

Menominee-Delta-Schoolcraft  
COMMUNITY ACTION AGENCY  
&  
HUMAN RESOURCES AUTHORITY

## **PERSONNEL POLICIES**

**I acknowledge that I have received a copy of the Personnel Policies approved by the Governing Board on 7/7/16.**

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**Print Name**

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**Signature**

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**Date**

**MENOMINEE-DELTA-SCHOOLCRAFT  
COMMUNITY ACTION AGENCY  
&  
HUMAN RESOURCES AUTHORITY, INC.**

**PERSONNEL POLICIES**

***AMMENDED BY THE GOVERNING BOARD 7/7/16***

***(Effective July 7, 2016)***

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## **I. STATEMENT OF PURPOSE**

The policies herein constitute the official Personnel Policy guide for the Menominee-Delta-Schoolcraft Community Action Agency & Human Resources Authority, Inc. (hereinafter referred to as the "agency"). They are intended to standardize personnel procedures throughout the agency and its various programs. These policies and procedures do not constitute a contract with any employee and may be amended at any time at the discretion of the MDS CAA/HRA Governing Board. Employment with this agency is at will and either party is free to terminate the employment relationship at any time without cause. The agency retains the right to change, modify, suspend, interpret or cancel, in whole or in part, any of the published or unpublished personnel policies or procedures of the agency, without advance notice, in its sole discretion. Recognition of these rights and prerogatives of the agency is a condition of employment and continued employment. Sections of this document which differ with the negotiated contract with CAA ECP union staff will be governed by the contract.

## **II. MANAGEMENT RIGHTS**

The MDS CAA/HRA Governing Board shall have the right to determine the number of employees to be employed, the duties of each of these employees, the nature and place of work and all other matters pertaining to the management and operation of the agency, including the hiring, promotion, transferring, demoting, suspending, or discharging of any employee. This shall include the right to assign and direct employees, to schedule work and to evaluate employees' performance. The Executive Director, as the Board's designated chief management official, will exercise these board rights in the routine operation of the agency. To the extent that rights and prerogatives of management are not explicitly granted to employees, such rights are retained by the Board, however, the provisions of this section shall not be used for the purpose of illegal discrimination against any employee.

## **III. PROGRAM ADMINISTRATION**

The Governing Board shall employ an Executive Director who shall hold office at its will and pleasure. The Governing Board shall evaluate the performance of the Executive Director annually. A Deputy Executive Director may be appointed by the board upon the recommendation of the Executive Director. The Executive Director is authorized to hire all other personnel. The Executive Director shall be responsible for the day-to-day administration of these policies and procedures, including routine interpretation and application.

## **IV. EQUAL OPPORTUNITY/FREEDOM FROM DISCRIMINATION AND HARRASSMENT**

The agency is an equal opportunity employer. No employee or applicant for employment shall be unlawfully denied employment opportunity for which he/she is qualified because of race, color, creed, genetic information, sexual orientation, gender, age, national origin, height, weight, or marital status. It is the policy of the agency to comply with all federal and state laws affecting employment, including laws which define and prohibit discrimination on the basis of age or disability.

Sexual harassment is a form of unwelcome behavior or conduct of a sexual nature which causes or creates discomfort and/or interferes with job performance and is expressly prohibited. Such conduct includes, but is not limited to, unwelcome touching or other bodily

contact, the making of unwelcome sexual advances, the display of or reference to provocative or offensive language, unwelcome inquiry into the private life of another employee, or any other unwelcome conduct of a sexual nature. Such activity is not only illegal, but is also a detraction of a businesslike and professional image which the agency expects its employees to project.

Harassment based on illegal discrimination is also prohibited. Thus, harassment based on race, color, creed, genetic information, sexual orientation, gender, age, national origin, height, weight or marital status are expressly prohibited. Any employee who believes that he or she has been subjected to sexual harassment, or harassment based on race, color, sex (whether or not of a sexual nature), religion, national origin, protected activity, age, disability, marital status, height or weight, should notify his or her immediate supervisor or the Equal Opportunity Officer immediately. Such person will provide the employee with a discrimination or harassment complaint form (see attachment "A").

This form shall be completed in detail as soon as possible so that the agency will have adequate notice of and an opportunity to investigate any claim of unlawful discrimination or harassment of any kind.

Harassment and unlawful discrimination will not be tolerated by the agency. The Equal Opportunity Officer will actively investigate every complaint of discrimination or harassment. Such investigation will be prompt, thorough, and impartial. It is the duty of every agency employee to cooperate in any such investigation, and it would constitute a serious infraction of agency policy to retaliate against or penalize any employee for asserting a claim of discrimination or harassment, or providing information relative to such complaint. Any employee found to have harassed or unlawfully discriminated against another employee, or to have retaliated against an employee for making a complaint of discrimination or harassment, or providing information relative to such complaint, will be subject to immediate discipline up to and including suspension or immediate dismissal.

The agency will protect the confidentiality of all harassment complaints to the fullest extent possible.

## **V. AMERICANS WITH DISABILITIES ACT**

The agency is strongly opposed to any illegal discrimination based on disability, as defined by law.

The agency, through its managers, shall recruit, hire, train, and promote in all job titles without regard to whether a qualified individual is disabled. Managers shall ensure that all other personnel actions such as those involving compensation, benefits, company-sponsored training, tuition assistance, transfers, demotions, terminations, lay-offs, and recalls, shall be administered so as to not discriminate against individuals with disabilities. It is the responsibility of any disabled individual desiring or needing accommodation to make known his or her disability, and any desired or required accommodation. When a disabled individual makes known his or her disability, the agency, by its managers, shall provide reasonable accommodation to the extent required by law to enable such employee to perform the essential functions of their job and to enjoy the same benefits and privileges of employment as are enjoyed by employees without disabilities.

Any applicant or employee is urged to fully disclose to the agency any need for accommodation. By law, the agency is not allowed to consider the need for accommodation to be able to perform essential job functions as a negative factor in any employment decision. Employees are strongly urged to discuss with their supervisors any perceived need for accommodation.

## **VI. EMPLOYMENT**

### **A. Standards of Selection**

1) Membership in any organization whose objectives include the overthrow of the Government of the United States and actions or conduct by an individual which indicates a lack of sympathy with the objectives of the agency, shall be deemed cause for denial of employment or dismissal.

2) In the case of professional, fiscal or managerial personnel, recent conviction of a felony shall be considered strong evidence of lack of fitness for the job. Before the agency employs a person who has been convicted of a felony in such capacity, the agency shall conduct its own independent investigation, in a manner and form the agency deems appropriate under the circumstances, before making a final decision, at its sole discretion, regarding any applicant's fitness for the job. In the case of other positions, including clerical and non-professional jobs, criminal records by themselves may not constitute a basis for disqualification for employment, but the agency will require full disclosure of any such record by the applicant and shall exercise prudent judgement in relation to the position to be filled. Only citizens and aliens authorized to work in the United States shall be eligible for employment with the agency.

3) The agency will conduct driver's license, criminal background, fingerprinting, OIG Exclusion and National Sex Offender checks and any other checks in accordance with funding source requirements.

### **B. Outside Employment**

Outside employment is allowable under the following circumstances:

- 1) Such employment does not interfere with their availability for agency assignments.
- 2) Such employment does not create a conflict of interest.
- 3) Such employment does not occur during the employee's regular or assigned working hours in the agency.
- 4) Such employment is not in conflict with the best interest of the agency as determined solely by the agency.

### **C. Nepotism**

1) No employee shall hold a job of which a member of his/her immediate family exercises supervisory authority.

2) Immediate family (only for the determination of nepotism) is defined as:

Spouse	
Parent	Any family with the prefix "step" (i.e. step-child)
Sibling	Any family with the prefix "grand" (i.e. grandchild)



Child

Any family with the suffix "in-law" (i.e. brother in-law)

3) No employee shall hold a job while a member of his/her immediate family serves on the Governing Board or Policy Council of the grantee or delegate agency. An exception will be made in the instance where an immediate family member of an existing regular employee is appointed by an outside body to fill a seat on the Governing Board or Policy Council.

#### D. Change in Duties or Transfers

1) In instances where an employee's job duties/responsibilities change because of program requirements and/or restructuring, a wage increase or decrease may be authorized.

2) Transfers from one location to another, or one position to another, may be made if it is in the best interest of the agency.

3) Subject to applicable federal and state law, in an emergency situation such as prolonged illness or injury, when it is uncertain whether an employee will be able to return to work, the Executive Director may appoint a qualified, existing employee to perform the duties on an interim basis. Should the absent employee be unable to return to work, the job will be posted with consideration given to the interim employee, provided job performance warrants.

#### E. Reduction of Workforce

1) In the event that a reduction in the agency's workforce becomes necessary, adjustments may be made either by termination, reduction in hours or restructuring of positions. In determining those employees to be retained, consideration will be given to the quality of each employee's past performance, the need for the position held by the employee and credentials and/or educational preferences.

2) Subject to any federal or state legislation regarding reductions in workforce, management will attempt, but cannot guarantee, to provide advance notice prior to any anticipated terminations. Upon such terminations, all accrued but unused annual leave will be paid in full and any insurance benefits Consolidated Omnibus Budget Reconciliation Act (COBRA) required to be offered will be brought to the employee's attention in accordance with law. Notice of health insurance available through the COBRA provision will be given to eligible employees.

#### F. Arrests and Convictions of Current Employees

If any employee of the agency is arrested, charged or convicted with committing a crime, the agency will consider the gravity of the criminal charge in relation to the employee's position. It will be kept in mind that a criminal charge in and of itself does not indicate guilt.

After assessment of the impact of such charges on program operations and on an individual's ability to perform his/her duties, it may be necessary for the agency to take some action prior to a decision in the case in order to protect the program, as well as other employees. Such action may include either re-assignment of the employee to other duties or, where re-assignment is not feasible, suspension. In the case of employees within the agency's licensed preschool programs who are charged with crimes that would jeopardize safety and/or licensing, the employee may be suspended at the agency's sole discretion.

All employees shall be required to immediately disclose any criminal convictions, and any pending felony charges. Employees for the Early Childhood Program shall be required to disclose convictions, arrests, or charges relating to child abuse or neglect. Failure to disclose or falsification of information may result in dismissal.

## **VII. CONDITIONS OF EMPLOYMENT**

### **A. Orientation**

1) Employees shall go through an orientation period for the first 90 calendar days of employment. This orientation period is intended to be a period where determination is made whether or not the employee can perform the job duties. During such periods, the agency or the individual may terminate the employment relationship without any advance notice. Employees who are in an orientation period shall not have the right to invoke the agency grievance procedures. Notwithstanding the foregoing, nothing contained herein shall be construed to create an employment relationship that is anything other than "at will" despite the completion of the orientation period.

2) The 90 calendar day orientation period may be extended another 90 workdays at the discretion of the supervisor, with the approval of the Executive Director.

3) A demoted employee shall also be subject to the 90 calendar day orientation period and will not have their benefits rescinded.

4) The Early Childhood Program bargaining unit staff shall go through an orientation period as detailed in their contract.

### **B. Conflict of Interest**

1) No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by any agency-controlled funds, including Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, agent, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to sub-agreements.

2) Employees of the agency are prohibited from soliciting gifts, money or gratuities from people receiving benefits or services from the agency or its delegate agents, or from people performing services under contract to the agency. Employees are allowed to accept freely given, nominally valued non-cash gifts from recipients or families of recipients on an occasional basis that are given in recognition of effort. Such gifts must be valued at \$25 or less and must be disclosed to their immediate supervisor. Employees may not accept such gifts if there is an expectation of enhanced or preferential treatment. In such cases the employee must notify their supervisor of the offer.

3) Employment shall not be offered as a consideration or reward for the public support of any political party or candidate for public office, nor may any employee engage in partisan political activity as prohibited by chapter 15 of Title 5 (Hatch Act, see attachment "B") or other

rules or regulations from funding sources.

4) Disciplinary Action for Violations of this Policy

Failure to comply with the standards contained in this policy will result in disciplinary action that may include termination, referral for criminal prosecution, and reimbursement to the agency or to the government, for any loss or damage resulting from the violation. As with all matters involving disciplinary action, principles of fairness will apply. Any employee charged with a violation of this policy will be afforded an opportunity to explain her/his actions before disciplinary action is taken. Disciplinary action will be taken:

- a) Against any employee who authorizes or participates directly in actions that are a violation of this policy.
- b) Against any employee who has deliberately failed to report a violation or deliberately withheld relevant and material information concerning a violation of this policy.
- c) Against any director, manager or supervisor who attempts to retaliate, directly or indirectly, or encourages others to do so, against any employee who reports a violation of this policy.

A board member who violates this policy may be removed from the board.

C. Fraud

Fraud will not be tolerated. An employee who suspects fraud by another employee, a vendor, client or volunteer must notify their supervisor or the Board designee.

D. Non-Retaliation (Whistleblower) Policy

The agency prohibits any form of retaliation against any person for filing a bon-fide complaint under this policy or for assisting in a complaint investigation. If, however, following investigation of the complaint, the agency determines the complaint is not legitimate, disciplinary or other appropriate action may be taken against the person filing the complaint. (see attachment "C")

E. Public Statements

The Executive Director, Board Chair or designee are the official spokespersons for the agency. The Executive Director may authorize program directors to make public statements on routine dissemination of program specific information.

**VIII. STAFF DEVELOPMENT**

A. Training

1) In-service training may be provided by the agency to improve the skills of the staff and hereby improve the possibilities of job progression.

2) Employees must be willing to participate in appropriate training, education programs and conferences as designated by the Executive Director and/or the Program Director. The agency shall pay expenses for such activities within budget limitations.

3) Training, education programs and conferences must be justified as benefiting the

agency and/or the people the agency serves.

## B. Education

1) Attendance at formal educational institutions during normal working hours, may be arranged at the employer or employee's expense. Release time may be approved if it doesn't hinder program operations and as long as the employee's work load is such to make this feasible. Attendance is subject to the approval of the Executive Director.

2) When funds permit, the agency may pay for employee participation in classes which increase their skills and therefore, benefit the agency. Agency funded participation for formal educational course work will be provided only when a satisfactory grade has been maintained. A satisfactory grade is defined as a "C" or better, or a passing designation for the course. Employees voluntarily leaving the agency within 3 years of completing agency-funded courses must repay the cost per Financial Assistance Agreement. Employees receiving assistance under this policy will be required to sign a Financial Assistance Agreement.

3) Class assignments should not be completed at work without supervisory approval.

## C. Certifications/Licenses

As a condition of employment, certifications and/or licenses required for specific jobs must be obtained and maintained within time frames agreed upon at hiring. Employees must submit documentation of renewals of applicable certifications and licenses for their personnel file.

## D. Performance Evaluations

1) A performance evaluation is designed to improve the employee's understanding of his/her work and to encourage employee development. It is not to be used as a means of threat or coercion against an employee.

2) It shall be the responsibility of the Executive Director to evaluate administrative personnel and each supervisor to evaluate employees under his/her jurisdiction.

a) Employees on orientation will be evaluated after 90 calendar days. If the orientation period is extended to 90 calendar days, the supervisor and the employee will discuss the reason orientation was extended and the supervisor will inform the employee on areas needing improvement to ensure the employee clearly understands what is expected of him/her in their position.

b) An employee who assumes a new job within the agency will be evaluated after 90 calendar days by his/her immediate supervisor. Should such an employee receive an unfavorable evaluation, he/she will have the opportunity to return to his/her previous position, unless the move to the new position is mandated.

c) All other employees will be evaluated at least annually at the end of the program year. The supervisor and the employee will discuss the evaluation regarding areas needing improvement to ensure that the employee clearly understands what is expected of him/her in that position. Any employee whose work performance does not merit a positive evaluation may be placed on probation for a period not to exceed six months. Lack of improvement may result in disciplinary action, up to and including termination.

3) Each evaluation will be signed by the employee, the supervisor, and the appropriate

administrative manager. An employee being evaluated should not sign an incomplete evaluation form. The employee signature does not constitute agreement with the evaluation, but acknowledges the evaluation took place. (see Section XIV. Discipline)

4) All evaluations on the present position shall be made part of the employee's record. Final evaluation of previous positions shall be made a permanent part of the employee's record.

5) Evaluations are performed for the benefit of the employer, employee and the program. Failure to evaluate, to timely evaluate, or to adequately evaluate shall not give rise to any claim or cause of action against the agency, regardless of the nature or form.

6) The Board of Directors will review the Executive Director's performance and wage annually.

## **IX. WAGES/POSITION CLASSIFICATION**

### **A. Wages**

1) The agency will conduct periodic wage reviews of similar organizations. This review may be used to determine, whether, and at what amount, wages should be adjusted.

2) The Executive Director is authorized to grant wage increases, within budget limitations, to employees based on merit, volume of work, length of service and/or other factors with the concurrence of the Finance Committee.

3) New employees who receive a successful completion of orientation pay increase in the quarter immediately preceding a board authorized cost of living increase, shall not be eligible for the increase until the next board authorized cost of living increase.

4) An employee who is demoted may be paid at the entry rate of the new position. A demoted employee shall also be subject to the 90 calendar day orientation. An employee who is demoted to a full-time position shall retain and be able to use all benefits earned as a result of the previous position.

5) No employee of the agency shall receive less than the federal or state minimum wage, whichever is greater.

### **B. Position Classification**

1) All positions will be classified as follows and all employees shall receive written notification of their status.

2) Classifications of positions:

a) Salaried: Salaried employees shall be in those positions which meet the requirements outlined in the Federal Labor Standards Act, 29 CFR 541.

b) Hourly: Hourly employees are those employees paid by the hour according to the number of hours worked.

c) Regular, full-time position: A position which requires a full-time work week of 35 hours or more and is not considered to be of a temporary nature.

d) Regular, part-time position: A position which requires less than a full-time week and is not considered to be of a temporary nature.

e) Variable Hour: A position which may be full or part-time, in hours, but is funded by hourly reimbursement by a funding source or private pay. These positions will be eligible for benefits provided to regular, part-time employees.

f) Temporary position: A position that is established for a period of less than six months. It may be full or part-time.

g) Substitute positions may be established when regular employees, full or part-time, are unable to work. Substitute positions may be filled by the normal hiring process or contracted based on program needs.

h) Classification of positions in the Early Childhood Program bargaining unit shall follow the language of their contract.

## **X. PERSONNEL RECORDS**

1) A cumulative personnel record will be maintained for each employee. It shall contain the application form, references, confirmation of employment, evaluations, record of wages, increments, annual leave time, sick leave time, attendance records, disciplinary action, and any other state, federal or funding source requirements. This record will be confidential and no information released outside the agency without the permission of the Executive Director and written permission of the person concerned, or a legally constituted court order. If documents are to be turned over, the request must be made in writing from the individual.

2) A separate file will be maintained on all employees for medical related information including, but not limited to: workers compensation claims, physicals, medical release forms, and any documents relating to FMLA leave.

3) No final personnel action shall be valid unless duly authorized by the Executive Director. This includes all promotions, transfers, employee evaluations, hiring, firing, suspension and wage increases.

4) Employees have the right to review their own personnel file as provided by applicable law. Employees wishing to review their personnel file must contact the Human Resources Coordinator to schedule a time to review their file at the office.

## **XI. PAYROLL AND WORK SCHEDULE**

### **A. Pay Period**

Wages will be paid every two weeks. If a payday falls on an official holiday, checks may be issued the preceding day.

### **B. Deductions**

Deductions from paychecks include:

1) Mandatory: Federal and state income taxes as authorized by the employee on form W-4 and Federal Insurance Contribution Act (FICA).

2) Voluntary: (upon written authorization of the employee) employee's portion of group insurance premiums, annuities, approved supplemental insurance programs, employee donation, coffee fund, etc.

3) Garnishments or attachments: as directed by the law and/or court order.

### **C. Salary Advances**

There will be no salary advances to any employee for any reason.

### **D. Hours of Work**

An employee's work week or work hours may vary and will be established by the appropriate supervisor and/or Executive Director.

1) Hourly employees who work more than 40 hours in one work week shall be paid 1 & ½ times their normal hourly rate for each hour over 40. Prior approval for overtime must be authorized by the program director unless it's an emergency.

2) A temporary change in the established work schedule of hourly employees must be authorized in advance by the appropriate supervisor or department head. A change of this nature may be made to ensure that staff is available when it is appropriate to contact or work with the public which the agency serves.

3) Properly certified time records showing the time worked or leave taken, must be submitted to the program director for the bi-weekly periods.

4) The Executive Director or designee may excuse full-time employees for such reasons as: reasonable time off in which to vote or to permit safe travel under hazardous road conditions. This type of absence will normally not exceed two to four hours in length and will be charged to annual, personal or leave without pay.

5) Lunch and break periods:

a) Employees working at least a seven hour workday are allowed an unpaid lunch break of 30 or 60 minutes, depending on the needs of the program.

b) Supervisors may make provisions, depending on work demands, for a 15 minute rest break in the morning and/or afternoon.

#### E. Wage Increases

1) Wage increases may be granted by the Board of Directors.

2) The Executive Director, upon approval of the Finance Committee, may increase the wage of specific positions based on changing job circumstances.

3) New employees who receive a successful completion of orientation pay increase in the quarter immediately preceding a board authorized increase, shall not be eligible for the increase until the next board authorized wage increase.

## **XII. EMPLOYEE BENEFITS**

### A. Employee Assistance Program

The agency's Employee Assistance Program offers consultation, assessment and referral services for all employees and their immediate family members. EAP is designed to help employees and their families with personal problems before they affect job performance. Confidentiality is maintained for anyone utilizing the EAP services.

### B. Health Insurance

1) Health insurance shall be offered to all regular, full-time employees, (as defined by the Affordable Care Act) the first full month following 60 calendar days. The agency cost of insurance will be based on the dollar limit as set by the Board, with the remainder to be paid by the employee through payroll deduction. See also, Section XI., "Employee Benefits" and sub-section (I) "Family and Medical Leave Act Policy", concerning continuation of insurance coverage while on FMLA leave.

2) Health insurance shall be offered to all eligible employees (as defined by the Affordable Care Act). Variable hour employees will be monitored for a 12 month period and will be determined to be eligible for health coverage if the average number of hours per week actually worked during the measurement period is calculated at 30 or more.

3) A covered employee on temporary leave without pay or temporary lay-off may remain on the agency's group health insurance for a period of up to three months, depending on availability of funds and funding source approval.

4) Health insurance plans offered by the agency will provide Minimal Essential Coverage, provide Minimum Value and will be affordable (as defined by the Affordable Care Act).

5) Eligible employees may elect to add a spouse and/or dependent children up to age 26 to the health plan.

6) Eligible employees may enroll/leave the plan, or add/remove family members from the plan during the annual open enrollment period.

7) Health insurance coverage for employees and/or their dependents, may be continued on a self-payment basis in accordance with the provisions of COBRA or the Family Medical Leave Act.

8) Employees eligible for agency coverage may waive coverage in exchange for an hourly supplement as approved by the board when:

- a) documentation of other health insurance coverage is provided, and
- b) the insurance waiver form is completed

### C. Worker's Compensation Insurance

1) All employees shall be covered by worker's compensation insurance for work-related injuries.

2) All on-the-job injuries must be reported to the supervisor immediately, if possible, otherwise before the end of the work shift. (If after hours a voice mail message to the supervisor's office phone is considered notice.) The supervisor will complete the Accident Report form after interviewing the employee and having them sign the completed report. The supervisor must submit the report to their program director (if applicable) or to the Finance Dept. within 24 hours of the accident/injury.

3) If an employee wants/needs to seek medical attention related to a non-emergency work injury he/she must obtain a signed "Authorization to Treat" form from their supervisor. If medical attention is sought a "Return to Work" form must be provided before returning to work.

4) All employees involved in work-related accidents will be referred to agency authorized health providers.

5) All accidents will be reviewed by the Safety Committee.

### D. Holidays

1) Full-time employees (excluding part-year, center based ECP/HS staff) will be eligible for leave with pay for the following holidays:

New Year's Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Eve Day
Labor Day	Christmas Day

2) Whenever one of these holidays fall on Saturday, the time off with pay shall be allowed on the preceding Friday. Whenever a holiday falls on Sunday, the



subsequent Monday will be allowed.

3) Holiday pay will not be granted unless the employee is in work status the work day immediately prior to the holiday. Work status shall be defined as either worked, on paid sick leave, paid annual leave, or paid personal leave.

4) Full-time, part year center-based Early Childhood Program/Head Start staff shall be eligible for 11 (paid) days per year to be designated within the annual school year calendar. ECP/Head Start staff leaving the program, either voluntarily or involuntarily, will not be paid unused holiday leave time.

5) Program Directors, on special occasions consistent with religious and local business practices, may excuse staff from work without pay.

#### E. Personal Leave

1) Regular, full-time employees will be credited with four days of personal leave on October 1<sup>st</sup>. A day is calculated by taking the total average hours worked per week divided by the number of days worked per week, i.e. if an employee normally works 35 hours a week, five days a week, they would get 4 days at 7 hours each for a total of 28 hours.

2) Personal leave for new hires will be pro-rated by quarter to the following October 1<sup>st</sup> and credited upon successful completion of the orientation period.

3) Salaried employees will be credited with four days of personal leave on October 1<sup>st</sup>.

4) Personal leave may not be carried over from year to year.

5) Requests for personal leave must be approved in writing, otherwise it may be charged against leave without pay at the discretion of the immediate supervisor. Supervisors shall make every reasonable effort to approve requests for personal leave.

6) Personal leave may not be used until the employee has achieved regular employee status.

7) The minimum charge for personal leave shall be a half hour for hourly employees and 4 hours for salaried employees. In no instance will personnel leave be allowed to increase the number of hours normally worked in a week.

#### F. Annual Leave

1) Regular, full-time, hourly employees will be eligible for annual leave with pay at a rate of four hours per pay period. (This will be adjusted accordingly if an employee works less than 80 hours a pay period.)

<u>Hours Worked Per Pay Period</u>	<u>Pay Period Accumulation</u>
70-80	4 hours
60-69	3 hours
50-59	2 hours
40-49	1 hour
0-39	0 accrual

2) Regular, part-time employees will be eligible for annual leave on a yearly basis of four days at one-fifth of their normal work week. Four days will be given to regular, part-time employees at the beginning of the program year, after the employee has been with the agency at least one year. (Time will be pro-rated from the employee's

anniversary date to the beginning of the program year after the first year of employment.) The four days will not carry over into the New Year. In no instance will annual leave be allowed to increase the number of hours normally worked in a week. Part-time, part year center based ECP/HS staff will be eligible for leave as defined in the current contract. Part-time, part year center based ECP/HS staff will be eligible for leave as defined in the current contract.

3) Regular, part-time employees leaving the employment of the agency, whether voluntarily or involuntarily, will be paid their unused annual leave according to the regular pay schedule.

4) Salaried employees will be eligible for annual leave at a rate of one-half day per pay period.

5) Substitute and temporary employees are not eligible for annual leave.

6) Annual leave, including longevity leave, may not exceed 240 hours or 30 work days. Leave exceeding this maximum must be used within 15 calendar days of reaching the maximum or it will be forfeited.

7) No employee may use annual leave until he/she has achieved regular employee status.

8) Holidays occurring during the time of annual leave will not be charged against such leave.

9) Employees who become ill during scheduled annual and/or personal leave cannot substitute sick leave during the scheduled annual or personal leave.

10) Request to take annual leave must be approved in writing; otherwise it may be charged against leave without pay or absent without pay, at the discretion of the immediate supervisor.

11) Regular employees leaving the employment of the agency, whether voluntarily or involuntarily, will be paid their unused annual leave (this includes longevity leave) in a lump sum.

12) Minimum charge for annual leave shall be a half hour for hourly employees. Minimum charge for salaried employees is 4 hours. In no instance will annual leave be allowed to increase the number of hours normally worked in a week.

13) Employees moving from part-time to full-time may keep accumulated annual leave.

14) Employees moving from full-time to part-time will be paid off accumulated annual and/or longevity leave earned while in full-time status at the time of the status change. The employee may opt to keep up to 40 hours of annual OR longevity leave on the books, but it must be used within one calendar year from the date they moved from full-time to part-time.

15) Variable hour employees will be paid unused annual leave on the last pay day of the fiscal year.

#### G. Longevity Leave

1) Longevity leave shall be granted to regular, full-time employees according to the following schedule:

2, 3, 4 years – 1 day	11, 12, 13 years – 6 days
5, 6, 7 years – 2 days	14, 15, 16 years - 7 days
8, 9, 10 years– 4 days	17+ years – add 1 day for every additional 2 years

Full-time ECP/HS staff shall be granted longevity leave according to the following

schedule:

2, 3, 4 years – 1 day	15, 16, 17, 18, 19 years – 4 days
5, 6, 7, 8, 9 years – 2 days	20, 21, 22, 23, 24 years – 5 days
10, 11, 12, 13,14 years – 3 days	25 + years – 6 days

2) After five years of continuous employment with the agency, a part-time employee will earn one day of longevity leave at one-fifth their normal work week. Each five years thereafter of continuous employment with the agency, a part-time employee will earn one additional day of longevity leave at one-fifth their normal work week.

3) Longevity Defined: In determining longevity, the following will be considered:

- a) Total number of years, months and days of employment, including temporary lay-off(s).
- b) Include time off due to work-related accident or illness (usually workmen's compensation claim).
- c) Do not count time in an on-the-job training, or work experience program, even if the enrollee is on our payroll.
- d) When an employee voluntarily terminates employment and is rehired at a future date, for purposes of determining longevity, the date of the new hiring will be the starting date.
- e) When an employee's employment is terminated by lay-off and the employee is rehired within a six month period, total employment time will be considered when determining seniority that does not conflict with letter d.

4) Longevity leave, both full and part time, will be granted on the employee's anniversary date.

5) The anniversary date is the original hire date or the latest change of status date from full-time to part-time or part-time to full-time.

6) Employees moving from full to part time will be granted pro-rated longevity leave (same as outlined for annual leave under Section XII., F. #13)

#### H. Sick Leave

1) Regular, full-time, hourly employees will be eligible for sick leave with pay at a rate of four hours per pay period.

<u>Hours Worked Per Pay Period</u>	<u>Pay Period Accumulation</u>
70-80	4 hours
60-69	3 hours
50-59	2 hours
40-49	1 hour
0-39	0 accrual

2) Salaried employees will be eligible for sick leave at a rate of one-half day per pay period.

3) Substitute and temporary employees will not earn sick leave.

4) Sick leave may not exceed 320 hours or 40 work days. (Exception: sick leave for full-time, part year, center-based ECP/HS staff may not exceed 240 hours. Sick leave for part-time, center based ECP/HS staff may not exceed 80 hours.)

- 5) No employee may use sick leave until they have achieved regular employee status.
- 6) Illness extending beyond available sick leave may be charged against available annual leave, personal leave, or be considered leave without pay.
- 7) Employees whose illness extends beyond three workdays may be asked to provide a doctor's statement upon return to work, or they may not be paid for the days they were off.
- 8) Sick leave may not be used to offset tardiness or to conduct personal business.
- 9) Employees who are ill on a regular basis or on-going basis may be asked to obtain a doctor's statement that they are able to continue to perform their job duties. If an employee, because of illness or disability, is unable to perform their job duties, attempts at reasonable accommodation will be made.
- 10) Sick leave may be used to care for an immediate family member (as defined in Section XII. I. – Family & Medical Leave Act) or to accompany an immediate family member to doctor's appointments.
- 11) No payment shall be made for unused sick leave at termination of employment.
- 12) In order to allow for adequate program coverage, employees able to plan future sick leave, shall notify their supervisor as soon as possible.
- 13) Misuse of sick leave benefits may result in disciplinary action, up to and including, dismissal.
- 14) Holidays occurring during the time of sick leave will not be charged against such leave.
- 15) Minimum charge for sick leave shall be a half hour for hourly employees or 4 hours for salaried employees.
- 16) Employees eligible for sick leave shall be compensated one hour's time for each unused 8 hours of sick leave earned during the previous fiscal year. The maximum payment of sick leave shall be 13 hours. This payment will be made the first pay period in December for the previous fiscal year. The hourly rate for salaried employees shall be based on 2,080 hours/year. For the purpose of this section, any sick leave used during a fiscal year shall be considered to have been earned during the same fiscal year. Payment will be based on the employee's current wage rate.
- 17) In no instance will sick leave be allowed to increase the number of hours normally worked in a week.

#### I. Family and Medical Leave Act (FMLA) Policy:

Employees who have worked for at least one year, and worked at least 1,250 hours over the previous 12 months, may be eligible to take up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons, in accordance with the Family and Medical Leave Act of 1993.

Family and medical leave will be granted to an eligible employee for birth of a son or daughter, and to care for the newborn child; for placement with the employee of a son or daughter for adoption or foster care; to care for the employee's spouse, son, daughter, or parent with a serious health condition; and because of a serious health condition that makes the employee unable to perform the functions of the employee's job, any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on "covered active duty".

MDS CAA/HRA requires that all available leave for which the employee is otherwise

eligible, be used to substitute for, or to run concurrently with, FMLA leave. The combination of paid and unpaid leave pursuant to CAA/HRA policies, may not exceed 12 weeks during the applicable 12 month period unless specifically agreed to by CAA/HRA, in writing, or required by law.

The 12 month period during which the 12 week FMLA leave entitlement occurs is a "rolling" 12 month period measured backward from the date an employee uses any FMLA leave. The employee must provide 30 days advance notice when the leave is foreseeable.

Employees will be required to provide medical certification (form WH380) supporting the request for leave because of a serious health condition. If any employee is on FMLA leave due to his/her serious health condition, a fitness for duty report certifying that, with respect to such serious health condition, the employee is able to return to work, must be submitted to the Program Director prior to his/her return to work.

Employees on FMLA leave are entitled to have health benefits maintained while on leave as if they had continued working. If the health plan or benefits are changed by the agency while the employee is on FMLA leave, the employee is entitled to the changed benefits to the same extent as if he or she were not on leave. Employees will be provided with any notices of changes in benefits and accorded any options to change coverage that would be provided if the individual were not on leave.

Except as required by COBRA, the agency's obligation to maintain health benefits during leave (and to restore the employee to the same or equivalent employment) under FMLA ceases if and when:

- the employment relationship would have terminated if the employee had not taken FMLA leave;
- an employee informs the agency of his or her intent not to return from leave (including before starting the leave if the agency is so informed before the leave starts);
- the employee fails to return from leave or continues on leave after exhausting his or her FMLA leave entitlement in the 12 month period.

If employees were required to pay a portion of the health coverage cost, this requirement will continue during FMLA leave. The agency will provide the employee with advance written notice of the terms and conditions under which these payments must be made.

Usually when the employee on leave does not return to work and the reason is not due to serious health reasons recognized under FMLA and is not due to circumstances beyond the employee's control, the agency is entitled to recover from the employee any agency-paid costs with respect to the entire leave period. Employees requesting Family Medical Leave must contact the Human Resources Coordinator to complete the necessary paperwork.

## J. Funeral Leave

- 1) Funeral leave will be granted with pay, upon the death of a family member as follows: spouse, parent or child up to five working days; b) parent-in-law, brother, sister or grandparent, son-in-law or daughter in-law, up to three working days; other family members, including aunts, uncles, nieces, nephews, first cousins, brother in-law or sister-in-law, one working day.

- 2) Paid funeral leave may not be used until the employee has achieved regular employee status.
- 3) Relatives with the prefix "step" shall be treated as outlined in #1 above.
- 4) Additional time off may be granted by the Executive Director and will be charged to sick leave or leave without pay. Funeral leave must be noted on the time sheet column labeled "FL". The relationship to the deceased will be noted on the time sheet and proper notification given to the immediate supervisor.
- 5) Funeral leave for part-time employees will be based on the number of hours the employee has in a normal work day and will only be granted on a scheduled work day.

#### K. Military Leave

- 1) Any regular, full-time employee who presents official orders requiring his/her attendance for a period of training or other active duty as a member of the U.S. Armed Forces, State Armed Forces, or National Guard, will be entitled to paid military leave for a period not to exceed ten working days per calendar year. The employee shall be paid the difference between military pay and his/her regular pay. This provision does not apply to temporary or part-time employees.
- 2) The employee must provide verification of pay received from the Armed Forces to the Financial Department upon return from active duty.
- 3) Notwithstanding any of the foregoing, the agency will fully comply with all requirements imposed by federal or state law governing military leaves of absence.

#### L. Court Leave

- 1) Court leave for personal matters will be charged against annual leave or leave without pay, and must be requested in advance.
- 2) Those called for jury duty will have a choice of:
  - a) using annual leave time for time off and keep the court stipend, or
  - b) turning in the court stipend and be paid for a full day by the agency – verification from the court must be provided.
- 3) Documentation for jury duty must be provided.

#### M. Tardiness and Absences

- 1) Tardiness and repeated failure to report to work without proper notification are unexcused absences and may be cause for disciplinary action, up to and including discharge.
- 2) An employee who is absent from duty without approval shall receive no pay for the duration of the absence. Failure of an employee to report for work at the expiration of an authorized leave, or failure to request an extension of such leave, shall be considered an absence subject to disciplinary action.

#### N. Leave Without Pay

- 1) After utilization of all accrued annual, longevity and personal leave, as well as FMLA and sick leave, if applicable, a maximum of 14 calendar days leave without pay may be granted by the program director with the approval of the Executive Director. Other than for

FMLA leave, leave without pay in excess of 14 calendar days (up to a maximum of 90 calendar days) may be authorized by the Executive Director. The Board of Directors may authorize additional leave time beyond 90 calendar days. Leaves in excess of a combined total of 12 months will not normally be authorized for any purpose, including but not limited to sick leave, whether or not compensable. Without specific written consent to the contrary authorized by the Board of Directors, any absence for any reason in excess of 12 months will result in termination of employment effective at the end of such 12 months. Sick and annual leave shall not accrue during unpaid leaves. Employees have the option of continuing their insurance benefits during unpaid leaves (other than for FMLA leave) at their own expense.

2) All leave without pay must be requested and approved in writing.

3) Any suspension resulting from disciplinary action may be paid or unpaid and the sole discretion of the agency.

(see Section XIV., Discipline)

4) Leave taken during the initial orientation period shall be leave without pay.

#### O. Retirement

1) The agency does not have a formal retirement plan.

2) All employees are eligible, but not required, to participate, through payroll deduction, in the agency's 403b plan.

3) After one year of employment, the agency will match an employee's contribution to the 403b plan (between 1-5%) provided they meet the following eligibility requirements:

➤ Regular work schedule is 20 or more hours/week OR work more than 1,000 hours in a calendar year.

➤ Employee contributes between 1-5% of their wage (in whole percentages).

➤ The orientation period is included in the one year of employment eligibility.

➤ Employees may contribute more than the required amount, subject to IRS regulations. This excess amount will not be matched by the agency.

### **XIII. EMPLOYEE TRAVEL**

A. Travel expenses, both local and out of area, will be reimbursed to all employees, board members, committee members and others who are traveling for agency business.

B. Out of service area travel and travel advances must be approved in advance by the appropriate program director, the Finance Director and the Executive Director. When requesting a travel advance sufficient time must be allowed for a check to be prepared (at least one week prior to needing the check).

C. Automobile expenses will be reimbursed on a per mile basis at a the federally approved mileage rate. Proper documentation for automobile expenses must be submitted on the travel voucher form for reimbursement.

D. Reimbursement for other travel expenses will be reimbursed based on the federally or state approved schedule of travel rates designated by grant contract. We recognize that some of the authorized travel may exceed the recommended guidelines and some exceptions to the standard rates can be approved by the Executive Director in advance.

E. Travel expenses must be submitted at least monthly for budgeting purposes.

### **XIV. ELECTRONIC COMMUNICATIONS**

Employees are allowed limited incidental personal use of the internet, e-mail and

cell phones. At no time will this use be allowed to interfere with job duties.

#### A. Internet and E-mail

1) As a condition of providing internet and e-mail access to its employees, the agency places certain restrictions on workplace use of the internet. Employees are encouraged to use the internet for the following:

- To communicate with fellow professionals and clients regarding matters within an employee's assigned duties;
- To facilitate the performance of any task or project related to assigned duties.

2) Use of the cameras, phone, internet, texting and e-mail is prohibited for the following:

- Dissemination or printing of copy righted materials, hardware or software in violation of copyright laws.
- Sending, receiving, printing or otherwise disseminating proprietary data, trade secrets or other confidential information in violation of agency policy or proprietary agreements.
- Disseminating any client information, including photos or other confidential information including information covered under HIPPA Laws.
- Offensive or harassing statements or language, including disparagement of others based on race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
- Sending or soliciting sexually oriented messages or images.
- Operating a business, usurping business opportunities or soliciting money for personal gain, or searching for jobs outside the agency.
- Sending chain letters, gambling or engaging in any other activity in violation of local, state or federal law.

#### B. Social Media Policy

At MDS CAA/HRA we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all employees of MDS CAA and HRA. Social media includes all means of communicating or posting information or content of any sort on the internet, including to one's own or someone else's weblog or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with MDS CAA/HRA, as well as any other form of electronic communication. Ultimately, you will be responsible for what you post online. Before creating online content, consider some of the risks that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates, or otherwise adversely impacts members, clients, suppliers, people who work on behalf of MDS CAA/HRA, or the employer's legitimate business interests, may result in disciplinary action, up to and



including termination.

Inappropriate postings such as discriminatory remarks, harassment, bullying, threats of violence or similar inappropriate or unlawful conduct will not be tolerated and will subject you to disciplinary action, up to and including termination. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating; that name, disparage, or reveal confidential information about MDS CAA/HRA clients, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law.

Try to be as honest and accurate as you can in your posting. If you make a mistake, correct it quickly. Never post any information or rumors that you know to be false about MDS CAA/HRA or its employees, clients, suppliers, or people working on behalf of the agency.

Postings that disclose information about individual clients are strictly prohibited.

If CAA or HRA are the subject of content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the agency, clients, suppliers, or other people working on behalf of the agency. It is best to include a disclaimer such as *"The postings on this site are my own views and do not necessarily reflect the views of MDS CAA/HRA."*

Do not use social media while on work time, unless it is work-related and authorized by your supervisor or consistent with your supervisor or agency equipment policy.

Do not use MDS CAA/HRA email addresses to register on social networks, blogs or other online tools utilized for personal use.

MDS CAA/HRA prohibit taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation relative to a violation of this policy. Any employee who retaliates against another employee for reporting a possible deviation of this policy or for cooperating in such an investigation will be subject to disciplinary action, up to and including termination.

#### Media Contact

Employees should not speak to the media on MDS CAA/HRA's behalf without contacting the Executive Director first. All media inquiries should be directed to the Executive Director.

Employees who violate this Social Media Policy will be subject to appropriate disciplinary action.

#### C. Use of Cell Phones & Electronic Devices

1) While Driving: CAA prohibits the use of agency & personal cell phones and electronic devices while driving. This prohibition extends to both agency owned and personal vehicles when used on agency business and includes: receiving or placing calls, text messaging, surfing the internet, receiving or responding to e-mail or checking phone messages. Employees must

stop their vehicle in a safe location to use their cell phone or other electronic device.

2) During Work Time:

Cell phones, both agency-issued and personal must be set to quiet &/or vibrate during work hours personal calls and/or text messaging should be kept to a minimum. In addition, cell phone use must not interfere with agency operations or be disruptive to others. All computers, cell phones and other electronic devices that are agency property may be inspected at any time. Upon lay-off, resignation or termination, or at any time as requested by the agency, employees will be required to turn in the equipment.

## **XV. CONFIDENTIALITY**

Client/Customer ("Client") Confidentiality is a primary ethical requirement of agency employees. All client/customer interactions are confidential and employees are responsible for being informed of and abiding by any applicable contractual or departmental confidentiality policy beyond the policy stated below. If you are uncertain whether or not information is confidential, check with your supervisor before discussing it with anyone. Violation of client confidentiality policy may result in immediate disciplinary action up to and including termination.

1) Personal or confidential information about a client shall not be shared for any purpose other than to provide services to the client.

2) Utmost care and discretion must be utilized when sharing confidential client information among appropriate staff or appropriate service providers.

3) Employees who inadvertently gain access to confidential client information will be held to the same standards regarding confidentiality as stated in numbers 1 & 2.

4) Violation of client confidentiality will result in immediate disciplinary action up to, and including, dismissal.

5) Programs with special requirements regarding confidentiality will provide that information as part of the orientation.

6) Information that can be considered personal or confidential regarding employees or business operations of the agency must not be shared for any purpose. This is not intended to prevent the reporting of agency fraud.

## **XVI. DRESS**

Employees are expected to dress appropriately for the job. Radical departures from conventional dress and personal grooming are not acceptable.

## **XVII. SMOKING/TOBACCO POLICY**

Tobacco and smoking products in any form, including e-cigarettes and tobacco chew, are prohibited at any agency owned or managed building, grounds and vehicles.

## **XVIII. DRUG USE POLICY**

The agency will maintain a drug-free workplace and provide information on:

- The dangers of drug abuse in the workplace;
- Dept. of Health Drug-Free workplace booklet
- Available drug counseling, rehabilitation and employee assistance program;

- The penalties imposed for drug abuse violations occurring in the workplace.

The unlawful manufacture, distribution, dispensing, and/or possession or use of a controlled substance is prohibited at all times and places where the employee is working and/or representing the agency. The legal use of controlled substances prescribed by a licensed medical physician is permitted and will not be considered a violation of this policy so long as it does not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger persons involved with the agency. Employees are encouraged to volunteer this information to the HR Coordinator, as appropriate, to ensure that all health and safety precautions are taken for all parties involved. The agency adheres to the U.S. Dept. of Transportation 49CFR PER 40 Law regarding commercial driver's licenses (bus drivers). For all other employees, we exercise the right as an employer and under independent authority to conduct testing equivalent to the Substance Abuse and Mental Health Administration testing guidelines. Refusal to submit to a drug test at any time on the job may result in termination.

### Violations of the Policy

The Executive Director may take any or all of the following actions:

1. Reassign the employee until the problem is corrected.
2. May require the employee to take a leave of absence immediately if medical conditions warrant. The employee must utilize accumulated personal, vacation and sick leave, before the employee is required to take a health leave of absence.
3. Refer the employee to the Employee Assistance Program and may make compliance with any recommended rehabilitation program a condition of future employment.
4. May take disciplinary action in accordance with the agency work rules and policies up to and including termination.
5. Violations by any employee involved in transporting program participants will be handled in accordance with rules and regulations promulgated by the U.S. Dept. of Transportation.

Notwithstanding the foregoing, any employees distributing, selling or discovered in the act of using unauthorized drugs on agency premises or while engaged in agency business, will be subject to immediate termination.

The agency must be notified of any criminal drug statute conviction for a violation occurring in the workplace, no later than five days after such conviction. Within 30 days of receiving notice of conviction with respect to any employee who is convicted, the agency shall take appropriate personnel action up to and including termination; or upon the recommendation of the employee's supervisor with the Executive Director's approval, the employee may be required to participate, satisfactorily, in a drug abuse assistance rehabilitation program.

## **XIX. WORKPLACE BEHAVIOR**

MDS CAA/HRA is committed to providing a work environment in which all employees and volunteers are treated with dignity and respect. Workplace violence is defined as actions or words that endanger or harm another employee or result in another employee having reasonable belief that he/she is in danger. Conduct which makes the individual feel endangered is in violation of these policies even though that may not have been the intention of the actor. Examples of workplace violence amounting to behavioral misconduct include, but are not limited to:

- Verbal or physical threats

- Assaults or other violence
- Any behavior that causes others to feel unsafe such as bullying, shouting, or name calling from a colleague or supervisor
- Repeated stories about violence and aggressive conduct
- Belligerent, threatening or offensive comments
- Remarks about firearms, weapons, or similar potentially dangerous or violent activity
- Hitting, pushing, or other similar physical contact, including touching or threats to take such action
- Gestures or the display of offensive signs or pictures

Violent conduct has no place at MDS CAA/HRA and as such is committed to providing a workplace that is safe and free from any acts of violence or threats of violence in any form.

The agency will not tolerate any workplace violence of its employees, volunteers, vendors/business partners or clients/customers. It is not considered harassment, discrimination or other behavioral misconduct of any sort for the agency or a supervisor to enforce job performance and standards of conduct in a consistent manner. Any indications of workplace violence will lead to disciplinary action including possible dismissal.

## **XX. DISCIPLINE**

The maintenance of discipline is essential to MDS CAA’s successful business operation. Employee discipline should be based on a totality of circumstances. Accordingly, the facts of a particular situation may warrant that the stated penalty be increased. On the other hand, the nature or effect of a single isolated act or omission might be sufficiently inoffensive that no disciplinary action is warranted or a less severe penalty is warranted. In those situations which warrant disciplinary action, management will generally initiate said disciplinary action in one of the following four steps, at its sole discretion, depending on the severity of the offense:

- |                      |                |
|----------------------|----------------|
| 1. verbal warning    | 3. suspension  |
| 2. written reprimand | 4. termination |

**A. Verbal Warning:** Employees may be given a verbal warning by their supervisor or Program Director/Executive Director. The supervisor will review with the employee what is expected of them in the future and consequences of continued non-compliance. A notice of the warning will be placed in the personnel file.

**B. Written Reprimands:** shall be in writing with a copy given to the employee and must contain the specifics for which the employee is being reprimanded. A copy will be placed in the employee’s personnel file.

**C. Suspension:** During suspension the employee may not work and may or may not be paid. The supervisor will recommend the duration of suspension based on the seriousness of the infraction to the Executive Director. After approval the employee will be notified in writing with a letter containing the specific charges and length of suspension. A copy will be maintained in the employee’s personnel file.

**D. Termination:** Only the Executive Director may terminate an employee. All terminations must be in writing, with a copy to the employee and the employee’s personnel file. They must be signed by the program director and Executive Director.

Most employees conduct themselves properly but when employees fail to do so, individual disciplinary action must be taken. Examples of serious and unacceptable conduct have been listed below. These types of misconduct on any agency owned or managed building, property or vehicles or any agency sponsored event may constitute sufficient basis for immediate discharge. This list contains examples only and is not intended to be a complete or exhaustive list of serious and unacceptable conduct.

- 1) Willfully falsifying employment application, personnel records, time sheets, work records or other corporate records or documents.
- 2) Possessing explosives, firearms or other offensive or defensive weapons.
- 3) Possession or using alcoholic beverages, illegal drugs or narcotics during work time or on MDS CAA premises.
- 4) Reporting to work under the influence of intoxicants or illegal controlled substances.
- 5) Violation of safety rules and regulations or otherwise endangering the life or safety of oneself or others.
- 6) Disorderly conduct during work time or on MDS CAA premises, such as fighting, insulting or abusing another individual.
- 7) Insubordination or the failure or refusal to take reasonable direction from a designated supervisor.
- 8) Theft or misappropriation of personal or agency property.
- 9) Mishandling or misuse of corporate equipment, machinery or tools.
- 10) Unsatisfactory job performance.
- 11) Excessive or unexcused absenteeism.
- 12) Excessive tardiness.
- 13) Use of racial, sexual and ethnic slurs.
- 14) Disclosure of client information obtained during the course of employment.
- 15) Fraud
- 16) Harassment of any type.

## **XXI. TERMINATION OF EMPLOYMENT**

### **A. Voluntary Termination**

- 1) Employees who resign should give at least two weeks notice.
- 2) Employees ending their employment with the agency shall receive their pay according to the regular pay schedule.

### **B. Involuntary Termination**

- 1) Termination of an employee's services by the agency due to reduction of work force, budget cutbacks, or reassignment of duties, will require the agency to give notice in writing to the employee. The agency will attempt, but cannot guarantee, to provide advance notice prior to any anticipated terminations.
- 2) Involuntary terminations must be authorized by the Executive Director.
- 3) Employees terminated by the agency will receive their final paycheck the payday after termination.

### **C. Employee Death**

Separation shall be effective as of the date of death. All compensation and

accrued vacation pay shall be paid to the estate of the employee except for such sums as by law may be paid directly to the survivors.

## **XXII. GRIEVANCE PROCEDURE**

1) Grievance: An action initiated by an employee resulting from employee's dissatisfaction with a personnel decision causing an adverse action.

2) Adverse action: Any disciplinary action or personnel action taken by management that results in suspension, termination or reduction in wage and/or benefits.

3) The grievance procedure for regular (non-orientation) employees is intended to provide an internal dispute resolution mechanism. Failure to submit a grievance within the timeline and/or according to the Grievance Procedure (see attachment "D") will be considered an abandonment of the grievance. The grievance procedure applies only to employees who have successfully completed the orientation period relative to the position they hold at the time of filing of any grievance.

## **XXIII. AMENDMENTS**

### A. Operational Statement

This policy supersedes and rescinds all previous personnel policy and procedure statements and becomes the official policy statement of the MDS CAA/HRA, Inc.

### B. Procedure for Amending Policies

1) Changes to these policies may be recommended to the general board by the MDS CAA/HRA, Inc. Personnel Committee.

2) The agency's Governing Board may change these policies by two-thirds vote of those members present.

3) Such amendments shall be placed in memorandum form and sent to all employees. One copy must be signed by the chairperson of the board and placed in the permanent agency files.

***DISCRIMINATION/HARASSMENT COMPLAINT***

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*(It is not necessary to state your name, however, it will assist us in investigating the complaint if you will do so.)*

**Program:** \_\_\_\_\_

**Please describe as clearly as you can exactly what happened to you that leads you to believe that you or another employee have been discriminated against, sexually harassed, or harassed because of race, color, sex (whether or not of a sexual nature), sexual orientation, gender, religion, national origin, protected activity, age, disability, marital status, height, or weight.**

**Include dates, if you can, and the names of everyone who was involved in the harassment or saw or heard what happened. If there was more than one incident of harassment, please describe each incident separately. You may use the back of this form or another sheet of paper.**

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***POLITICAL ACTIVITY AND THE CAA***  
***Revised June, 2003***  
***THE HATCH ACT***

The 1998 amendments to the Community Service Block Grant (CSBG) Act reinstated the Hatch Act political activity restrictions, which had been removed in 1994. See Section 678F (b)(1) of CSBG Act, as amended; 42 U.S.C. 9918 (b). The Hatch Act has continuously applied to Head Start employees. These restrictions, which can be found at 5 U.S.C. 1501 et seq., and 5 C.F.R. Part 151, limit the activities of individual employees, rather than of the Community Action Agency (CAA) as an organization. Read on to the next section for rules about political activity by CAA as an organization. Here's what CAA's and their employees know about the Hatch Act:

**In a nutshell, what does the Hatch Act prohibit?**

- Being a candidate for public office in a partisan election
- Using official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office
- Directly or indirectly coercing, attempting to coerce, commanding or advising a person covered by the Hatch Act to make political contributions

**In a nutshell, what does the Hatch Act permit?**

- Being a candidate for public office in a nonpartisan election
- Voting as one chooses and expressing one's opinions on political subjects and candidates
- Engaging in any political activity not specifically prohibited by the Hatch Act (or any other law), including participating in and contributing money to political campaigns, subject to restrictions discussed below

**Which CAA employees are covered?**

- Any person whose principal employment is with a CAA in connection with an activity which is financed in whole or in part by federal loans or grants
  - "Principal employment" means the job in which a person spends more than half of her total work time and/or receives more than half of her total wages.
  - The Office of Special Counsel, which enforces the Hatch Act (see below), has stated in a recent written advisory opinion that, as applied to CAAs or Head Start agencies, only employees who work in connection with activities financed by CSBG or Head Start funds, respectively, rather than other federal funds, are covered by the Hatch Act.
  - Therefore, a person whose principal employment is with a CAA, but whose salary is not paid with CSBG or Head Start funds and who does not work in connection with any activities funded in whole or in part with such funds would not be covered by the Hatch Act. But don't forget that any activity which receives any CSBG or Head Start funding, either direct or indirect, such as administrative support paid by CSBG, is considered federally-funded.



- This covers part-time CAA employees as well, as long as more than half of the employee's total work time and income (including both CAA and non-CAA employment) is in connection with federally-funded activities.
  - Even if some CAA employees are not covered by the Hatch Act, for purposes of treating all employees consistently and easing administrative burdens of differentiating between those employees, who are and are not covered, or who may not be covered one year, but may be covered the next due to funding or organizational changes, it may make sense to impose Hatch Act restrictions on all employees.

### **Are CAA board members who are not employees covered?**

- No. However, if the board member is a state or local employee whose principal employment is in connection with a federally-funded activity, he or she may be covered in that capacity.

### **Are other organizations that receive CSBG or Head Start funds, such as CAA state associations, covered?**

- Yes, but only partially in some circumstances. Employees of organizations that "assume responsibility for planning, developing and coordinating (CSBG or Head Start) activities," such as CAA's and some CAA associations, are subject to all of the restrictions discussed in the sections below.

However, employees of other organizations, such as state CAA associations that receive CSBG and/or Head Start funds but do not coordinate CSBG or Head Start activities, are subject to only some of those restrictions. They may **not**:

- Use their official authority or influence to interfere with or affect the result of a partisan election or nomination office
- Coerce, advise, command or direct others covered by the Hatch Act to make political contributions

Such employees (of organizations that receive CSBG or Head Start funds but do not coordinate CSBG or Head Start activities) are **not** subject to the Hatch Act's prohibition on being a candidate for public office in a partisan election. Such employees **may** be candidates in either partisan or nonpartisan election for public office.

### **What is the scope of the Hatch Act rules as applied to CAA employees?**

- The Hatch Act rules govern activities of a CAA employee regardless of whether the activity is conducted in or outside of work time or the work place. The rules also apply when a CAA employee is on leave of any type, including an unpaid leave of absence.

### **In what type of political activities can covered CAA employees participate?**

#### ***Running for Office***

- **Can** be a candidate for public office in nonpartisan election
  - “Nonpartisan” election, in the Hatch Act context, means an election in which none of the candidates is nominated or elected as representing a party whose Presidential candidates receive votes in the last election at which Presidential electors were selected, for example, the Republican or Democratic party
- **Cannot** be a candidate for public office in partisan election
  - Primary and run-off elections to nominate candidates of partisan political parties are partisan elections for purposes of the law even though no party designations appears on ballot.
  - “Partisan” or “nonpartisan” refers to the manner in which candidates are nominated or elected in a particular election, not to whether or not the candidates are themselves a member or affiliated with a particular party. Therefore, a CAA employee who is a registered Democrat may still run for office in an election in which none of the candidates are nominated or elected as representatives of a particular party. However, if other candidates are nominated or elected as representing a particular party, the covered CAA employee may not run, even if he or she is not affiliated with any political party.
  - This prohibition extends not only to the campaign after the formal announcement of candidacy, but also to the preliminaries leading to the announcement and to canvassing or soliciting support or doing or permitting to be done any act in furtherance of the candidacy. It would not extend, however, to responding affirmatively to inquiries concerning whether the employee intends to become a candidate.
- **Can** continue to serve in office attained by partisan election if individual begins CAA employment after election, but **cannot** run for reelection while employed by CAA
- **Can** run for and hold office in political parties, clubs, and organizations
- **Can** run for and hold office in non-public organizations, such as professional groups, fraternal organizations, religious groups, etc.

### ***Voting and Expression of Political Options***

- **Can** vote as you choose
- **Can** express opinions on political subjects and candidates

### ***Political Campaigns and Political Management***

- **Can**, as individuals, take an active part in political campaigns in partisan or nonpartisan elections
  - **Can** campaign for candidates by making speeches, writing letters, drafting speeches for candidates or soliciting voters to support or oppose candidates
  - **Can** attend political meetings or rallies and may serve on committees that organize or direct activities at campaign meetings or rallies
  - **Can** serve as poll watcher
- **Can**, as individuals, take an active part in political management
- Political parties, organizations or clubs:

- **Can** be members
  - **Can** attend and participate in meetings and political conventions
  - **Can** serve as delegates, alternates or proxies at conventions
- **Can** be candidates for and hold office in political party, club or organization
  - **Can** do volunteer work for partisan candidates, campaign committees, and other political party activities
  - **Cannot** use their official authority or influence as CAA employees for the purpose of interfering with or affecting the result of a partisan election or nomination for office.

The Office of Special Counsel views this prohibition as principally affecting supervisors, such as requiring a subordinate to vote for a particular candidate as a condition for giving her a raise, but also applying to any covered CAA employee (even a non-supervisor) in dealings with other employees. The prohibition would also bar the use of official CAA authority to influence elections in dealings with non-employees, such as vendors, sub grantees and clients.

### ***Political Contributions***

- **Can**, as individuals, make contributions, either financial or in-kind, to partisan or non-partisan campaigns or political organizations
- **Can**, as individuals, solicit and collect political contributions, but cannot directly or indirectly coerce, command or advise another covered CAA employee or a state or local employee covered by the Hatch Act (i.e. whose principal employment is in connection with federally-funded activity) to make a political contribution in connection with a partisan election or other partisan political activity

**Note:** The U.S. Merit Systems Protection Board (MSPB), which adjudicates actions brought by its Office of Special Counsel for enforcement of the Hatch Act, takes the position that *any* solicitation of funds from subordinates is inherently coercive and is therefore prohibited. Therefore, although it is theoretically possible for a CAA employee to non-coercively solicit political contributions from a subordinate, such activity is subject to inquiry by the Office of Special Counsel; a safer course would be to ban all solicitation of campaign contributions from subordinate employees. As with any political activity in a gray area, a wise approach would be to seek a written advisory opinion from the Office of Special Counsel before engaging in the activity.

**MDS  
CAA / HRA  
Whistleblower/Complaint Resolution Policy  
April 2015**

In keeping with the policy of maintaining the highest standards of conduct and ethics, MDS Community Action Agency ("CAA") will investigate complaints of suspected fraudulent or dishonest use or misuse of its resources or property by staff, board members, consultants, volunteers, or clients. To maintain the highest standards of service, CAA will also investigate complaints concerning its programs and services. Staff, board members, consultants, volunteers, clients, and community members are encouraged to report suspected fraudulent or dishonest conduct or problems with services provided, pursuant to the procedures set forth below. This policy supplements, and does not replace, any procedures required by law, regulation, or funding source requirements.

**Reporting.** A person's concerns about possible fraudulent or dishonest use or misuse of resources or property, or program operation should be reported to the Treasurer of the CAA Board of Directors. Alternately, to facilitate reporting of suspected violations where the reporter wishes to remain anonymous, a written statement may be submitted to the Treasurer of the CAA Board.

**Investigation.** All relevant matters, including suspected but unproven matters, will be promptly reviewed and analyzed, with documentation of the receipt, retention, investigation, and treatment of the complaint. Appropriate corrective action will be taken, if necessary, and findings may be communicated to the reporting person and his or her supervisor, if appropriate. Investigations may be conducted by independent persons such as auditors and/or attorneys. Investigators will endeavor to maintain appropriate confidentiality, but confidentiality is not guaranteed.

**No Retaliation.** No director, officer, employee, volunteer, or client who in good faith reports suspected fraudulent or dishonest use or misuse of its resources or property or complaints concerning the services it provides and programs CAA runs shall suffer harassment, retaliation, or adverse employment or other consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower/Complaint Resolution Policy is intended to encourage and enable employees and others to raise serious concerns within the organization prior to seeking resolution outside the organization. The Policy is in addition to any non-retaliation requirements contained in the CAA Personnel Policies or required by law.

This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors. Individuals making complaints must be cautious to avoid baseless allegations; employees who intentionally make false allegations are subject to disciplinary action in accordance with the CAA Personnel Policies.

**PROCEDURE FOR FILING EMPLOYEE GRIEVANCES**

- 1) Discuss the problem with immediate supervisor and/or program director within five working days of the incident/action.
- 2) If unresolved after step 1, submit the grievance to the Program Director, in writing, along with any pertinent documentation, within five working days of step one. The letter must clearly state "this is a grievance". The Program Director or his/her designee must respond in writing within 14 calendar days.
- 3) If still unresolved after step 2, the employee may submit the grievance to the Executive Director in writing within 14 calendar days of receiving the decision of the Program Director, again clearly stating "this is a grievance". The Executive Director has 14 calendar days of receipt of the grievance to respond in writing.
- 4) If still unresolved after step 3 or if the grievance is against the Executive Director, based on intentional personal misconduct by the Executive Director (not including typical workplace disputes involving the validity, applicability, application or enforcement of agency rules or policies, a three member committee of the Governing Board will hear the grievance. The decision of the committee is final and the last step of the internal procedure. The committee will be composed of the following:
  - 1 member chosen by management
  - 1 member chosen by the grievant
  - 1 member drawn at random.

The committee shall hear the grievance within 10 days of the above selection process. The decision of the committee shall be binding and no appeal may be taken therefrom to the Governing Board, or any governmental agency or court.