistant; 1 Handyman)

Vacancies –

Family Development – as of 4/30/22

<i>Center</i>	<i>Open Position(s)</i>	<i>Date of Vacancy</i>	<i>Interviewing</i>	<i>Offered</i>	<i>Paper-work</i>	<i>Date In Process</i>	<i>Start Date</i>
CAMB	Family Advocate	4/4/22	No	Applicants			
	Home Based Visitor 44 wk	12/8/21	No	Applicants			
	EHS Assistant Teacher	10/18/21	No	Applicants			
	HS Assistant Teacher	5/16/22	No	Applicants			
	HS Floater Teacher's Aide	7/14/20	No	Applicants			
	Temp Center Aide	9/14/21	No	Applicants			
	HS Teachers Aide	8/19/21	No	Applicants			
	HS Lead Teacher	12/24/20	X				
DIX	Inclusion Aide	3/7/22	No	Applicants			
	HS Lead Teacher	3/11/22	No	Applicants			
	HS Lead Teacher	4/18/22	No	Applicants			
	Home Based Visitor (52)	1/17/22	No	Applicants			
	Home Based Visitor (52)	12/24/21	No	Applicants			
	Home Based Visitor (52)	10/17/21	No	Applicants			
	Temp Center Aide	9/30/21	No	Applicants			
	HS Assistant Teacher	8/30/21	No	Applicants			
	HS Teacher's Aide	5/16/22	No	Applicants			
	Specialized Sub – HV		No	Applicants			
	Transportation Aide	5/2/22	No	Applicants			
GRAN	HS Teacher	7/28/21	No	Applicants			
RS	EHS Teacher's Aide	4/25/22					
	EHS Assistant Teacher	1/10/22	X				
	Family Advocate	1/20/22	No	Applicants			
	Home Visitor (52)	12/9/21	No	Applicants			
	HS Floater Teacher's Aide	12/1/21	X				

RS	EHS Floater Teacher's Aide		X				
	Long Term Temp Family Adv	4/16/21	No	Applicants			
	Mental Health Counselor	4/16/21	No	Applicants			
WH	Child Health Nurse, RN	3/21/22	X				
	EHS Lead Teacher	11/3/21	X				
	Transportation Aide	11/1/21	X				
	HS Teacher's Aide		No	Applicants			

Career & Family Services – as of 4/30/22 Community CARES Coordinator; Food Pantry Assistant; Handyman/woman

Administration – Outreach & Development Coordinator – Candidate has been chosen and will begin on 5/23

Paid Family Leave –2

FMLA – 9

Disability – 3

Workers Comp – 0

HR Latest News:

1. Court Permanently Enjoins New York from Enforcing Employee Reproductive Rights Notice Provision

April 6, 2022, BSK

On March 29, 2022, a federal court in Upstate New York permanently enjoined New York State from requiring employers to include a government-issued “notice” of workers’ rights and remedies in their employee handbooks regarding reproductive health decisions.

The original law, New York Labor Law Section 203-e, was enacted in November of 2019, and prohibits employers from discriminating or taking retaliatory action against employees based on their reproductive health decisions, including using or accessing a particular drug, device or medical service. The law also required employers to post a notice of these employee rights and remedies in their employee handbooks. Judge McAvoy of the Northern District of New York struck down this particular notice requirement.

In this recent case, captioned *CompassCare et al. v. Cuomo*, several religious organizations sought injunctive relief against the state, claiming that the notice provision in Section 203-e violates the First Amendment of the United States Constitution. These plaintiffs contended that the struck-down requirement compelled them to convey a message with which they disagree (specifically, as it undermines their purpose as organizations opposed to abortion). In response, the State of New York attorneys argued that the notice provision only requires inclusion of factual information in an employee handbook concerning the existence of rights under New York law. Moreover, state representatives argued that covered employers are not required to take a position on the statute or its protections, and the law does not even require employers to provide employees with written handbooks in the first place.

The Court agreed with the plaintiffs and found that the law’s notice provision violates the First Amendment. More specifically, the Court found that the notice requirement compelled the plaintiffs to deliver a message contrary to

their religious beliefs as they relate to reproductive health decisions. The Court reasoned that the plaintiffs' employee handbooks contain rules that govern the workplace, the values of the organizations and the religious perspective that guides the organizations' operations. Therefore, the Court held:

"[R]equiring that Plaintiffs also include in those handbooks a statement that the law protects employees who engage in behavior contrary to that promoted by the Plaintiffs would compel them to promote a message about conduct contrary to their religious perspective."

In applying "strict scrutiny" analysis of the Constitutional issue, the Court found that, although the state has a compelling interest in protecting employee privacy involving reproductive health decisions, state officials failed to demonstrate that the notice requirement was the least restrictive means of achieving that compelling interest. In reaching this conclusion, the Court highlighted evidence showing that the state has previously offered information on workers' rights and remedies "in a variety of other ways," besides mandatory handbook postings. These other ways included, according to the Court, "advertising the [statutory] provision generally, producing posters to be placed in workers' view at the job site, and in general statements of workers' rights provided by the [New York] Department [of Labor] itself." As such, the Court found less restrictive methods were available that would not require the plaintiffs to produce such speech themselves or include the speech in a handbook produced under the employer's endorsement. It is presently uncertain whether or not the state intends to appeal the Court's decision.

Notably, Judge McAvoy's ruling did not invalidate the law's protections for employees and their reproductive decisions—those anti-discrimination and anti-retaliation protections remain in place. And while the statute's "notice" requirement was deemed to violate the First Amendment, the decision does not compel covered employers to remove any existing handbook language. Before taking such action, employers should discuss this potential course of action with legal counsel.

Respectfully submitted,
Mary Jarvis-Caro