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EMPLOYEE POLICY HANDBOOK INTRODUCTION

Welcome and Purpose

Welcome to the staff of Big Sandy Area Community Action Program, Inc (BSACAP). BSACAP is a unique and challenging organization. To make employment satisfying, rewarding, and productive, we have developed an Employee Policy Handbook to answer questions about policies and procedures. The Handbook is designed to acquaint employees with BSACAP and provide them with information about working conditions, benefits, and policies affecting employment. Employees should read, understand, and comply with the Handbook provisions.

Everyone benefits when these policies are followed. These policies are intended to insure the best and safest possible working conditions for everyone and not to infringe arbitrarily on anyone's freedom. Our objective is to provide a work environment that is conducive to personal and professional growth. If there are any questions regarding these policies, please ask the Human Resources (HR) Manager, Supervisor, Deputy Director, or Executive Director.

Introduction to the Agency

Big Sandy Area Community Action Program, Inc., with central offices in Paintsville, Kentucky, was chartered on September 5, 1965 by the Kentucky Secretary of State as a community action agency. The agency is one of twenty three such community action agencies in the Commonwealth of Kentucky.

BSACAP is well qualified to serve the needs of low-income residents, the elderly, migrant or seasonal farm workers, and homeless individuals and families. Since its inception, the Agency has developed strong partnerships with various community, state, and federal agencies and organizations to provide services across the Big Sandy area.

Throughout its history, BSACAP has successfully operated more than fifty major projects and programs. In 1965, the Agency became the grantee for the state's second largest Head Start programs, began one of the nation's first home repair programs, and began one of the nation's first Senior Community Service Employment Programs. In 1967, BSACAP began implementing job training programs and educational and occupational skill services for youth and adults who have serious barriers to employment.

Big Sandy Area Community Action Program, Inc. currently operates over 20 programs with total annual funding of approximately \$14 million. Daily program operations and administration require a staff of nearly 100 employees housed in offices in each of the five counties served and in the administrative offices in Johnson County.

Mission Statement

The mission of Big Sandy Area Community Action Program is to provide a vast array of services to assist individuals and families in obtaining self-sufficiency and, through collaborative efforts of community and organizational partnerships, improve the overall quality of life within the community.

Vision Statement

Big Sandy Area Community Action Program is recognized statewide as providing the key leadership role in assisting individuals, families, and communities to achieve their highest potential.

Organization and Accountability

The Board of Directors is the governing body of BSACAP. The Board has the authority and the responsibility to the funding sources for the successful operation of the Agency. The Board sets policies and goals and develops procedures through which these goals are met. The Board approves all programs and budgets but does not enter

into the operational phase of the Agency. The Board employs the Executive Director, the chief executive officer, and delegates to him the responsibility for the administration of BSACAP. The Executive Director is the only employee of the Board. The Executive Director delegates operational responsibility to Supervisors, including Program Managers and Community Service Coordinators within individual counties. Supervisors assign responsibility to employees on their staffs.

This network of authority and responsibility is the chain of accountability. Staff employees are accountable for fulfilling their duties to their Supervisors. Supervisors are accountable to the Executive Director. The Executive Director is accountable to the Board of Directors. Employees are prohibited from communicating with Board members about Agency affairs or employment matters without authorization of the Executive Director. Employees who do not follow the chain of accountability will be in violation of this policy and may be disciplined, up to and including termination.

The Executive Director reserves the right to waive policies under certain unusual circumstances.

Code of Ethics for Community Action Professionals

*(Taken from the National Association of Community Action Agencies
"Community Action Code of Ethics".)*

We, as community action professionals, dedicate ourselves to eliminating poverty in the midst of plenty in this nation by offering everyone the opportunity for education and training; the opportunity to work; and the opportunity to live in decency and dignity; and with respect for cultural diversity, commit ourselves to:

- Recognizing that the chief function of the community action movement at all times is to serve the best interests of the poor thereby serving the best interests of all people.
- Accept as a personal duty the responsibility to keep updated on emerging issues and to conduct ourselves with professional competence, fairness, impartiality, efficiency, and effectiveness.
- Respect the structure and responsibilities of the Board of Directors, provide them with facts and advice for making policy decisions, and uphold and implement policies adopted by the Board of Directors.
- Keep the community informed about issues affecting the poor; facilitate communication between the poor, locally elected public officials, and the non-poor private sector.
- Conduct our organizational and operational duties with positive leadership exemplified by open communication, creativity, dedication, and compassion.
- Exercise whatever discretionary authority we have under the law to promote the interests of the poor.
- Serve the community action movement with respect, concern, courtesy, and responsiveness, recognizing that service to the poor is beyond service to oneself.
- Demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude, in our community action activities to inspire confidence and trust in the community action movement.
- Serve in a way that we do not realize undue personal gain from the performance of professional duties.
- Avoid any interest or activity that is in conflict with the conduct of official duties.
- Respect and protect privileged information to which we have access in the course of official duties.
- Strive for personal professional excellence and encourage the professional development of our associates and those seeking to become community action executives.

Promise of Community Action

“Community Action changes people’s lives, embodies the spirit of hope, improves communities, and makes America a better place to live.

We care about the entire community, and we are dedicated to helping people help themselves and each other.”

“Open Door” Communications

Your supervisors always are available to listen to any questions, concerns, ideas, or suggestions that you or any other employee may have. Employees should feel free to contact any supervisor if they need to discuss any issue related to their employment. Employees are encouraged to contact the HR Manager, Deputy Director, or

Executive Director if they believe that a particular issue cannot be resolved otherwise or if their concerns relate to a supervisor’s conduct. Our doors are open to you at all times.

Notice of Revision

The Employee Policy Handbook is a revised version of all previous Personnel Policies and Procedures as issued by BSACAP. This Handbook supersedes and revokes all prior versions of Personnel Policies and Procedures or any memo or bulletin on any subject discussed in this Handbook issued before the revision date. BSACAP reserves the right to change, amend, add to, or eliminate any of the policies described in this Handbook at any time with or without notice at the Agency’s discretion and with the approval of the Board. This revised Employee Policy Handbook is effective January 1, 2008.

SECTION 1: EMPLOYMENT PRACTICES

1.01 Employment-at-Will

Each employee of BSACAP is an at-will employee. This means that as an employee of BSACAP you may leave your employment at any time, with or without cause, and with or without prior notice, although you are asked to give adequate notice when possible. Likewise, BSACAP may terminate you, with or without cause or notice at any time but will try to provide advance notice when possible.

No representative, other than the Executive Director, has the authority to enter into an agreement of employment for any specified period of time or to make any agreement contrary to the foregoing. This Policy Handbook, and any other employment policies, is NOT intended to create a contractual relationship with you. This lack of guarantee and lack of employment contract applies to benefits, working conditions, and privileges of employment.

BSACAP may alter or eliminate any of the policies or work rules, and may add new policies or work rules, at any time at its discretion.

1.02 Equal Employment Opportunities (EEO)

BSACAP provides equal employment opportunities to employees and applicants for employment, without regard to race, color, religion, sex, national origin, age, disability, or any other basis protected by state or federal law. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, reduction in force, recall, transfer, leave of absence, compensation, and training.

Equal Employment Opportunity as to age applies only to persons who are age 40 or over. State and Federal laws forbid employment discrimination on the basis of age for these persons. It is unlawful "to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of such individual's age.

1.03 Affirmative Action

BSACAP provides employment opportunities without regard to race, color, religion, sex, national origin, age, disability, or any other basis protected by state or federal law. All terms and conditions of employment are based on the individual's qualifications and ability to perform the job. The Equal Opportunity Officer is responsible for communicating and implementing this policy. If an employee belongs to one of these categories and wants to make known their interest in the opportunities and benefits of our affirmative action program, contact the Equal Opportunity Officer. The written affirmative action plan is available for employee's inspection upon request to the Equal Opportunity Officer.

1.04 Americans with Disabilities Act (ADA)

Employment opportunities are based on the individual's ability to do the job. BSACAP recognizes the moral and legal obligation to employ qualified disabled individuals. It is our goal to make reasonable accommodations as

necessary to aid the employment and advancement of disabled workers who are qualified to perform essential job functions. All offices are maintained to comply with ADA regulations. A qualified employee with a disability is encouraged to request an accommodation if needed to perform the job tasks more effectively. Requests should be made to the HR Manager who will meet with the employee to discuss the disability regarding the duties of the job.

1.05 Serious Illness and Incurable Disease

BSACAP recognizes that employees with a life threatening disease may want to continue their employment. An employee may continue to work as long as they are able to meet performance standards, with or without reasonable accommodation, and medical evidence continues to indicate that the disease cannot be transmitted

through casual workplace contact. BSACAP will meet all legal obligations by providing a safe work environment to employees.

If it is made known that an employee has a life threatening disease, BSACAP may attempt to make reasonable accommodations to the employee's condition and will take reasonable precaution to the maximum extent possible to ensure that information about the employee's medical condition remains confidential. BSACAP will ensure that all applicable Health Insurance Portability and Accountability Act (HIPAA) laws and guidelines are followed. Any employee who discriminates against another employee because of the employee's life threatening disease will be subject to disciplinary action, up to and including termination.

1.06 Selection of Employees

The Executive Director has full responsibility for employee selection and implementation of hiring procedures. The Executive Director has the authority to promote, demote, transfer, and/or create and hire for new positions as necessary to meet the needs of the Agency. Obsolete positions may be abolished at the will of the Executive Director. The selection of Head Start employees must have the approval of the Policy Council according to CFR 1304.50.

1.07 Job Posting and Promotion/Transfer

Promotion or transfer from within is an important part of recognizing and rewarding capable employees. BSACAP believes in promoting/transferring employees from within whenever possible and has established a job posting practice to give interested and qualified employees an opportunity to apply for other positions.

Job openings may be posted on the bulletin boards. Postings generally include the title, minimum hiring specifications, essential job functions, and closing date for filing applications. To be eligible for a posted position, an employee must meet the minimum hiring specifications and must be capable of performing the essential job functions, with or without reasonable accommodation. The employee must be in good standing with overall work record and generally have been in their current position for a minimum of six months. Although promotions/transfers from within are encouraged this policy does not prevent advertising and hiring from outside BSACAP for any position. The agency reserves the right to begin looking for qualified applicants outside the agency as soon as it decides to fill a vacancy.

BSACAP may temporarily or permanently transfer any employee based on fluctuations in workloads, personality conflicts with other employees, and to more effectively meet the needs of the agency. Transferred or promoted employees may be returned to their original jobs during the introductory period, pending the availability of their former job.

While the agency will make every effort to post job openings, the Executive Director reserves the right to create or eliminate positions and to hire, promote, and/or transfer from within or from outside the agency, at his sole discretion to meet the agency demands.

1.08 Outside Recruitment

Job openings may be advertised outside the Agency to recruit the most qualified individual. Job postings may be listed with the Department of Employment Services and may also be advertised in local newspapers if additional applicants are needed. The cutoff date for applications shall be established in the advertisement. After the close of the recruitment period, the HR Manager or designee will screen applications and determine those to be interviewed. The applicants will be notified of a time and place for an interview. Following the interview and reference check, the successful applicant will be notified and a start date established. Unsuccessful applicants will be notified in writing of the decision and their application will remain on file for a period of six months for consideration in filling future vacancies.

Former employees who left in good standing may be considered for reemployment. Former employees who resigned without adequate notice or were dismissed for cause will not be considered for reemployment. The Agency does not accept applications unless there are job openings.

1.09 Nepotism

BSACAP hires qualified relatives of employees if the employment does not create an actual or perceived conflict of interest. Relatives will not work in a supervisory/subordinate role. For this policy, relative means the following persons related to an employee or their domestic partner by blood or law: spouse, child, parent, sibling, aunt, uncle, grandchild, grandparent, niece, nephew, child-in-law, parent-in-law, or sibling-in-law.

1.10 Reference Checks

Job applicants will be subject to employment investigations into their work backgrounds and personal references before being employed. Applicants whose personal references are not satisfactory may not be eligible for employment. Job applicants must disclose the following prior to employment:

- All felony convictions and current pending criminal charges.
- All pending and prior criminal arrests, charges, and allegations related to child abuse and/or neglect.

A state and national criminal records check will be made, as permitted by state law, for all persons who are considered for employment.

Applicants for employment are expected to provide complete and accurate information regarding their background, employment history, credentials, and qualifications for employment. BSACAP may investigate an employee's background, employment history, credentials, and qualifications at any time during the employment relationship. If BSACAP learns that an employee intentionally provided false or misleading information or intentionally omitted pertinent information for employment, the employee may be disciplined, up to and including termination, regardless of the time elapsed before the discovery.

1.11 Classifications of Employment

Full time Employee: A full time employee is scheduled to work 40 hours per week. Full time employees are eligible for all employee benefits according to the terms of each benefit plan.

Part time Employee: A part time employee is scheduled to work fewer than 40 hours per week. Part time employees are eligible for the following benefits: worker's compensation, unemployment insurance, FICA/Medicare, and annual and sick leave on a prorated basis.

Regular Part-Time Head Start Employee: A regular part-time Head Start employee is an employee scheduled to work less than twelve months a year and paid by Head Start funds.

Temporary Employee: A temporary employee is hired for special projects or a short-term period. Temporary employee may work any number of hours a week. Temporary employees are eligible for the following benefits as mandated by law: worker's compensation, unemployment insurance, and FICA/Medicare.

Substitute Head Start Employee: Employment on an on-call basis only. These employees are not eligible for fringe benefits.

Volunteer Employee: A volunteer is an unpaid employee who performs work to benefit BSACAP and its customers. Volunteers will follow the same policies and standards of behavior that paid employees are required to follow. Failure to follow policies and standards may result in discipline, up to and including termination.

Non-Exempt Employee: Non-exempt employees are not exempt from the Fair Labor Standards Act. Non-exempt employees are required to work a 40-hour workweek. They are compensated at the rate of one-and-one-half times their hourly rate for time worked beyond 40 hours in a workweek.

Exempt Employee: Exempt employees are exempt from the Fair Labor Standards Act. Exempt employees are those whose job duties are executive, administrative, or professional. Exempt employees are required to work an averaged 40-hour workweek in a two workweek pay period. They are not eligible for overtime pay.

1.12 Orientation

Orientation will introduce the employee to BSACAP and inform them of applicable policies, benefits, and job requirements. The HR Manager or their designee will conduct the orientation, which includes the following:

- A welcome from the HR Manager.
- Necessary forms for payroll, personnel file, insurance coverage, and other purposes.
- A copy of the job description.
- An explanation of the basic details of the pay system.
- A copy of the Employee Policy Handbook.
- Discussion of subjects, such as parking, that will be of immediate concern to the employee.
- Discussion of identification badge requirements.
- Discussion of the rules and techniques for safe job performance.
- An opportunity for the employee to ask questions about the material covered.
- An introduction to the employee's Supervisor.

The Supervisor should be prepared to greet and brief the new employee on:

- The names and duties of fellow employees.
- The program's major responsibilities and how they relate to BSACAP operation.
- Working hours, breaks, and overtime policies.
- Where to find rest rooms, supplies, etc.
- What to do in case of absence or late for work.
- Details of job duties.
- Whom to see for information and help with problems.
- General policies, such as dress code, safety requirements, and responsibility for equipment.
- Performance that is expected during the introductory period.

The Supervisor will conduct a follow-up during the first week of employment to answer any questions that the employee might have and set goals to achieve during the introductory period.

1.13 Introductory Period

New employees and transferred/promoted employees will be placed in an introductory period for six months. The introductory period is used to evaluate employee capabilities, attitude, work habits, ability and willingness to comply with Agency policies and procedures, ability to cooperate, initiative, dependability, appearance, attendance, willingness to learn and interact with other Agency staff and overall job performance. The supervisor will evaluate the employee with a written performance evaluation to be completed at the end of the introductory period.

If BSACAP determines that the introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period. Employees will not be given a salary increase upon completion of the introductory period.

All employees shall be hired on an at-will basis. New employees may be terminated at any time during the introductory period without a right to appeal. Newly hired employees are not guaranteed employment for six months or for any period of time. The agency reserves the right to terminate a newly hired employee prior to the completion of the introductory period. Transferred or promoted employees may be returned to their original jobs during the introductory period, pending the availability of their former job or otherwise they will be terminated.

1.14 Job Descriptions

Every position will have an accompanying job description. Job descriptions will outline information regarding the specific position. Job descriptions are not all-inclusive, but merely a guideline of duties and responsibilities. Job descriptions will include the job title, supervisor(s), FLSA status (exempt or non-exempt), characteristics of position, major responsibilities, and education and experience requirements. A copy of the job description will be given to the employee and an employee signed copy will be placed in their personnel file.

1.15 Personnel Files

The HR Manager maintains a personnel file for each employee. Each employee's personnel file will contain the information that is required by local, state, and federal laws or needed by BSACAP. The employee's personnel file may contain, but not limited to, the following:

- Application form
- Resume
- W-4 form
- K-4 form
- Retirement forms
- Insurance forms
- Introductory form
- Updated personnel forms
- Performance evaluations
- Disciplinary notices
- Test results
- Conflict of Interest statement
- Employee Policy Handbook acknowledgment form
- Job description
- Salary reviews
- Change of Status form
- Commendatory letters
- Any training certificates and/or degrees received
- Information on BSACAP/employee relationship
- Criminal Records Check

Information in the personnel file must be kept current so that efficient operation can be maintained. It is the employee's responsibility to notify the HR Manager of any personal information changes such as address, telephone number, marital status, number of dependents, and who to notify in an emergency.

All employees and former employees may have access to their own personnel files, maintained by the HR Department, under these guidelines:

1. The employee or former employee will provide a written request to the HR Department.
2. The HR Manager will schedule a time for the review during business hours and have a representative present during the review.
3. The employee or former employee may take notes and may request copies of records. No documents or records may be removed. BSACAP may charge a reasonable fee for any copies made.
4. The employee or former employee may question and/or request that changes to any information in their file which he or she believes is inaccurate. The request must be made in writing. The Executive Director will either instruct the HR Manager to remove or correct the information or inform the employee or former employee in writing why no changes are to occur. The employee or former employee may then have a written statement of disagreement placed in the file.
5. Only persons with a need to know, or a right to know, are given access to personnel files.

Outside requests for personnel information will be directed to the HR Department. The HR Manager may verify the employment date, position, or location of the job site without the employee's consent. No other information, including salary, will be released without the written consent of the employee. Only the Executive Director, the Deputy Director, and the HR Manager are authorized to respond to outside requests for information on current or former employees.

1.16 Performance Evaluations

Performance evaluations are used to keep employees informed of their performance and to offer guidance for defining and reaching performance goals. The performance evaluation is intended to help develop skills, motivate toward improved performance, and increase open and supportive communication. Performance evaluations provide an excellent opportunity for the employee and their Supervisor to discuss job tasks, identify and correct weaknesses, recognize and encourage strengths, and discuss approaches for meeting goals.

Performance evaluations are performed annually. During the introductory period, employees may be evaluated at any time, however, an evaluation must be completed upon completion of the six month introductory period. Information derived from the performance evaluation will be used to determine the employee's eligibility for pay increases, promotion/transfer, as well as to identify the training needs of the employee. Good performance evaluations, however, are not a guarantee of salary or benefit increases, job or career advancement, or continued employment.

The evaluation begins with a private meeting between the employee and their Supervisor. This meeting will be used to discuss achievements, goals, and ways to insure reaching goals. The Supervisor will complete a summary of this discussion and the employee will be able to add written comments. The employee and their Supervisor will sign the written performance evaluation that will be forwarded to the Executive Director for review and placed in the employee's personnel file. Employees will not disclose information from the evaluation process with coworkers.

1.17 Demotion

Demotion is used to assign an employee to a job with less responsibility and pay for one of these reasons:

- To permit an employee unable to perform well in their present position to gain additional experience.
- To retain a qualified employee during a reduction in the workforce.
- To discipline an employee.

1.18 Reduction in Force

Conditions causing lack of work may result in the reduction of current staff. Alternative cost reduction measures may be taken before resorting to staff reduction. Some alternatives might include pay reduction, early retirement, reduced hours, and reassignment.

The Executive Director or designee will determine the employees to be terminated. These decisions are made without regard to race, color, religion, sex, national origin, age, disability, or any other basis protected by state or federal law and are made according to each individual's qualifications and capabilities to perform the existing work. BSACAP reserves the right to make employment decisions based on the judgment of the employee best qualified to perform the job duties and whose capabilities will best serve the needs of BSACAP.

It is unlikely that BSACAP would know the exact duration of the reduction in force. Employees should not hold any expectation of returning to their previous position and consider their employment status terminated. Terminated employees may periodically inquire about employment opportunities and submit an application when job opportunities occur. Employees terminated due to staff reduction may be eligible for unemployment benefits and continuation of health insurance coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA).

1.19 Termination of Employment

Nothing in this policy or Handbook is intended to limit BSACAP's right to terminate an employee at any time, with or without cause or notice. The ending of employment may occur in several ways, including:

- Release: BSACAP initiates termination due to a reduction in force or any reason other than discharge.
- Resignation: An employee initiates termination for any reason.
- Retirement: An employee terminates employment according to provisions of the retirement plan.
- Self-termination: An employee does not report to work for three consecutive workdays without notifying their Supervisor.
- Discharge: BSACAP terminates an employee for misconduct, unsatisfactory performance of job duties, or violation of work rules.

In the case of a release, BSACAP may give a two week notice, unless circumstances require less time or no notice. In the case of a discharge, BSACAP may do so immediately. Employees who voluntarily terminate employment are requested to give their Supervisor a two week written notice before the termination date. The

release, self-termination, or discharge of Head Start employees must have approval of the Policy Council according to CFR 1304.50.

1.20 Retirement

Employees may be eligible for retirement according to the Social Security Administration and/or the Kentucky Retirement System. Retiring employees are eligible to receive pay for accrued but unused annual leave according to the Annual Leave Policy. Upon retirement, BSACAP will pay up to six months of accrued but unused sick leave to KRS according to the Sick Leave Policy.

1.21 Exit Interview

At the time of termination the HR Manager or designee will conduct an exit interview. This provides an opportunity for the employee to receive and complete any appropriate benefit forms, answer questions, and provide information relating to reasons for leaving. An employee must pay the Agency any monies owed, return keys, supplies, identification badge, and any other property before or at the time of the exit interview.

SECTION 2: PAY PRACTICES

2.01 Work Time

Full time employees will work 8 hours per day, 40 hours per week. Part time, temporary, and volunteer work hours will vary and will be set by their Supervisor. The workweek is the seven day period beginning on Sunday and continuing through the following Saturday. Normally, work hours are from 8 a.m. to 4:30 p.m., Monday through Friday. Supervisors, in consultation with the Executive Director, may occasionally change employee work hours to meet the needs of BSACAP. Supervisors will announce any change in work schedules as far in advance as possible. Offices or departments will not close during office hours without the approval of the Executive Director. Other variations in employee work schedules may be initiated at the discretion of the Executive Director.

2.02 Flexible Time

Flexible time may be granted in certain job classifications and job functions to help meet the needs of employees, customers, and BSACAP. Flexible time is designed to assist employees to accomplish their job functions within a 40-hour workweek. Supervisors should work with employees to insure a 40-hour workweek and to minimize the amount of overtime an employee would otherwise be working. Employees must have approval from their Supervisor or Executive Director before working and/or claiming overtime or compensatory time.

2.03 Timesheets

BSACAP complies with applicable laws requiring us to maintain records of hours worked by employees. Employees, exempt and non-exempt, are required to complete an individual timesheet showing the daily hours worked and any leave taken during the pay period. Timesheets and travel reimbursements must be signed by the employee and their Supervisor and are due on the first working day following the end of the pay period. Any employee who fails to turn in timesheets or travel reimbursements by the deadline will not be paid for those amounts until the following pay period. Falsification of timesheets may result in disciplinary action, up to and including termination.

2.04 Payday

Employees are paid every two weeks, on the first Thursday following the end of the pay period. The workweek is the seven day period beginning on Sunday and continuing through the following Saturday.

BSACAP takes reasonable steps to ensure that employees receive the correct amount each payday. If there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the HR Manager for corrections.

BSACAP does not provide pay advances. Employees will not be paid their final paycheck or lump sum annual leave check (if applicable) before the payday on which they otherwise would receive their pay for the pay period worked. The final paycheck will be mailed to the terminating employee's most recent address. Any monies owed to the Agency may be deducted from the final paycheck.

2.05 Travel Reimbursement

Employees will be reimbursed for expenses incurred on behalf of BSACAP. Expenses may include mileage for use of personal vehicle, tolls, parking, lodging, meals, and phone calls. Agency related mileage will be reimbursed at a rate approved by the Board of Directors. The current reimbursement rate is .38 cents per mile, but may be amended at any time. For reimbursement, employees must have approval from their Supervisor. The Agency can require employees to drive or ride in Agency vehicles when available. In the instance where staff chooses to drive their own vehicle rather than the Agency vehicle, mileage will be reimbursed at one-half the established reimbursement rate.

In Area Travel

In Area Travel consists of the five county coverage area. Mileage must be recorded on a Mileage Voucher and must include the date of travel, destination, purpose of trip, beginning and ending speedometer readings, and total

mileage for trip. Mileage Vouchers must be typed or printed legibly in black ink and signed by the employee and their Supervisor before submission to the Finance Department for payment.

Mileage will be paid for business related travel from the employee's workstation to their point of destination and return. Mileage will not be paid from an employee's home to their office. However, mileage will be paid from an employee's home to their destination if their home is closer than the office to the destination and the travel is beginning at their home. Employees who live in one county and work in another will not be paid for mileage to their office. Mileage will not be paid for employees whose worksite varies during the week.

Out of Area Travel

Out of Area Travel consists of any location outside the five county area and must have the prior approval of the Supervisor and the Executive Director. Employees requesting a travel advance must complete an Out of Area Travel Authorization/Request. The request must have the employee's name and title, purpose and location of the trip, trip beginning and ending date and time, and the items and amounts of advance requested. The employee, Supervisor, and Executive Director must sign the form before submitting to the Finance Department for payment.

For one day trips, employees will be reimbursed for mileage, tolls, parking, and meals with receipts.

For overnight trips, the federal per diem regulations will be utilized for computing the amount an employee will receive for meals, snacks, etc. Lodging, tolls, parking, and phone calls will be paid separate from the per diem rate and only with receipts. Employees will be reimbursed for one phone call home per trip, not to exceed \$8.00.

Upon returning from an out of area trip, employees must complete an Out of Area Return form. The form must have the employee's name and position, the purpose of the trip, actual information regarding the departure and return from the trip, and the employee's expenses including receipts for lodging, mileage, tolls, parking, etc. Upon completion, the employee and their Supervisor must sign the form before submitting it to the Finance Department. If the employee owes a refund from the Travel Advance, the refund should be attached to the form. If the employee is owed additional monies, a check will be processed and forwarded to the employee during the next pay period.

2.06 Overtime Work for Non-Exempt Employees

Non-exempt employees should not work more than 40 hours in any workweek unless directed by their Supervisor. If work occasionally requires an employee to work more than 8 hours in one day, the remainder of their workweek should be flexed to insure no more than a 40 hour workweek. If the employee is directed to work more than 40 hours in a workweek, they will be compensated at a rate of one and one-half times their hourly rate. Holidays and any leave taken, paid or unpaid, does not count as hours worked for purposes of calculating an employee's entitlement to overtime during that workweek. Non-exempt employees will not accumulate compensatory time.

2.07 Compensatory Time for Exempt Employees

Exempt employees should not work more than 40 hours in any workweek unless directed by their Supervisor. If occasionally work requires an employee to work more than 8 hours in one day, the remainder of the workweek should be flexed to insure no more than a 40 hour workweek. If an exempt employee can not utilize flex time, compensatory time will be provided for time worked over 40 hours during a workweek. Employees will receive compensatory time at a rate of one (1) hour for every hour worked over 40 hours. The following regulations will pertain to accumulating compensatory time:

- Approval of the Supervisor to accumulate compensatory time.
- Compensatory time will not be accumulated to more than 80 hours in a calendar year.
- Compensatory time will be utilized during the calendar year that it is earned.
- Compensatory time may be requested by using the same procedure as annual leave.

2.08 Salary Increases

The Executive Director will review salaries on a continuing basis to determine whether existing salary ranges are competitive and individual employee's salaries accurately reflect their job performance and responsibilities. New employees and promoted/transferred employees are generally hired at the minimum rate assigned to their job. The Executive Director will consider any recommendations made by the Supervisor to start an employee at a higher rate based on their education and experience. Employees will not be given a salary increase upon completion of the introductory period.

Salary increases will normally be given July 1 of each year, pending availability of funds. Salary increases will be based on the Cost of Living Adjustment percentage as set by the federal government and performance evaluations, normally not to exceed 5%. The Supervisor may recommend to the Executive Director an additional salary increase for employees who have demonstrated exceptional work performance or an increase in duties and responsibilities. If an employee has not yet successfully completed their introductory period when salary increases are given, the employee may receive their salary increase upon successful completion of the introductory period.

2.09 Garnishment

BSACAP will comply with all applicable laws governing the garnishment of wages. A garnishment is a court order that compels an employer to withhold a sum of money from an employee's wages to pay debts, taxes, or other legal obligations.

SECTION 3: BENEFITS

3.01 Introduction to Benefits

A variety of benefits have been established to allow eligible employees time for relaxation, to care for their health needs, or to care for a family member. Eligible employees are provided with health, dental, and life insurance, a retirement plan, and the opportunity for educational growth and advancement.

BSACAP reserves the right to amend or terminate any benefits or to require employee contributions toward any benefit at BSACAP's discretion. Policy statements describing various insurance, retirement, and pension plans are merely brief summaries of the plans. Details and

opportunities are described in individual plan summary booklets or documents that are provided to employees who participate in the plans.

3.02 Fringe Benefits

BSACAP provides the following fringe benefits to full time employees, subject to budget and contractual requirements. These benefits will be explained in the sections below.

- FICA/Medicare
- Health Insurance
- Dental Insurance
- Life Insurance
- County Employees Retirement System
- Unemployment Insurance
- Worker's Compensation
- Leave benefits

Optional benefits offered to employees at no expense to BSACAP, but may be payroll deducted, include:

- Kentucky Employees Deferred Compensation
- Commonwealth Credit Union
- Other Insurance (Cafeteria Plan)

3.03 FICA/Medicare

Employees will be covered by FICA/Medicare. The percentage to be deducted from gross or adjusted gross salary is set by federal law and may be subject to increase or decrease. The employer's share is also set by federal law and is paid by BSACAP.

3.04 Health Insurance

BSACAP provides single coverage group health insurance for full time employees. BSACAP will provide a percentage of the cost, and employees will be required to pay a percentage. These percentages will be adjusted annually, depending on budget, contractual, or insurance requirements, employees may be required to pay a share of the cost of this coverage.

The employee's enrollment into the health insurance plan will be effective on their first day of employment. Eligible employees may apply for coverage for their spouse and/or dependent children and the premium will be deducted from the employee's payroll. There will be an open enrollment period during the months of June and July when employees who did not take health insurance or who wish to make changes in their spouse/dependent coverage may apply. Only under certain major circumstances such as marriage, divorce, birth, death, and termination of other health insurance coverages are employees allowed to make changes in coverage at times other than the open enrollment period.

Health insurance premiums will not be paid for an employee in an unpaid status. The only exception will be those who have received approval for the Family Medical Leave Act and a maximum of three months premiums may be paid.

For terminating employees, health insurance coverage will be terminated as of the last day of the month that the employee performed work. Under the COBRA laws, a terminating employee will have the option to continue

health insurance for up to eighteen months (and under extenuating circumstances up to thirty-six months). An ("Election Notice") will be sent by certified mail to all beneficiaries upon termination of employment. Employees must pay 100% of premiums plus a 2% administrative fee before the fifteenth day of each preceding month. If payments are not received on time, coverage will be terminated and the employee will forfeit their participation in COBRA.

3.05 Dental Insurance

BSACAP provides single coverage dental insurance for full time employees. Generally, BSACAP will pay 100% of the cost. However, depending on budget, contractual, or insurance requirements, employees may be required to pay a share of the cost of this coverage.

Enrollment in the dental insurance plan will be effective on the employee's first day of employment. Eligible employees may apply for coverage for their spouse and/or dependent children and the premium will be deducted

from the employee's payroll. There will be an open enrollment period during the months of June and July when employees who did not take dental insurance or who wish to make changes in their spouse/dependent coverage may apply. Only under certain major circumstances such as marriage, divorce, birth, death, and termination of other dental insurance coverages are employees allowed to make changes in coverage at times other than the open enrollment period.

No dental insurance premiums will be paid for an employee in an unpaid status. The only exception will be those who have received approval for the Family Medical Leave Act and a maximum of three months premiums may be paid. For terminating employees, dental insurance coverage will be terminated as of the last day of the month that the employee performed work.

3.06 Life Insurance

BSACAP provides single coverage regular and accidental death and dismemberment life insurance for full time employees. Generally, BSACAP will pay 100% of the cost. However, depending on budget, contractual, or insurance requirements, employees may be required to pay a share of the cost of this coverage.

Eligible employees may apply for coverage for their spouse and/or dependent children and the premium will be deducted from the employee's payroll.

No life insurance premiums will be paid for an employee in an unpaid status. The only exception will be those who have received approval for the Family Medical Leave Act and a maximum of three months premiums may be paid. For terminating employees, life insurance coverage will be terminated as of the last day of the month that the employee performed work.

3.07 County Employees Retirement System

BSACAP provides retirement benefits through the County Employees Retirement System (CERS) under the Kentucky Retirement System (KRS) for full time employees. Full time employees are required to participate in the system unless they were working before BSACAP's inception in the system on November 1, 1987. BSACAP will payroll deduct the percentage required by KRS from each employee's check before FICA/Medicare and Federal taxes and will pay the matching rate as set by KRS for participating employees.

3.08 Unemployment Insurance

BSACAP pays the entire cost of unemployment insurance on all paid employees. Employees who are laid off or lose their jobs through no fault of their own may be eligible for unemployment insurance benefits. Employees should contact the Department of Employment Services Unemployment Division to determine their eligibility for benefits.

3.09 Worker's Compensation

BSACAP provides worker's compensation insurance to protect employees who are injured, become ill, or die as a result of their employment and pays the entire costs of this benefit. Worker's compensation insurance pays for hospital and medical care when an employee becomes injured or sick as a result of their employment.

If an employee is injured while working or develops an illness associated with work, the employee must report the injury or illness immediately to the Supervisor. If the injury or illness prevents the employee from reporting the injury or illness immediately, another employee, friend, or family member must report it to the Supervisor as soon as possible. The Supervisor will obtain and report necessary information to the HR Manager who will file a formal report with the worker's compensation carrier. If the injury or illness prevents the employee from performing their normal duties, every reasonable effort will be made to provide work that their health condition permits. Supervisors and members of management are authorized to have an injured employee transferred to an outside medical facility for emergency medical treatment. Employees who are exposed to any unexpected occupational health hazard, such as toxic materials and fumes, should report it to their Supervisor and seek immediate medical treatment.

Failure to promptly report the injury or illness may delay or complicate worker's compensation benefits and will subject the Agency to penalties.

3.10 Kentucky Employees Deferred Compensation

Full time employees are eligible to participate in the Kentucky Employees Deferred Compensation fund. Participation in this program is strictly voluntary for employees. BSACAP does not match or contribute any dollars into these funds. Under this plan, eligible employees may set aside part of their earnings for retirement, before federal and state income taxes are withheld. Employees must meet with a Deferred Compensation representative for sign up and to decide the amount of earnings to have deducted from each pay period. Upon written notification from the Kentucky Employees Deferred Compensation office and the employee, BSACAP will begin payroll deduction of the amount as established by the employee and billed by Kentucky Employees Deferred Compensation.

3.11 Commonwealth Credit Union

Employees are eligible to join the Commonwealth Credit Union. Participation in this program is strictly voluntary for employees. BSACAP does not match or contribute any dollars into these funds. The Credit Union provides many services such as checking, savings, and credit card accounts, various loan programs, etc. and is set up through payroll deduction. Brochures on the Commonwealth Credit Union are available through the HR Department. Upon written notification from the Commonwealth Credit Union and the employee, BSACAP will begin payroll deduction of the amount as established by the employee and billed by the Credit Union.

3.12 Other Insurance

BSACAP understands an employee's desires to carry additional insurance coverage by allowing employees to participate in other insurance programs through payroll deduction. Such insurance programs may include cancer plans, disability insurance, or additional life insurance. Participation in these programs is strictly voluntary for employees. BSACAP does not match or contribute any dollars into these funds. There will be an open enrollment period during the months of June and July when employees who wish to add other insurance or who wish to make changes in their spouse/dependent coverage may do so. Upon written notification from the insurance company and the employee, BSACAP will begin payroll deduction of the premiums as established by the employee and billed by the insurance company.

3.13 Career Development

BSACAP encourages full time employees to further their education and prepare themselves for promotional opportunities. The career development program reimburses employees for tuition costs of approved courses and training after their successful completion. BSACAP reserves the right to waive reimbursement and pay tuition costs at the beginning of coursework. To be eligible to receive reimbursement or approval for upfront payment of

tuition costs, employees must have approval from their Supervisor and the Executive Director before enrolling in the course. Upon completion of the course, documentation of the completed course and passing grade must be presented for reimbursement. Employees who fail to complete the course and/or do not receive a passing grade will be responsible for repayment of any prepaid tuition and no reimbursements will be made.

BSACAP will pay for two (2) undergraduate classes or one (1) graduate class per semester pending the availability of funding.

Full time employees who have completed one year of employment will receive reimbursement for tuition if they meet the following criteria:

- The course is completed with a passing grade.
- The employee is actively employed during the entire course or training.
- The content of the course is job related.

Employees who terminate within one year after the completion of the course must reimburse one-half of the tuition costs. Employees who terminate within six months after the completion of the course must reimburse the full cost of the tuition.

Employees will not be permitted to attend classes or complete homework assignments during scheduled hours of work. Employees completing courses or educational degrees should not automatically expect salary increases upon completion.

If BSACAP requires employees to take educational courses, tuition and book costs will be paid in advance. Under this requirement, employees may be permitted to attend classes during scheduled work hours and may receive compensatory time and travel reimbursements regarding the education courses.

3.14 Attending Outside Events

An employee's work performance and value to the operation of BSACAP may be enhanced by attending outside meetings, conferences, and other events. When attendance at these events is required, employees will be paid for time spent attending the event, including travel time, as if it were a workday. While attending overnight events, employees will consider time spent attending these events as a regular workday. Any additional time should be considered as personal enhancement and hours will not be accumulated for overtime pay or compensatory time.

3.15 Holidays

Full time employees will observe the following paid holidays:

New Years Day plus one day	Labor Day
Martin Luther King Jr. Day	Veteran's Day
President's Day	Thanksgiving Day plus one day
Good Friday—½ day	Christmas Day plus one day
Memorial Day	Election Day (May & November)—½ day
Independence Day	

In addition, employees will be granted one additional holiday per year, taken on the Friday of the county's largest festival. Employees will observe the holiday in the county where they work. Employees who live in one county and work in another may request approval to take the holiday of their home county, but will only be allowed one county holiday per year. County holidays are as follows:

Floyd Co.	Jenny Wiley Festival
Johnson Co.	Apple Festival
Magoffin Co.	Founder's Day
Martin Co.	Pumpkin Festival
Pike Co.	Hillbilly Days

In the event regular full time and regular part time Model City Head Start employees are unable to observe the holiday at the same time as the rest of the agency, they will substitute another day during that calendar month for the holiday observance.

Upon the discretion of the Executive Director, BSACAP may observe other holidays as declared by the Governor. If a holiday falls on a weekend, the Executive Director will designate whether the holiday is observed on the preceding Friday or the following Monday. On Election Day, employees will arrange their schedule to insure that offices remain open the entire day.

An employee will be eligible for holiday pay provided they work the scheduled workday before and after the holiday. When a holiday is observed during an employee's approved leave with pay, they will receive holiday pay for that day. An employee will not be eligible for holiday pay if they are absent without approval the scheduled workday before or after the holiday or if they are on unpaid leave.

Part time employees will observe holidays with pay if the holiday is on their regularly scheduled workday. If a holiday falls on a day that they are not scheduled to work, holiday pay will not be given. Temporary employees will observe holidays without pay.

Holidays do not count as hours worked for purposes of calculating an employee's entitlement to overtime during the week in which the holiday occurs. If an employee works the day of a holiday, they should utilize flexible time for the remainder of the workweek or receive overtime pay or compensatory time at the approved rate for their exempt/non-exempt status. Employees will not work the day of a holiday unless they receive instruction from the Supervisor and/or Executive Director.

3.16 Annual Leave

Annual leave is available to provide employees with the opportunity for rest, relaxation, and personal pursuits. Full time employees will accrue paid annual leave per month of service according to the following schedule:

1	-	5	years	1	day	(8 hours)
6	-	10	years	1 ¼	days	(10 hours)
11	-	15	years	1 ½	days	(12 hours)
16	-	20	years	1 ¾	days	(14 hours)
20	-	+	years	2	days	(16 hours)

Regular Part-Time Model City Head Start employees will receive 9 personal leave days each program year (September through May). Employees will be allocated one personal leave day on the first payday of each month from September through May. Employees will be allowed to carry forward three (3) unused accrued personal days into the next program year

Annual leave is accrued on the last day of each month and cannot be taken in advance. If an employee works less than one full month, the amount of leave accumulated for that month will be prorated accordingly. New employees may not use annual leave until after they have completed three months of employment. Annual leave must be requested and approved in advance by the Supervisor and the Executive Director. One day requests must have a 24-hour notice. A request for two or more days of leave requires at least a one week notice. Annual leave must be taken in increments of no less than one-quarter (.25) hour. Annual leave will not accumulate while an employee is in an unpaid status.

BSACAP will encourage employees to use their accrued annual leave during the year earned. Employees will schedule their leave at a time when their absence will not be detrimental to the Agency. The Supervisor and/or Executive Director reserves the right to refuse any annual leave request dependent upon the needs of the Agency during that time. Should an employee become ill during a period of annual leave, sick leave may be charged rather than annual leave upon approval by the Supervisor and Executive Director. Annual leave will be used in place of sick leave if the employee's sick leave has been exhausted.

Effective January 1, 2008, a cap of 240 hours is being placed on the amount of annual leave an employee may accrue in a calendar year and carry forward to the next year. Employees may accrue annual leave exceeding 240 hours within a calendar year, but shall not carry more than 240 hours forward into the next year.

Any unused annual leave earned after January 1, 2008 "above the 240 hours" will be converted to sick leave at the end of each year.

Employees who have accrued in excess of the 240 hour cap as of December 31, 2007, will retain the hours they have accrued and will carry them forward as annual leave; however, no additional annual leave may be carried forward into a future year until the employee's annual leave falls below the 240 hour cap. The employee's annual leave will then be subject to the same provisions and restrictions as outlined elsewhere in this handbook. (Example: An employee has 500 hours of annual leave, effective December 31, 2007, and is eligible to accrue an additional 192 hours in 2008. Any new unused annual leave earned after January 1, 2008 will be converted to sick leave at the end of the year. Thus, the employee can never carry forward beyond the 500 hours of annual leave as accrued at the end of 2007.)

Employees who have accrued in excess of the 240 hour cap will be given an opportunity to use their excess leave throughout their continued employment. BSACAP has established two possible options for these employees to use their uncapped leave without it becoming a hardship to the agency. One option is that employees could work four days and use one day of annual leave per week during weeks that this could be possible. Another option is to allow these employees to work six hours per day, using annual leave for the remaining two hours. Use of annual leave in either of these options is intended to allow only those employees with large amounts of accrued annual leave above the 240 hour cap as of December 31, 2007. This option is not intended for any leave accrued but unused after January 1, 2008 for any employee.

Employees who choose to use their uncapped leave in either of these two options, or in some other manner, must follow the regular process of requesting annual leave, and must have the supervisor's permission prior to taking the leave. Uncapped leave must be requested and approved every pay period in the same manner as any request for leave.

Employee's shall be paid in a lump sum for accumulated annual leave, not to exceed 240 hours, when separated from employment by proper resignation, lay-off, dismissal or retirement.

Upon the death of an employee, his or her designated beneficiary shall be entitled to payment for the employee's unused accumulated annual leave, not to exceed 240 hours.

3.17 Sick Leave

BSACAP recognizes that the inability to work because of illness or injury may cause economic hardship and that employees may require time off to get necessary treatment for illness or injury. For these reasons, paid sick days are provided to full time employees.

Sick leave will be accumulated monthly at a rate of one day for each active month of service. Sick leave is accrued on the last day of each month. If an employee works less than one full month, the amount of sick leave accumulated for that month will be prorated accordingly. Eligible employees begin accumulating leave on the first active day of employment. Unused sick leave is cumulative from one program year to the next program year. Sick leave will not be accumulated while an employee is in an unpaid status.

Sick leave may be granted to employees due to sickness, injury, pregnancy, or for medical, dental, or optical appointments of the employee or their immediate family. Employees are required to notify their Supervisor by 8:15 a.m. on or before the first day of absence. BSACAP may request a physician's report when an employee has missed three consecutive days or at any time where extenuating circumstances warrant.

For every approved hour of sick leave absence, an equal amount of sick leave hours will be deducted from the employee's account of accrued sick time. If there is no sick leave accumulation or if sick leave accumulation has been exhausted, the employee's compensatory leave or annual leave will be transferred in that order to cover the sick leave period. If an employee's sickness extends beyond their accumulation of sick, compensatory, and annual leave, the employee may be eligible to seek leave through the Sick Leave Sharing program or will continue their absence without pay.

Accumulated sick leave will not be paid to an employee upon termination. If an employee is terminated due to a reduction in force and reemployed within one year, sick leave accumulated at the time of termination will be granted to their record. If an employee retires, up to six months of accumulated sick leave may be applied toward the employee's retirement through the Kentucky Retirement System.

3.18 Family Medical Leave

BSACAP will comply with all provisions of the Family and Medical Leave Act of 1993 by providing up to 12 weeks of leave for covered employees during a program's fiscal year due to:

- The birth of a child or the placement of a child for adoption or foster care.
- The need to care for a family member (child, spouse, parent, domestic partner) with a serious health condition.
- A serious health condition that makes the employee unable to do their job.

To be eligible for FMLA Leave, an employee must have worked 1,250 hours for a minimum of one year. Part time employees are eligible if they meet this requirement.

Notice Requirements

Employees are required to give a 30 day written notice when applying for FMLA leave. If the need for the leave is unforeseeable, an employee is expected to give notice as soon as possible, except in extraordinary circumstances. BSACAP will waive notice in the case of a medical emergency requiring leave because of an employee's serious health condition or to care for a family member with a serious health condition. While BSACAP will make every effort to provide FMLA leave for qualified employees, it is essential that proper notice be given. An employee who fails to give proper notice may be denied FMLA leave.

Leave Exclusions

FMLA leave will not be granted for voluntary or cosmetic treatments that are not medically necessary and are not considered serious health conditions. Minor illnesses that last only a few days and surgical procedures that do not involve hospitalization and require only a brief recovery period do not qualify under FMLA. Complications that arise out of these procedures may develop into a serious health condition that would qualify the employee for FMLA leave.

Employees are prohibited from working for another employer while on FMLA leave.

Medical Certification

BSACAP requires an employee to submit certification from a health care provider to document that the leave is due to the serious health condition of the employee or their family member. In most cases, the employee should furnish medical certification at the time leave is requested or in the case of an emergency, as soon as possible after the leave has started. For normal requirements, an employee is expected to provide medical certification within 15 days of making application for FMLA leave. If an employee fails to provide a medical certification within a reasonable time, BSACAP has the right to deny the leave. If an employee who has taken leave on an emergency basis fails to supply the medical certification within a reasonable time under the pertinent circumstances, their continuation of leave may be denied.

If BSACAP doubts the validity of a medical certification, the employee may be required to obtain a second opinion at the Agency's expense. If the opinion of the employee's and BSACAP's health care providers differ, the employee may be required to obtain certification from a third health care provider, again at the Agency's expense. This third opinion will be final and binding on BSACAP and the employee.

Determining Paid or Unpaid Leave

Employees are required to use accrued sick, compensatory, or annual leave before going on unpaid leave, unless such leave is covered under Workers Compensation, in which case the employee may only use accumulated leave time for the purpose of satisfying any waiting period. For example, if an employee has accrued two weeks of sick leave, one week of compensatory time, and one week of annual leave, they must count this total toward the 12 week entitlement. Employees on Workers' Compensation leave will also be placed on FMLA leave.

Continuation of Benefits

BSACAP will pay the employer's share of the employee's single coverage health, dental, and life insurance during FMLA leave. The employee will be responsible for their share of these premiums and any coverage premiums on their spouse or dependent children. These premiums are due on the fifteenth of the preceding month for continued coverage of group insurance benefits.

The employee will be responsible for group insurance premiums if they exhaust FMLA leave and are on approved leave of absence. Group health benefits and other benefits will end if the employee informs BSACAP that they do

not intend to return from leave, if they fail to return from leave, or if their premium payment is not received by the specified date to be submitted.

Leave benefit accruals, such as annual or sick leave will be suspended during unpaid FMLA leave and will resume upon return to active employment.

Recovering Premiums

BSACAP will recover premiums paid for maintaining group insurance plans if the employee fails to return to work after the leave entitlement has expired, unless the reason the employee does not return to work is due to:

- The continuation, recurrence, or onset of an employee or family member's serious health condition.
- An employee on FMLA leave was laid off.

In the absence of these conditions, BSACAP reserves the right to recover its share of group insurance plan premiums from the employee.

Leave Restrictions

An employee's entitlement to FMLA leave expires 12 months after the birth or placement of a child. A husband and wife employed by BSACAP are limited to a combined total of 12 workweeks during any 12 month period if leave is taken for a birth or placement of a child or to care for a parent with a serious health condition. This limitation does not apply to leave taken by either spouse to care for the other who is seriously ill and unable to work, to care for a child with a serious health condition, or for their own serious illness.

Domestic partners or other immediate family members employed by BSACAP are limited to a combined total of 12 workweeks within any 12 month period.

Intermittent or Reduced Leave Schedules

An employee on FMLA leave may, under certain conditions, be allowed to take intermittent leave or work on a reduced schedule. BSACAP does not set a size limit on the increment of leave for an intermittent or reduced leave schedule. This type of leave will reduce the total amount of leave available to an employee. Only the time actually taken is charged against the employee's entitlement to 12 weeks of leave. Intermittent or reduced leave schedules must be approved by the Supervisor and the Executive Director.

Intermittent leave is taken in separate blocks of time rather than one continuous period of time. It may range from an hour to several weeks. Employees will be allowed to take intermittent leave for medical appointments or for several days at a time spread over a period of months. A reduced leave schedule reduces the usual number of hours/days per workweek or hours per workday.

Employee Transfer

If an employee selects intermittent leave or reduced work schedule, BSACAP has the right to transfer them to a job that is more suitable to recurring periods of leave. There are two conditions to this transfer:

- The position must have equivalent pay and benefits, but is not required to have equivalent duties.
- The employee must be qualified to perform the job.

BSACAP reserves the right to make such a transfer, with or without the employee's permission. An alternative position must meet the provisions of the Americans with Disabilities Act (ADA) if the employee meets the definition of disabled. The transfer conditions do not have to be met if the employee requests the transfer.

Restoration to Prior Position

BSACAP will restore an employee to the position they held when the leave began or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An equivalent position will involve the same or substantially similar duties, responsibilities, skills, efforts, and authority.

If special qualifications are required for the position and they have lapsed during the employee's leave, the employee will be given a reasonable opportunity to fulfill the requirements after returning to work.

If the employee's original work site has been closed or moved and other employees were transferred to another work site, the employee will have the same rights for transfer as if they had not taken leave.

There are three reasons that employees may not be restored to their former positions after FMLA leave:

- The employee cannot perform the essential functions of the job, with or without accommodation.
- The employee would pose a significant risk to the safety of other employees.

- The employee’s job was eliminated or they were laid off because of business conditions.

Reduction in Force

BSACAP will not offer any special protection to employees who are on FMLA leave at the time of a reduction in force. Supervisors will make the same decisions that they would have made if the employee had not taken leave.

Communications during Leave

Supervisors will contact employees on FMLA leave to check their status and intention to return to work, but not more than once every 30 days. BSACAP will request medical recertification for any of the following reasons:

- The employee requests a leave extension.
- Circumstances described by the original certification have changed significantly.
- BSACAP receives information that casts doubt upon the validity of the certification.
- The employee is unable to return to work because of the continuation, recurrence, or onset of a serious health condition.

If at any point, the employee gives a notice that they will not be returning from FMLA leave, they should submit a written resignation. BSACAP’s obligation for restoration rights ends with a formal resignation

If an employee fails to return at the end of FMLA leave, the employee will be considered to have voluntarily resigned his/her position with the agency.

Definitions:

A. “12 month period” means a rolling 12 month period measured backwards from the date the leave is taken and continuous with each additional leave day taken.

B. “Child” means a child either less than 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s “child” is one for whom the employee has actual day-to-day responsibility for care and includes those of which are biological, adopted, foster or a stepchild.

C. “Serious Health Condition” means an illness, injury, impairment, or a physical or mental condition that involves, inpatient care; or any period of incapacity requiring absence from work for more than three calendar days AND that involves continuing treatment by a health care provider; or continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or prenatal care by a health care provider.

D. “Continuing Treatment” means two or more visits to a health care provider; or two or more treatments by a health care practitioner on referral from, or under the direction of a health care provider; or a single visit to health care provider that results in a regimen of continuing treatment; or in the case of a serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of, but not necessarily being actively treated by a health care provider.

COBRA Rights

FMLA leave does not constitute a qualifying continuation of health benefit provisions under COBRA. If an employee resigns during FMLA leave, they will be eligible for COBRA coverage by paying their full share of health care costs plus a 2% administrative fee.

Nothing in this policy intends to conflict with provisions of federal and state law. If there is any conflict, the provisions of federal and state law will apply.

3.19 Sick Leave Sharing

Sick Leave Sharing is provided for full time employees to assist those who do not have leave time available to cover a lengthy serious illness or injury and to protect the leave of donating employees. Employees must have completed one full year of employment before they can participate, as a recipient or donor, in the Sick Leave Sharing program.

An employee wishing to receive donated sick leave must complete a Request for Sick Leave Sharing form and attach a medical certificate attesting the illness or injury and the projected length of time they will be off work. The form and related attachment(s) are to be submitted to the HR Department for processing.

Employees may receive donated leave under this section if:

- The employee or their immediate family member suffers from a medically certified illness, injury, impairment, or physical or mental condition that has rendered or will render the employee completely incapable of performing the essential job duties for at least 10 consecutive working days due to:
 - The employee's personal illness, including pregnancy
 - The medically certified necessity that the employee care for an immediate family member
- The employee's need for absence and use of leave is certified by a licensed practicing physician.
- The employee has exhausted their accumulated sick, annual, and compensatory leave.
- For purposes of this section, immediate family means a spouse, parent, child, sibling, or grandparent. Immediate family may also include a similarly close relationship with someone who has lived with the employee for at least 30 days before application or for whom the employee is legally responsible.

To protect each employee's sick leave accumulation in the event of their need for leave time, the following restrictions have been set for donating employees:

- An employee who has a sick leave balance of more than 80 hours may make available for transfer a specified amount of their sick leave to another employee authorized to receive leave under this section.
- The employee may not transfer an amount that would reduce their sick leave balance below 80 hours.

Sick leave will not be donated in an amount less than eight hours. If multiple donors donate sick leave to a recipient, BSACAP will transfer leave in chronological order of receipt of the donation forms, up to the maximum amount that has been certified as needed by the recipient. Employees who have resigned, retired, or are in an unpaid status will not be allowed to receive or donate sick leave. If a donor resigns, retires, or otherwise terminates before the process of transferring leave to the recipient has begun, the leave will not be available for use. Any sick or annual leave that an employee accrues while receiving donated sick leave in a paid status must be used before donated sick leave.

The Executive Director may request an updated medical certificate attesting to the continued need for leave at any time. No employee will directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee to interfere with the employee's right to voluntarily contribute leave when authorized under this section.

3.20 Bereavement Leave

All regular full-time employees shall be entitled to a leave of absence with pay for a period of up to three days for attendance at the funeral of a member of the employee's immediate family. Any available annual time may be used beyond the three-day period if the employee's supervisor approves the leave in advance.

For purposes of this policy, the term "immediate family" shall include the employee's spouse, parents, siblings, children, grandparents, grandchildren, stepparents, stepchildren, and the parents or grandparents of the employee's spouse.

3.21 Court Leave

Employees are entitled to court leave during scheduled working hours without loss of time or pay. Employees that need to use court leave must notify their Supervisor immediately upon notification from the court system. Court leave will include necessary travel time. Court leave includes:

- Serving as a witness or to comply with a subpoena by a court, administrative agency, federal or state government, or any political subdivision thereof regarding BSACAP.
- Serving as a juror.

Jury duty will be considered an employee's civil duty. Therefore, employees will not be required to reimburse any monies received during their jury duty. If relieved from jury duty during normal working hours, the employee must return to work or use annual leave to cover the additional time off work.

If court proceedings are not regarding BSACAP or if the employee is not serving as a juror, annual leave must be used. If an employee has exhausted their accumulated annual leave, they must take leave without pay.

3.22 Military Leave

All employees shall be entitled to take an unpaid leave of absence for active military service with any branch of the United States military or for military reserve duty. Copies of military orders must be submitted to the Supervisor and forwarded to the HR Department prior to departure.

BSACAP will abide by all the provisions of the Uniformed Services Employment and Re-Employment Act (USERRA) and will grant military leave to all eligible full-time and part-time employees. Military leave may be granted to full-time and part-time employees for a period of four (4) years plus a one-year voluntary extension of active duty (5 years total), if this is at the request and for the convenience of the United States Government.

As with any leave of absence, employees must provide advance notice to their supervisor of their intent to take military leave and must provide appropriate documentation.

An employee's salary will not continue during military leave unless required by law. However, employees may request to use any vacation or compensatory time accrued during military leave. Benefit coverage will continue for 31 days as long as employees pay their normal portion of the cost of benefits. For leaves lasting longer than 31 days, employees will be eligible to continue health benefits under COBRA and will be required to pay 102% of the total cost of their health benefits if they wish to continue benefits.

Upon return from military leave, employees will be reinstated with the same seniority, pay, status, and benefit rights that they would have had if they had worked continuously. Employees must apply for employment within ninety (90) days of discharge from the military. Employees who fail to report for work within the prescribed time after completion of military service will be considered to have voluntarily terminated their employment.

If employees are reservists in any branch of the Armed Forces or member of the National Guard, they will be granted time off for military training. Such time off will not be considered vacation time. However, employees may elect to have their reserve duty period be considered as vacation time to the extent they have such time available.

3.23 Administrative Leave

Administrative leave is to permit employees to be absent from work with pay on a short term basis under certain circumstances with the approval of the Executive Director. Administrative leave includes:

- Education/training programs as required by BSACAP or by law.
- Absence due to an emergency closing determined by the Executive Director as described in Section 4.12.
- Any absence not covered by other sections of this policy as deemed necessary by the Executive Director.

3.24 Leave of Absence

Occasionally, employees must take a leave of absence without pay, not to exceed one month. Employees should complete a Request for Leave and it should be approved by their Supervisor and the Executive Director prior to taking leave, except in an emergency. Documentation supporting the leave should be attached to the request, if applicable. Employees can not take a leave of absence in addition to FMLA leave.

During a leave without pay, employees are not eligible for any accrued or paid benefits. Employees will utilize all accrued sick and annual leave while on leave. The employee must pay all insurance premiums by the fifteenth of the preceding month to continue group insurance benefits. An employee may continue to participate in the retirement plan during a leave of absence without a break in service. Contributions will be made to the employee's account based on earnings.

After the expiration of the approved leave of absence, the employee must return to work on the first day following the expiration of leave. The employee should notify their Supervisor before they return. Failure to return when scheduled will be interpreted as self-termination. The effective date of termination will be the last day of the approved leave. BSACAP will make a sincere effort to return the employee to the position held before leave or to a comparable position and wage level. In cases where the position has been filled, restructured, or eliminated, the employee will be notified as soon as possible, placed on a reemployment list, and recalled per provisions of the Reduction in Force policy.

SECTION 4: WORK RULES AND STANDARDS

4.01 Workplace Ethics

BSACAP is a professional service organization dedicated to serving customers and the public with the highest ethical standards. Each employee is an ambassador to our customers and the public. It is of utmost importance that employees put the customer's and public's interests before their interests and deal with fellow employees, management, customers, and the public honestly, fairly, legally, and ethically. It is imperative that our offices maintain a professional atmosphere that is pleasant and productive for employees as well as comfortable and friendly for our customers. Failure to practice professional behavior may result in disciplinary action, up to and including termination.

4.02 Tardiness and Absences

To maintain a productive work environment, Employees are expected to be reliable and punctual in reporting to work. Employees who expect to be tardy or absent from work are required to notify their Supervisor each day before 8:15 a.m. An absence of three consecutive workdays without notifying the Supervisor is considered job abandonment and is a voluntary termination. Absenteeism or tardiness that is unexcused or excessive in the judgment of BSACAP will result in disciplinary action, up to and including termination.

An unexcused absence occurs when an employee fails to properly notify their Supervisor. Excessive absences are determined as follows:

- Two or more absences during one workweek
- Six or more absences during one calendar month
- Twelve or more absences during a six month period

Tardiness is defined as an employee that has not arrived during 15 minutes of the scheduled starting time.

4.03 Meal Breaks and Rest Periods

Employees are allowed one-half hour for lunch and two 15 minute breaks during an eight hour shift. Employees may wish to combine their 15 minute breaks with their one-half hour lunch for a one hour lunch break. Any other time away from work should be noted on the timesheet. Lunch and break times should be scheduled so that the office always has adequate coverage.

Lunch and breaks should be used to eat, smoke, run errands, etc. The scheduling of meal breaks and rest periods is the responsibility of employee and his or her supervisor. Supervisors are responsible for ensuring compliance with the meal and rest periods.

For those employees that choose to eat lunch at their desk, they may do so and use the remainder of their lunchtime as they wish. However, employees may not eat at their desk and then leave for a full lunch break or vice versa. For those who choose to go out for lunch, they must return to their workstation within the allotted time. Employees are not allowed to work through their lunch break and then leave early, nor can they work longer than five straight hours without taking a lunch break. Unused time for lunch and breaks cannot be carried over and used on another day.

4.04 Confidentiality

Employees are required to sign a statement agreeing not to disclose confidential information. An employee who violates this policy is subject to disciplinary action, up to and including termination. The following guidelines should be used regarding customer confidentiality:

- Written permission must be obtained from the customer before releasing confidential information.
- General information that is nonspecific, unidentifiable, and does not include a customer's name, address, or other identifying information may be released without written consent. Examples include the number in programs; compiled family needs assessment data, number in families, family members by age, etc.

Customer permission is not required to release identifying information to the following:

- BSACAP staff and consultants directly involved in planning
- Local school districts that the customer plans to attend or is currently attending
- Funding source officials and contractors who are conducting an audit or assessment
- Officials dealing with a customer's application for and/or receipt of financial aid
- Courts via a judicial order or subpoena
- Officials involved in health or safety emergencies
- Agencies from whom the customer is receiving additional services

Parties that receive confidential information must be informed in writing that the information is not to be released to anyone without written customer approval. This rule does not apply to the judicial courts and state, federal, or local educational agencies. Any released information must be cited in the customer's file stating the organization that received the information, why it was needed, what was needed, and when it was released.

Employees who are authorized to work with confidential information on computers will keep such information confidential. Other employees will not access such information and if they inadvertently gain access to confidential information, they will immediately exit from the document or program and keep the information confidential. Employees should be cautious when sending e-mail that contains confidential information. It is possible that e-mail can fall into the wrong hands, especially if it is mistakenly addressed wrong.

Customer records will be maintained after the customer leaves the program according to funding source requirements. After such time, the records will be destroyed unless one of the following instances occurs:

- Any litigation, claim, negotiation, audit, or other action is started before the expiration date.
- The records are formally transferred to the awarding party.
- There are any outstanding requests to review them.
- The customer is involved in other programs offered by BSACAP.

A customer will have the right to inspect their records within 45 days of a written request. A customer may file a written complaint regarding a violation of confidentiality to the Equal Opportunity Officer. If the Equal Opportunity Officer cannot resolve the complaint to the satisfaction of the customer, they may file a written complaint to the Executive Director. An employee found guilty of violating the customer's rights to confidentiality may be disciplined, up to and including termination.

4.05 Smoke-Free Workplace

To comply with the Smoke-Free Workplace policy and protect the safety of employees, we will enforce the following policy:

Smoking and use of tobacco products is prohibited in all offices. Employees may smoke or use tobacco products in designated areas outside the building before or after work and during breaks or lunch. Employees will not smoke or use tobacco products when dealing in person with other employees, customers, prospective customers, or the general public while on the job. Smoking and the use of tobacco products is prohibited in BSACAP vehicles and in personal vehicles when other employees will be in the vehicle and the mileage is being reimbursed.

An employee violating this policy is subject to disciplinary action, up to and including termination.

4.06 Drug-Free Workplace

To comply with the Drug-Free Workplace Act of 1998 and protect the safety of employees, we will enforce the following policy:

Employees may not possess, dispense, use, or be under the influence of any alcohol, intoxicant, or narcotic on the way to work, on the job, or on the property (including parking lots, adjacent parking lots, surrounding buildings, customer homes, etc.). The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and on the property.

If a Supervisor or management has reason to believe that an employee is unable to perform their job duties in a safe and productive manner or their presence on the job creates a risk to the safety and well being of themselves, other employees, the public, or to the property, the employee will be suspended from the workplace immediately.

BSACAP will request employees take a substance abuse test for one of the following reasons:

- Reasonable suspicion that an employee is using or under the influence of alcohol or a controlled substance. (Reporting to work at any time under the influence of alcohol or any controlled substance is prohibited. The only exception will be for a controlled substance prescribed for the employee by the employee's physician.) Reasonable suspicion is based on, but not limited to, the following factors:
 - An employee's involvement in a work related accident.
 - An employee's unusual behavior or work performance.
 - Observing an employee's use, possession, sale, or purchase of drugs or alcohol on the premises.
 - Observing that an employee appears to be under the influence of drugs or alcohol.
 - Observing a pattern of abnormal or erratic behavior by an employee.
 - Learning an employee is being investigated for possession, use, or sale of drugs or alcohol.
 - The arrest or conviction of an employee on a drug related or alcohol related charges.
 - Discovering an employee has tried to tamper, interfere with, or defeats the results of a drug test.
- BSACAP will schedule periodic testing of individual employees or on a department wide basis.
- The employee is returning to work following participation in a substance abuse treatment program or following a leave of absence related to substance abuse.

Employees who refuse to submit to substance abuse tests are subject to disciplinary action, up to and including termination.

Employees who violate this policy are subject to disciplinary action, up to and including termination.

4.07 Alcohol Abuse Policy

Big Sandy Area Community Action Program, Inc. is committed to providing a safe, healthy, and efficient working environment for all employees. To help achieve this goal, employees are prohibited from:

Consuming alcoholic beverages while on company premises, in company vehicles, or while on company business or time, or bringing alcohol onto company premises.

An employee who violates this policy is subject to corrective action up to, and including, termination of employment. The presence of alcohol or a reasonable suspicion of alcohol consumption will be considered being "under the influence." Reporting to work at any time "under the influence" of alcohol is strictly prohibited.

The Agency reserves the right to test any employee for the presence of alcohol whenever the employee's performance, attendance, conduct, appearance, speech, or other behavior on the job creates a reasonable question whether the employee is "under the influence" of alcohol. In addition, the Agency may test any employee involved in any accident occurring on company time, on company premises, in company vehicles, or who sustains a work-related injury requiring medical treatment by a physician or other licensed health-care provider.

Employees who use alcohol will be required to meet the same standards of performance and conduct that are required of other employees. Unsatisfactory behavior such as absenteeism, tardiness, poor job performance, or accidents caused by the use of alcohol will neither be accepted nor accommodated.

If a supervisor suspects that an individual is at work and "under the influence" of alcohol the supervisor should notify the Executive Director, Deputy Director or Human Resources Manager to seek authorization to test the employee. The supervisor will be granted permission to have the employee tested if sufficient objective symptoms exist to indicate the employee may be under the influence of alcohol. There should be at least two symptoms present in order to authorize tests. Symptoms would include slurred speech, uneven gait, impaired mental functions, smell of alcohol present, etc. The supervisor will make a written record of the employee's name, the date, time and symptoms present.

The Agency reserves its right to discipline, discharge or deny employment to any individual whose use of alcohol impairs job performance to the point where he or she is not qualified to perform the essential functions of his or her job. The Agency may require successful participation in a rehabilitation program. An employee required to

enter rehabilitation that fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment.

While the agency does not condone the abuse of alcohol, Big Sandy Area Community Action Program, Inc. does recognize that addiction to alcohol can be treated. The Agency encourages employees who think they may have an alcohol dependency problem to seek help voluntarily as soon as possible. If an employee recognizes a personal addiction or abuse problem and seeks assistance from management in advance of detection, the agency will assist the employee in seeking treatment. The confidential nature of the employee's counseling and rehabilitation for alcohol abuse will be preserved. Voluntary participation in rehabilitation programs will not jeopardize employment or future advancement, but will not exempt employee from disciplinary action for substandard job performance or rule infractions.

All information relating to alcohol screens is to be kept strictly confidential. The information will be kept in each employee's medical file, which will be maintained separately from the employee's personnel file. These medical files will be kept locked and secured and access will be limited to certain individuals in the agency. Under no circumstances will the results of an alcohol screen be discussed with individuals that do not have a need to know.

4.08 Drug & Alcohol Testing Policy

Big Sandy Area Community Action Program, Inc. is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace policy that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

- Our policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.
- Our agency has no intention of interfering with the private lives of its employees unless involvement with alcohol and other drugs off the job affects job performance or public safety.
- As a condition of employment with our agency, we require that employees adhere to a strict policy regarding the use and possession of drugs and alcohol.
- Big Sandy Area Community Action Program, Inc. encourages employees to voluntarily seek help with drug and alcohol problems.

To further comply with the Drug-Free Workplace Act of 1998 and to protect the safety of our employees and clients, each employee as a condition of employment will be required to participate in pre-employment, random, post-accident, reasonable suspicion and follow-up testing upon selection or request of the agency or testing facility.

Any individual who is representing our agency or is applying for a position is covered by our drug-free workplace policy. Our policy includes, but is not limited to the Executive Director, executive management, program managers, full-time employees, part-time employees, work experience trainees and internships.

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the agency. Therefore, this policy applies during all working hours, representing the agency, while on call, while on agency property and at agency sponsored events.

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to DHHS/SAMSHA guidelines where applicable and will include a screening test; a confirmation test; including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

Employees will be required to sign a chemical screening consent form at the time of testing.

All drug-testing information will be maintained in separate confidential records.

The substances that will be tested for are Amphetamines, Barbiturates, Benzodiazepines (Xanax/Valium), Cocaine, Opiates/Hydrocodone, Phencyclidine (PCP), Cannabis (Pot), Methadone, Alcohol, Propoxyphene (Darvocet), and Oxycodone (Oxycontin/Percocet).

Testing for the presence of the metabolites of drugs and alcohol will be conducted by the analysis of urine. Breathalyzers may also be used in testing for alcohol.

Any employee who tests positive will be immediately removed from duty, referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement and subject to ongoing, unannounced, follow-up testing.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

Consequences

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply after one year and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Return-To-Work Agreements

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Assistance

Big Sandy Area Community Action Program, Inc. recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Confidentiality

All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

Employees Are Encouraged To:

- Be concerned about working in a safe environment
- Support fellow workers in seeking help
- Report dangerous behavior to their supervisor

It is Supervisor's Responsibility To:

- Inform employees of the alcohol abuse policy
- Inform employees of the drug-free workplace policy
- Inform employees of the drug testing policy
- Observe employee performance
- Investigate reports of dangerous practices
- Document negative changes and problems in performance
- Counsel employees as to expected performance improvement

Communication

Communicating our drug-free workplace and drug testing policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the drug-free workplace and drug testing policy.
- The policies will be reviewed in orientation sessions with new employees.
- Posters and brochures will be available at all locations.
- Employee education about the dangers of alcohol and drug use and the availability of help will be provided to all employees.
- Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

4.09 BSACAP Vehicles

Use of BSACAP vehicles is restricted to official business and assigned only to employees with a valid driver's license. Employees who are assigned vehicles are responsible for the vehicle and should not allow other individuals outside the Agency to drive the vehicle. Employees who drive these vehicles are expected to keep them clean and maintained properly. Smoking is prohibited in any vehicle. If a vehicle becomes scratched, dented, damaged in any way, it must be reported to the Supervisor immediately. Employees who violate this policy are subject to disciplinary action, up to and including termination.

BSACAP has a policy that requires drivers of agency vehicles to inform the Agency if they are taking prescription medication that may impair their ability to operate a motor vehicle. The Agency will require a statement from their doctor listing the side effects of the medication and a statement from their doctor that the medication will not impair the employee's ability to operate a motor vehicle. If their doctor does not state that they are capable of operating a vehicle while taking the medication, then the employee is not allowed to drive an agency vehicle until he/she is off the medication.

4.10 BSACAP Property

BSACAP provides employees with equipment and property to assist in performing their job duties. Employees who are provided with equipment or property or who take it away from the workplace has a responsibility to protect it from being lost, damaged, or stolen. If property or keys have been lost or stolen, report it immediately to the Supervisor or Executive Director.

Employees are expected to exercise care, perform required maintenance, and follow operating instructions, safety standards, and guidelines when using equipment. Employees should notify the Supervisor if anything appears to be damaged, defective, or in need of repair. Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in disciplinary action, up to and including termination.

If the equipment or property placed in the care of an employee is lost, damaged, or stolen because of the employee's negligence or willful disregard, the employee will pay an amount equal to the replacement value or repair cost, in excess of \$50. (This means that if the replacement value or repair cost of the equipment or property is \$200, the employee will pay \$150.) The employee will arrange with the Agency to pay the amount owed. If an agreement on a payment plan cannot be reached, BSACAP will take the available legal steps to recover the value of the loss from the employee. These steps may include deductions from the employee's pay, when permitted by federal or state law.

4.11 Intellectual Property

This policy shall apply to all forms of Intellectual Property created or developed, in whole or in part, by employees of the agency (1) making use of agency resources, (2) as a direct result of agency duties, (3) pursuant to the terms of an agreement for payment of tuition, (4) in the course of or related to activities on grants or contracts administered by the agency.

The Agency shall own all rights in Intellectual Property.

Exceptions and Clarifications to the General Rule: Sponsored Research- ownership of intellectual property resulting from sponsored research shall be determined pursuant to the terms of the agreement between the agency and the researcher. If ownership is not defined in an agreement, intellectual property shall be owned pursuant to the general rule.

Commissioned Work- the agency shall normal intellectual property resulting from commissioned work. In all cases of commissioned work, any agreement which provides for ownership by other than the agency shall also provide the agency with royalty-free, non-exclusive license to use the intellectual property for internal educational and research purposes.

Copyrightable Work Created Within the Scope of Employment- copyrightable work prepared by an employee of the agency within the scope of his or her employment shall be owned by the agency. Examples of copyrightable work subject to this provision include, without limitation, personnel manuals, written policies, administrative handbooks, public relations materials, archival audio and video recordings of agency events, and agency web pages.

Creator's Non-Commercial Use- where the agency owns the intellectual property under this policy, the creator is permitted to continue to use the work for his or her own non-commercial purposes. Any distribution by the creator for academic purposes shall be permitted pursuant to written agreement from the agency.

Disclosure of Intellectual Property- creators shall disclose to the agency any intellectual property that is owned by the agency under this policy, including improvements and reductions to practice and intellectual property created under sponsored research.

Timing- disclosure shall be made prior to submission of the intellectual property for publication, other releases to the public domain or attempt to license, distribute or manufacture the intellectual property commercially.

4.12 Employee Parking

Employee parking is different at each of BSACAP's offices. Employees working in downtown Paintsville are encouraged to park in the city's parking lots. Employees are discouraged from using the two hour parking on the streets. This parking causes employees to receive parking tickets and/or move their vehicle every two hours leading to a disruption in their work. The two hour parking was created to provide temporary parking for the public, not all day parking for employees. Taking up this limited parking does not reflect a good working relationship between BSACAP and other public agencies and businesses. Employees coming from county offices that will be in the building for a short time may use the short-term parking on the street or park in either of the city's parking lots.

For employees working in county offices, parking is limited at each of these locations. Employees should park the farthest distance from the door to allow closer parking for the customers. A minimum of one parking slot should

be designated for handicapped parking closest to the entrance of the building. Employees are expected to cooperate with this policy. Failure to do so may result in disciplinary action, up to and including termination.

4.13 Security

BSACAP strives to provide security for its property, employees, customers, and visitors. Employees may not enter or exit offices before or after normal work hours without the authorization of their Supervisor. In the case of employees in county offices, prior approval must be obtained from the Community Services Coordinators in the individual counties.

BSACAP attempts to protect the employees and their property while on the premises, but will not assume responsibility for the loss, theft, or damage to their property. Employees must exercise reasonable care for their protection and their property. Employees must also respect others and their property. Unauthorized possession of property belonging to another employee, customer, or visitor will be considered a breach of security and will subject the employee to disciplinary action. If articles of personal property are found, these items should be returned to their rightful owner or turned over to the Supervisor.

4.14 Safety and Accident Prevention

Employee safety is a primary concern of the Agency and everyone working here. We are committed to providing a safe and healthy workplace for our employees. Therefore, employees are expected to comply with safety and health requirements established by BSACAP and by federal, state, and local laws. If employees become aware of any unsafe conditions in the workplace, they should immediately notify their Supervisor. An employee's willful disregard for known safety rules and procedures may result in disciplinary action, up to and including termination.

4.15 Emergency Closing

The Executive Director will have the authority to change the official hours of a workday or close the office for a workday due to inclement weather, difficult road conditions, or other situations that warrant the closing of the office. The office will close only if severe weather exists affecting all staff mutually. The Executive Director may use local and/or state agencies as a guide in determining whether to close the office. If there is a change in the official workday, the Executive Director will notify the Program Managers and the Community Services Coordinator in each county. They will be responsible for notifying all employees under their supervision. Only offices affected by the inclement weather or other conditions will close.

If no official change in the workday occurs, employees must report to work at the regular time. Every reasonable effort will be made by employees to be at work on time during inclement weather. Employees who do not report to work or choose to leave early due to inclement weather will charge the time to annual leave, compensatory time, or take as leave without pay. This time of absence is to be reported to and approved by the Supervisor.

If an official change in the workday occurs after the workday has begun, employees who are at work will receive administrative leave for the remainder of the day. Employees who do not make it to work must charge the entire day to annual leave, compensatory time, or take as leave without pay.

4.16 Harassment

Any form of on-the-job harassment by a supervisor, manager, co-worker, customer, or vendor is strictly prohibited. This includes sexual, racial, or any other types of harassment prohibited under state or federal laws concerning discrimination in employment. Harassment is any behavior or act which creates a work environment that is hostile, offensive or intimidating to the employee, and is done on the basis of the employee's sex, race, color, ancestry, religious creed, national origin, physical or mental disability, medical condition, age, marital status, status as a veteran or sexual orientation. The intent of this policy is to eliminate unlawful harassment from occurring at work. All employees are urged to cooperate and abide by this policy by not engaging in any harassing behavior or acts personally and by reporting any incidents of harassment they observe or are subjected to immediately to their supervisor, HR Manager, Deputy Director, or Executive Director. If you believe that you or anyone else has been subjected to any form of on-the-job harassment based on age, gender, race, color, religion, veteran's status, national origin, or disability, please report your concerns immediately to your supervisor or any other supervisor

with whom you feel comfortable in making such a report, or to the HR Manager, Deputy Director, or Executive Director. No employee will be subjected to any adverse employment action as a result of making a good-faith report of alleged harassment.

Remember, management can only prevent problems such as on-the-job harassment if your concerns are immediately brought to management's attention.

Any employee who is determined to have subjected any other employee or customer to on-the-job harassment will be subject to immediate discipline, up to and including discharge.

4.17 Sexual Harassment

It is the policy of BSACAP to strive to maintain a working environment for its employees that is free from sexual harassment by supervisors, co-workers, or third parties. The agency will not tolerate any act of sexual harassment by any person in violation of this policy.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of any such conduct by an individual is used as a basis for employment decisions; or
3. Such conduct has the result of unreasonably interfering with an individual's work performance or creating an intimidating or offensive working environment.

Examples of specific conduct that would violate this policy include, but are not limited to, the following activities on company premises or during work hours:

1. Visual displays of sexually suggestive or sexually explicit materials, such as posters, postcards, catalogs, drawings, cartoons, magazines, or photographs.
2. Sexually suggestive or explicit comments, jokes, epithets, name-calling, etc.
3. Sexually suggestive or explicit gestures.
4. Sending or receiving sexually suggestive or sexually explicit e-mail.
5. Logging onto, viewing, or downloading sexually suggestive or sexually explicit material from the Internet.
6. Viewing or showing sexually suggestive or sexually explicit films or videotapes.
7. Touching any co-worker or other person in a sexually suggestive or sexually explicit manner.
8. Any act of "hazing" that involves the removal of any item of clothing from a co-worker, that involves actual or threatened physical contact of any sort, or that involves any sexually suggestive or sexually explicit element.

Please note that men as well as women can be victims of sexual harassment, and that sexual harassment may involve persons of the same sex. In addition, conversations or activities that are purely voluntary and consensual may make third persons feel uncomfortable, and thus, may be a violation of this policy.

It is the responsibility of every supervisor employed by the agency to ensure that this sexual harassment policy is enforced strictly. Every supervisor is responsible for ensuring that each employee under his or her supervision is aware of this policy. It is the further responsibility of all supervisors to ensure that all work sections under his or her responsibility are free from sexual conduct that causes, or reasonably can be considered to cause, an intimidating or offensive working environment. In addition, supervisors are required to comply with all reporting requirements in this policy, including the obligation to promptly report to senior management any complaint made under this policy or any possible violation of this policy.

It is the responsibility of all employees to conduct themselves in ways that ensure that others are able to work in an atmosphere free from sexual harassment. It is the responsibility of all employees to comply with this policy in all respects and at all times.

It is the further responsibility of all employees, including in particular all supervisors, to bring to the agency's attention any evidence of sexual harassment, and to promptly report any act or event that is believed to be a violation of this policy (or that may be a violation of this policy) so that the matter can be investigated as soon as practicable and appropriate action taken. Further, all employees are required to cooperate fully, honestly, completely, and truthfully in any such investigation.

If you believe that you or any other employee has been subjected to sexual harassment in the workplace in violation of this policy, we ask that you immediately report your concerns to the agency. You may report your concerns to your supervisor, or any other supervisor with whom you feel comfortable in making such a report, or to the HR Manager, Director of Operations, or Executive Director. Any supervisor who receives a report of sexual harassment is required to advise HR Manager, Director of Operations, or Executive Director immediately. All such reports shall be treated confidentially, and will be investigated by the agency in a prompt and responsible manner.

No employee shall be subject to any form of reprisal or retaliation for having made a good faith complaint under this policy.

Any employee who is determined to have violated this policy by engaging in or condoning the sexual harassment of a fellow employee will be subject to immediate discipline up to and including termination of employment.

4.18 Harassment Complaint Procedure

If you believe that you or any other employee are being intimidated, insulted, coerced, harassed, or discriminated against, whether of a sexual nature or otherwise, we ask that you immediately voice your concerns to the agency. You may make a report with your supervisor, or any other supervisor with whom you feel comfortable in making such a report, or to the HR Manager, Director of Operations, or Executive Director. Any supervisor who receives a report of harassment is required to advise HR Manager, Deputy Director, or Executive Director immediately. All such reports shall be treated confidentially, and will be investigated by the agency in a prompt and responsible manner.

Persons involved in the complaint and investigation will keep the matter and information confidential and discuss it only with persons who have a need to know about the situation. Following the investigation, BSACAP will take corrective action deemed appropriate to the best interests of the Agency and individuals involved. Action taken may include, but not limited to, counseling, warning, transfer, demotion, suspension, or termination.

No employee shall be subject to any form of reprisal or retaliation for having made a good faith complaint or assists in an investigation under this policy.

4.19 Problem Resolution Procedure

Each employee, regardless of position, will treat fellow employees with respect and in a fair and just manner. Misunderstandings and problems sometimes occur between employees or between an employee and BSACAP. It is important to discuss and resolve these problems and questions quickly, before serious conflicts and misunderstandings develop. BSACAP encourages employees to immediately discuss it with the Supervisor. If an employee feels it is more appropriate or more comfortable, they may discuss the problem or question with the HR Manager, Director of Operations, or Executive Director.

4.20 Workplace Violence

The increase of violence in American society has filtered into some workplaces. Violent acts in the workplace often result from activity within the workplace that causes an unfriendly or intimidating effect on an employee.

BSACAP is concerned about the safety of our employees and provides the following guidelines to prevent violent acts in our workplace:

1. Jestng, bantering, and teasing that is offensive to another employee or to a client or customer of BSACAP is prohibited.
2. Behavior that can lead to violence includes threats of violence, aggressive actions, and threatening and offensive words. Employees will not engage in this type of activity. Employees who witness this type of behavior in or outside the workplace between co-workers will immediately report it to a supervisor or member of management.
3. Employees will not bring firearms or other weapons onto BSACAP's premises.
4. If you are aware that another employee appears troubled or irrational, you will report your observations to your Supervisor.

5. You will notify your Supervisor or other management staff of any visitor, vendor, customer, or client on BSACAP's premises who is behaving in a threatening, abusive or violent way.
6. Any employee who engages in threatening or violent behavior, or who behaves in a way that could provoke violence, may be disciplined, up to and including termination.

4.21 Gifts and Gratuities

Except for promotional items, such as calendars or pens, employees may not solicit or accept (directly or indirectly) for themselves or others, including members of their families, any gifts, gratuities, favors, loans, or preferential treatment of any sort from organizations, customers, or individuals who do or seek to do business with BSACAP. This protects employees and BSACAP and failure to adhere to this policy may result in disciplinary action, up to and including termination.

4.22 Unlawful Demonstration

Employees, in the association with the performance of their job duties, will not plan, initiate, assist, or participate in any conduct of unlawful demonstration, rally, riot, picket, or civil disturbance. Employees will not participate in any riot or civil disturbance that is expressly against federal, state, or local laws. Failure to comply with these regulations will result in disciplinary action, up to and including termination.

4.23 Political Activities

BSACAP encourages employees to register and vote, believing that it is each citizen's responsibility to be informed about the issues that affect the employee's life within society. The following guidelines are taken from the Opinions of the Attorney General, which interprets the political activities law:

Permitted Activities

- Employees may register and vote in any election.
- Employees have a right to privately express their opinions on political subjects and candidates, but they may not take an active part in political management or political campaigns.
- Employees may make voluntary cash contributions to political parties, candidates, or organizations.
- Employees may join a political club and attend meetings but may not hold office or serve on committees.
- Attendance at political rallies, conventions, etc. is permitted and employees may participate in the selection of committeemen. Employees may vote at the lowest level of the selection process for delegates to the party conventions.
- Employees may display political pictures or signs on their property.
- Employees may wear political badges or buttons and voluntarily display political stickers on their private automobiles while not on Agency business.
- Employees may serve as precinct election officers at the polls.
- Employees may work actively for or against constitutional amendments, referenda, or municipal ordinances in which they are interested, provided that BSACAP time and resources are not used.
- Employees may transport friends or relatives to the polls as a civic gesture, but may not transport voters to the polls as part of an organized service to a political party, faction, or candidate.

Prohibited Political Activities

The following political activities are prohibited whether the employee is on or off duty:

- Serving on or for any political committee, party, or other similar organization, or serving as a delegate or alternate to a caucus or party convention, but an employee may vote in the selection of delegates to a party convention or in the selection of precinct committeemen.
- Soliciting or handling political contributions.
- Political badges, buttons, or other designations may not be worn on the premises or while conducting business. Political stickers cannot be displayed on automobiles while BSACAP is paying for mileage.
- Soliciting the sale of or selling political party, faction, or candidate items or tickets, but an employee may voluntarily purchase such items or tickets.
- Serving as an officer of a political club, as a member or officer of any of its committees, addressing such a club on any partisan political matters, or being active in organizing it.

- Serving in connection with preparation for, organizing, or conducting a political meeting or rally or addressing such a meeting on any partisan political matter except to vote.
- Engaging in partisan activity at the polls (at primary or regular elections) in the position of checker, challenger, watcher, or in soliciting votes and assisting voters to mark ballots.
- Becoming a candidate for nomination or election to any office, federal, state, county, or municipal, which is to be filled in an election in which party candidates are involved or for which compensation is paid (other than the per diem for school district office) or from soliciting others to become candidates for nomination or election to such offices.
- Distributing campaign literature or material.
- Initiating or circulating partisan political nominating petitions.
- Canvassing a district or soliciting political support for a party, faction, or candidate, in person or writing.

4.24 Use of Computers and Electronic Equipment

BSACAP Property

Computer, electronic, and telephonic documents and communications transmitted by, received from, or stored in equipment is BSACAP property. E-mail and fax messages are not private communications. Employees are not to read messages that are not addressed to them but may read those that they are authorized to or by the authorization of the person to whom the communication was sent or received in the workplace. Employees are prohibited from using equipment for personal use or other nonbusiness related purposes.

Employees must provide passwords and access codes for computers and programs to the Systems Analyst. Changing passwords or creating new passwords without notifying the Systems Analyst is strictly prohibited.

Upon termination, employees will not remove any software or data from computers or equipment.

System Integrity

Employees will not bring discs, CDs, tapes, or any other electronic data storage devices into the workplace until it is scanned by the anti-virus program due to the risk of importing viruses into the computer equipment. Employees will not remove from the workplace any discs, CDs, tapes, or any other electronic data storage device or other equipment or property belonging to BSACAP. Any deviation from this policy requires authorization of the Systems Analyst. Any employee who introduces a virus into the computer system through use of personal software or data will be deemed guilty of gross negligence and/or willful misconduct and will be held responsible for the consequences, including the cost of repair.

Monitoring

BSACAP reserves the right to inspect and monitor any correspondence on its equipment. This right extends to internal and external mail, messages, electronic correspondence, electronic bulletin board accounts, national electronic messaging service accounts, and any other correspondence service that is paid for or subsidized by BSACAP. Inspection may occur at any time, with or without cause or notice. Monitoring may proceed without the employee's knowledge. The Systems Analyst, Supervisors, Executive Director, or designee are the only persons permitted to do such monitoring. They will keep any information obtained confidential and share it only with persons who have a need to know.

Employees who damage equipment through its unauthorized use may be liable for the costs resulting from such damage. Employees who misappropriate copyrighted, confidential, or proprietary information, or who distribute harassing messages or information, may be subject to criminal prosecution and/or substantial civil money damages. Violations of this policy may result in disciplinary action, up to and including termination.

Internet Usage

Use of the Internet from the computer equipment or with identifications (e-mail addresses) associated with BSACAP should be limited to business purposes. Employees using e-mail for business purposes are representing the Agency to an outside party. It is important to remember that any messages sent will be regarded as an expression of BSACAP. Access to the Internet for personal reasons or using equipment or identification for potentially offensive materials is strictly prohibited.

Internet access is limited to employees who have a business related need. Employees whose work does not require the use of a computer will not operate a computer. An employee will not operate another employee's computer, unless authorized to do so by a Supervisor for work related reasons.

Unless necessary for business purposes, staff should not use the computer systems to participate in discussion groups, chat sessions, or post messages on the Internet.

Material downloaded from the Internet or other networks must be scanned for viruses and other destructive programs before being placed onto any portion of the computer systems. This material must be business related and not violate any copyright laws. Claims of copyright infringement could arise if copyrighted material or programs are downloaded using Agency equipment. Employees that participate in copyright infringement may be disciplined, up to and including termination.

Employees should not subscribe directly to list services using BSACAP's e-mail address unless authorized by the Supervisor. While many list services may be useful, the volume of such services could result in practically thousands of messages a day from list services.

Prohibited Uses

Employees are strictly prohibited from using equipment for personal reasons or any improper purpose. Some examples of prohibited uses include, but not limited to:

- Making threatening or harassing statements to an employee, customer, vendor, or other outside party.
- Gambling, monitoring sports scores, or playing computer games, whether on or off duty.
- Undermining or ignoring security devices and procedures, including proper use of passwords, firewalls, virus protection software, and other devices or procedures that may be installed in the future.
- Installing equipment or software onto computers without approval.
- Copying software programs or information to be installed on personal or outside computers.
- Allowing other persons to access equipment or use the employee's user ID or passwords.
- Unauthorized posting of any material on the Internet bulletin boards, chat rooms, or other public forums.
- Communicating, disseminating, or printing any copyrighted materials, trademarks, tradenames, or personal images in violation of any laws.
- Viewing or transferring obscene, pornographic, abusive, slanderous, defamatory, harassing, vulgar, threatening, and/or offensive material.
- Viewing or transferring frivolous material or any material not appropriate for business purposes.
- Engaging in any other activity deemed to be in conflict with the intent of BSACAP or its policies.

BSACAP reserves the right, with or without cause or notice, to revoke employee access to any or all computer and electronic equipment.

4.25 Employee Suggestions

Employees are encouraged to make constructive suggestions to improve the quality of services for customers or to create a better working environment. Employees should send written, signed suggestions to the Executive Director for consideration. Suggestions should contain a description of the problem or condition to be improved, a detailed explanation of the solution or improvement, and reasons why it should be implemented. If there are any questions or advice is needed about ideas, contact the Supervisor for help.

SECTION 5: PERSONAL BEHAVIOR GUIDELINES

5.01 Behavior and Guidelines for Conduct

We encourage employees to follow a personal code of conduct that fosters well being, the well being of fellow employees, and allows employees to achieve quality, profitable services. Employees should keep their personal life separate from the workplace. At the same time, employees should not inquire about other people's personal business. Never discuss or question any personal or confidential information with other employees.

Employees will not engage in gossip or the spreading of rumors within the organization. Employees will behave in a manner that gives credit to themselves, other employees, and BSACAP. This cannot be achieved when employees openly criticize other employees, management, Agency policy or operation, or tell here-say and half-truths about employees, customers, or management.

Following are examples of behavior that create an atmosphere where employees can achieve work related goals:

- Maintaining personal cleanliness.
- Cleaning of the workspace at the end of each day.
- Working at their workstation and not at other employee's workstations or using their equipment.
- Expressing views and opinions honestly and without malice or sarcasm.
- Doing a fair share of work and contributing their best efforts when working with fellow employees.
- Completing work assignments on schedule.
- Discussing with other employees and their Supervisor ideas and suggestions for improving work efficiency and the quality of our services.
- Using equipment and work supplies in a responsible way that reduces operating costs.
- Doing more than just enough to get by.
- Complete cooperation with staff, regardless of job classification, department, or location.
- Refraining from unnecessary noise, such as loud talking or using radios in a disturbing way.
- Limit visiting neighbors in other departments except for discussing business.

This list is not all-inclusive. We ask that employees behave in a manner generally acceptable to the workplace and that gives credit to themselves and the Agency. Employees who do not follow standards of good behavior are subject to disciplinary action, up to and including termination.

BSACAP recognizes that our employees may hold a wide range of personal beliefs and values. These may create a conflict of interest when they prevent employees from fulfilling their job responsibilities, when employees express their personal beliefs in ways that upset or distract other employees or customers, or when employees attempt to convince others of their personal beliefs during work hours.

5.02 Misconduct Examples

The following is a list of misconduct examples. This list is not intended to be a comprehensive list of prohibited activity; it is only examples that may result in disciplinary action.

- Falsifying an employment application or other employment records such as timesheets or expense reimbursement forms.
- Excessive or habitual absenteeism or tardiness from work.
- Using obscene, abusive, or threatening language or gestures.
- Failure to maintain the confidentiality of BSACAP or customer information.
- Willfully breaking a known policy.
- Possession or consumption of any alcoholic beverage, illegal drugs, or the illegal use of drugs on or in Agency property.
- Reporting for work under the influence of alcohol, illegal drugs, or the illegal use of drugs.
- Insubordination.
- Possession of firearms or weapons on the premises.
- Sleeping while on duty.
- Willful disregard or violation of safety rules or procedures.
- Sexual, racial, or general harassment of a fellow employee.
- Loitering or loafing during working hours.

- Taking more than the specified time for lunch or breaks.
- Filling in another employee's timesheet or permitting another employee to fill in personal timesheets.
- Smoking or using tobacco products while performing duties for or representing BSACAP.
- Excessive use of the telephone for personal matters.
- Repeated failure to be at a workstation ready to begin work at the appointed starting time.
- Performing personal work during work hours.
- Unauthorized possession, removal, or cooperation in the unauthorized possession or removal of property belonging to employees, customers, or BSACAP or applying to personal use any property, record, or document of BSACAP or fellow employees.
- Failure to maintain generally accepted standards of hygiene and cleanliness.
- Failure to perform work assignments according to acceptable standards of workmanship or production.
- Deliberate hindrance of productive work.
- Failure to comply with specific orders, instructions, or posted notices.
- Posting or distributing written or printed material without the approval of the Supervisor.
- Fighting or causing harm to others.
- Maintaining a financial, business, or employment relationship that jeopardizes the well being or best interests of BSACAP.
- Organized or professional gambling is prohibited in the workplace and on the premises.

This list does not include all possible actions that may be unacceptable. If an employee engages in behavior that is considered to be detrimental to the interests of the Agency or threatens the well being of other employees or patrons, BSACAP may terminate the employee immediately.

5.03 Personal Appearance and Demeanor

At all times employees are to dress and behave in a manner appropriate to our business environment and the work being performed.

The key guideline is this: Dress and behave in a way that always reflects well on the agency. This is important so that all employees, at all time, make a good impression on customers, prospective customers, and the general public.

Employees will wear professional clothing when their work assignments call for them to deal directly with customers, prospective customers, and the general public. Employees will wear clothing fitting for their individual work assignment. All clothing should be neat and clean.

Traditional professional wear is to be worn when attending meetings, whether inside or outside the office. Examples of professional wear include:

- For men: suits, dress shirts, dress pants, sport jackets, ties, and dress shoes
- For women: dresses, skirts, dress slacks, blouses, blazers, and dress shoes

The following is prohibited in the workplace:

- Shorts and skorts
- Denim (including jeans, shirts, or jackets) *
- Capri pants
- Sweatpants and sweatshirts
- Tank tops and tube tops
- T-shirts with illustrations, logos, or messages
- Hats or caps*
- Tight fitting clothes
- Leggings
- Tennis shoes or work boots*
- Facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs
- Torso body piercings with jewelry that can be seen through or under clothing
- Visible tattoos

Employees should follow the following personal appearance guidelines:

- Employees will not wear clothing or groom themselves in such a way that they appear dirty, ragged, or sexually provocative.
- Mustaches and beards must be clean, well trimmed, and neat.
- Employees should refrain from extreme hairstyles that do not present a professional appearance.
- Visible and excessive tattoos and similar body art must be covered.

Employees should consult with their supervisor or the HR department when they have questions regarding appropriate dress or require special accommodations due to a medical condition.

*Employees whose job duties are outside the office setting or whose duties within the office require them to be exposed to extreme conditions and/or other safety hazards will wear sturdier clothing, including jeans, and must wear shoes and caps/hats that provide protection against such hazards.

If a Supervisor feels that an employee's personal appearance is inappropriate, the employee may be asked to leave the workplace until they are properly dressed and groomed. Under such circumstances, employees will not be compensated for the time away from work. Disregarding this policy is a serious offense and will result in disciplinary action, up to and including termination.

5.04 Visitors

Employees are discouraged from entertaining visitors during working hours. Family members and friends may occasionally visit with employees for a brief 5 or 10 minute period. In emergency situations, children of employees may be allowed to stay for longer periods, which does not include before or after school, and only with the prior approval of the Supervisor.

5.05 Personal Telephone Calls and Mail

Telephone lines should be confined for official business use only. Personal telephone calls should be limited to those that are necessary and should be as brief as possible. When necessity requires that an employee make a personal long distance call, the call should be charged to the employee's home telephone number or calling card. This restriction on telephones also applies to making unnecessary calls to fellow employees.

Cellular telephones provided by the agency are for business purposes only. Employees who use minutes in excess of the allowable amount will be responsible for payment of additional minutes used.

Employees who bring cellular telephones to work will not allow excessive ringing to disturb the work environment. Ring tones must be adjusted for minimal disruption or silent modes activated.

To avoid an increased volume of mail, employees should not use the Agency's address in receiving personal mail. Any communication that is sent out on BSACAP stationery would be considered an official communication. Stationery, envelopes, and postage may not be used for personal correspondence because it represents misappropriation of property for personal use.

5.06 Media and Public Contacts

Occasionally, representatives of the media may ask for comments or information relating to our activities and business. No employee may talk to the media about the agency's activities and business without the prior approval of the Executive Director. All inquiries from the media should be directed to the Executive Director.

5.07 Participation in Community Affairs

Employees are encouraged to participate in community activities and apply for membership in civic organizations at their own expense. Time spent in such activities should be apart from work and will not be considered hours worked for pay purposes. Employees may use compensatory time or annual leave to participate in community affairs with the approval of the Executive Director. Time spent in community activities at BSACAP's request or under its direction will be considered hours worked for pay purposes.

Employees must have prior approval from their Supervisor and the Executive Director when joining community/organizational groups and/or sitting on boards. Employees may accept invitations to speak to groups or organizations about Agency activities or programs with the approval of the Executive Director.

5.08 Personal Relationships in the Workplace

The employment of relatives or individuals involved in a close personal relationship in the same area of the Agency may cause serious conflicts and problems with favoritism and employee morale. Along with claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into daily working relationships.

BSACAP reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a close personal relationship who occupy positions at any level in the same line of authority that may affect the review of employment decisions.

The individuals concerned will be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

If other cases where a conflict or potential conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be transferred or terminated from employment. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

5.09 Outside Employment

Outside employment for full time Agency employees is not encouraged. However, employees who wish to take an outside job are required to submit a letter requesting approval from the Executive Director stating the job title, employer, work hours, and a statement that such job will not interfere with their position at BSACAP. A copy of this letter will be given to the Supervisor. Employees are prohibited from taking outside employment with a business or organization in the same or similar business as BSACAP, that does business with the Agency, or that would present a conflict of interest. If outside employment causes poor performance, absenteeism, tardiness, or refusal to work overtime, the employee must discontinue outside employment or terminate their employment.

SECTION 6: DISCIPLINE PRACTICES

6.01 Introduction to Discipline

Occasionally, it becomes necessary to take disciplinary action against an employee. Discipline results when an employee's actions do not conform to standards of good behavior and conduct, an employee violates work rules, or an employee's work performance is poor. The severity of the disciplinary action depends on the nature and frequency of the offense. Discipline may include oral warning, written warning or suspension with or without pay, acknowledgment, and discharge.

Nothing in this policy or Handbook is intended to limit BSACAP's right to terminate an employee at any time, with or without cause or notice.

6.02 Disciplinary Action

In those instances when it becomes necessary to discipline an employee, BSACAP may take disciplinary action for the following reasons:

- An employee does not meet generally accepted standards of good behavior or conduct
- An employee does not satisfactorily perform job tasks as assigned.
- An employee violates work rules.

There is no effective method of predetermining the seriousness or effect of any one violation of policy or making an exhaustive list of all possible violations. Although some violations may be more severe than others, repeated violations or a combination of violations may result in termination of employment.

BSACAP reserves the right to take any disciplinary action, including suspension or discharge, in cases it deems appropriate. If necessary, the Supervisor will proceed with disciplinary action as outlined below. However, extreme misconduct or extremely poor work performance may result in immediate discharge.

Oral Warning

The Supervisor will meet with the employee to discuss the problem and alternative behavior or demonstrate and discuss ways to improve performance. Together they will arrange an action plan so the employee will achieve improved behavior or performance. The Supervisor will inform the employee that this meeting is an oral reminder and that other disciplinary actions will result from continued unacceptable conduct or poor performance by the employee. At the end of the meeting, the Supervisor will draft a memo of the discussion and forward it to the HR Manager who will place it in the employee's personnel file. However, BSACAP may consider the infraction to be of such severity that immediate discharge will occur.

Written Warning

If the employee's unacceptable behavior or poor performance continues or is serious in nature, the Supervisor will issue a written warning. The warning will focus on the unsatisfactory progress of the goals identified in the oral warning or on the seriousness of the misconduct or poor performance. The Supervisor will inform the employee that it is necessary for their behavior or performance to improve and that future consequences will result if there is no improvement. The Supervisor will outline this discussion in a written memo, present it to the employee, and request the employee to sign acknowledging receipt of the memo. The Supervisor will forward it to the HR Manager who will place it in the employee's personnel file.

Suspension With Pay

In certain circumstances, an employee may be suspended from the workplace with pay. Normally, suspension with pay is used when a situation calls for the removal of one or more employees from the workplace. This may be protective action taken by the Executive Director or Supervisor, after consultation with the Executive Director, to eliminate an immediate problem involving one or more employees and to allow proper time for investigation before taking further corrective action.

Suspension Without Pay

When an employee has failed to correct misconduct or performance problems following an oral warning and/or a written warning or their behavior is so serious that BSACAP believes they should leave the workplace immediately (such as fighting, intoxication on the job, or gross insubordination), a suspension from work without pay will likely result. The Supervisor, after consultation with the Executive Director, will make a written memo or report of the

facts, present it to the employee, request that they sign it indicating receipt of the report, and forward it to the Executive Director who will place it in the employee's personnel file.

For serious instances of misconduct or poor performance, the employee will receive a suspension without pay pending investigation. The Executive Director will make a final decision regarding the length of time of the suspension or a possible discharge after an investigation of the facts. As such, the suspension will remain in effect for as long as it is necessary for the Executive Director to review the situation and reach a decision. If the investigation reveals that the employee is not guilty of misconduct or poor performance, they may receive normal pay for the time on suspension.

Acknowledgment

Following a written warning, suspension with pay or suspension without pay, BSACAP may require the employee to sign an acknowledgment to correct their behavior or performance. It may include:

- A brief statement of the wrong behavior or cause of poor performance
- A statement that clearly and specifically spells out the required correct behavior or performance
- A specific, limited time frame to comply or change
- The consequences if the correction does not occur
- An acknowledgment that the employee understands
- The employee's signature and the date signed.

Discharge

BSACAP may discharge an employee for any reason, including unacceptable work performance or misconduct.

SECTION 7: GRIEVANCE AND APPEAL PROCEDURES

7.01 Grievance and Appeal Procedures

The purpose of the grievance and appeal procedure is to allow employees to bring to their Supervisor's attention any grievances about work related situations and afford a formal appeal procedure for necessary resolution. Supervisors are responsible for making certain that employees have knowledge and understanding of the grievance and appeal procedure and that employees feel free to use the procedure without fear of criticism or action being taken against them affecting job security, wage progression opportunity, or job advancement.

A grievance is an employee's expressed feeling of dissatisfaction concerning conditions of employment or treatment by management, Supervisors, or other employees. The following is a list of possible causes for a grievance. This list is not all-inclusive and other reasons may be the cause for a grievance.

- Improper or unfair administration of policies, procedures, rules, or regulations.
- Treatment considered unfair to an employee, such as coercion, reprisal, harassment, or intimidation.
- Alleged discrimination because of race, color, religion, creed, sex, national origin, age, disability, or any other basis protected by state or federal law.

Employees should discuss any complaints or questions that they have with their Supervisor and are urged to initiate such discussions at the time the dissatisfaction or question arises. Supervisors should take positive and prompt action to answer employee's questions and resolve complaints presented to them. An employee will not be penalized under any circumstances for filing a grievance or appeal. Supervisors are responsible for insuring that the grievance is fully processed until the employee is satisfied with the decision or until the employee's right to an appeal is exhausted.

Regulations

- Time limits specified are working days. In the interest of prompt resolution of employee complaints, the action at each step should be within the described time limit. In extenuating circumstances, a time limit may be extended if the employee is notified that it cannot be followed.
- The Personnel and Finance Committee will serve as the Grievance Committee for all staff except Head Start. For Head Start employees, the Grievance Committee of the Policy Council with two BSACAP appointed Board members will serve as the Grievance Committee.
- An employee may have the assistance of the Equal Opportunity Officer in preparing and processing a grievance or appeal at any step.
- Parties may not introduce issues that were not in the original grievance at higher levels of the procedure.
- A written summary of the grievance, facts, and information accumulated should be made by the representative at each step and forwarded with copies of appeals and responses to the Executive Director.
- Persons involved must treat information or testimony in a discreet and confidential manner.
- Due process requirements of notice and an opportunity to be heard will be afforded to staff. An employee who is being disciplined has the following rights:
 - The right to know the specific reasons for the disciplinary action.
 - The opportunity to be heard including the right to present a witness on their behalf and the right to representation at their expense.

IF AN EMPLOYEE FAILS TO FILE A GRIEVANCE OR APPEAL WITHIN THE STATED TIME FRAMES, RIGHTS TO SAID GRIEVANCE AND APPEAL ARE CANCELLED.

Informal Stage

Employee grievances will be given prompt and fair consideration in the order of the following procedure:

1. Employee files a grievance with their Supervisor within 10 days after occurrence.
2. Within 5 days after receipt of the grievance, the Supervisor will provide the employee with a written response and a written statement of the employee's rights.
3. Within 5 days after receipt of the Supervisor's decision, the employee may file the grievance with the Executive Director.
4. Within 5 days after receipt of the grievance, the Executive Director will provide the employee with a written response.

Formal Stage

1. If the employee is dissatisfied with the Executive Director's decision, they have 7 days after receipt of the decision to file a formal grievance with the Grievance Committee Chair.
2. Within 5 days after receipt of the grievance, the Grievance Committee Chair will notify the employee of the date, place, and time of the grievance hearing. The date should be within 7 days after notification.
3. The grievance hearing will be held. It is the responsibility of the employee to be present and on time for the hearing. If the employee fails to be present or to have a representative present at the hearing, this will relieve BSACAP of any further responsibility in terms of resolving the problem that necessitated the request for the hearing.
4. Within 5 days of holding a grievance hearing, the Grievance Committee Chair must notify the employee, Board Chair, Program Director, and Executive Director of the decision in writing.
5. Within 7 days of receiving a written decision of the Grievance Committee, the employee may appeal to the Board of Directors Chair.
6. The Board Chair will notify the employee of the next regular scheduled Board meeting at which time the appeal will be heard.
7. The Board, in closed session, will make a determination and notify the employee within 15 days.
8. If still dissatisfied, the individual may have recourse to a court of law at their expense.

Head Start Employees Grievance and Appeal Process

Head Start employees will follow the Informal Stage above and continue with the Formal Stage described below.

1. If the employee is dissatisfied with the Executive Director's decision, they have 7 days after receipt of the decision to file a formal grievance with the Grievance Committee Chair of the Policy Council.
2. Within 5 days after receipt of the grievance, the Grievance Committee Chair will notify the employee of the date, place, and time of the grievance hearing. The date should be within 7 days after notification.
3. The grievance hearing will be held. It is the responsibility of the employee to be present and on time for the hearing. If the employee fails to be present or to have a representative present at the hearing, this will relieve BSACAP of any further responsibility in terms of resolving the problem that necessitated the request for the hearing.
4. Within 5 days of holding a grievance hearing, the Grievance Committee Chair must notify the employee, Policy Council Chair, Program Director, and the Executive Director of the decision in writing.
5. Within 7 days of receiving a written decision of the Grievance Committee, the employee may appeal to the Policy Council Chair.
6. The Policy Council will review the record as presented by the Grievance Committee. The Policy Council will consider the recommendation made by the Grievance Committee but is not bound to vote to uphold the Grievance Committee's decision. After the Policy Council's review of the record, they will vote to affirm or reject the Grievance Committee's recommendation and their vote is final.
7. There will be no appeals to the Board of Directors of a Policy Council decision relative to an appeal except in cases where an employee alleges and proves in writing a procedural violation. An allegation of procedural error must be in writing and presented to the Executive Director within 5 days after receiving the Policy Council decision. The Executive Director will present the request to the Board at the next scheduled board meeting. If the Board votes that a procedural error exists, they will forward their ruling to the Policy Council for implementation. The merits of appeal decisions rest with the Policy Council, not the Board.
8. If still dissatisfied, the individual may have recourse to a court of law at their expense.

SECTION 8: EMPLOYEE ACKNOWLEDGEMENT

8.01 Employee Acknowledgment

Employees are required to sign acknowledgment forms to be placed in their personnel files that they have received and read the Employee Policy Handbook. Acknowledgment forms for specific policies as required by the Agency or state and federal laws will also be required and placed in the personnel files.