FAMILY OF WOODSTOCK, INC.

EMPLOYMENT PRACTICES COMPLIANCE MANUAL

Board Approved: 3/20/2017

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Employment Practices Compliance Manual

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PART 1  INTRODUCTION

1.1 General Purpose of Manual

1.1.1 Statement of Purpose: The purpose of this Employment Practices Compliance Manual is to communicate important information about specific employment policies and practices of Family of Woodstock, Inc. - particularly those that pertain to various work rules and government regulations. All paid employees and volunteers are expected to be familiar with the policies and procedures within this manual.

1.1.2 Individual Programs: The policies and procedures in this Employment Practices Compliance Manual apply to all of the Agency’s programs. Individual programs cannot develop alternative policies and/or procedures on their own. Individual programs may propose changes to this Employment Practices Compliance Manual or new policies which relate to their specific program for review and approval by the Personnel Committee.

1.1.3 Previous Manuals: This Employment Practices Compliance Manual replaces any previous manual issued by Family of Woodstock, Inc. concerning the policies and practices contained within this manual.

1.1.4 Questions: Questions regarding this manual should be presented to the Team Leader for Quality Assurance & Human Resources.

1.2 Employment Practices Compliance Manual Disclaimers

1.2.1 Employment-at-Will: All staff, paid or volunteers, participate in the Agency on an “at-will” basis. This means that the Agency is not committed to the individual’s employment for any specific time and that the employee may be terminated at the discretion of the Agency, with or without cause and without prior notice by Family, or the individual may resign for any reason, at any time. Neither this Employment Practices Compliance Manual nor any other Agency document confers any contractual right, either expressed or implied, to remain in Family’s employ, nor guarantees any fixed terms and conditions.

1.2.2 Policy Interpretation: The establishment of Agency policy is the responsibility of the Board of Directors. The implementation of those policies is the responsibility of the Agency’s management team, which consists of the Executive Director, Team Leaders, and Program Directors. This group has the responsibility to interpret the policies and procedures in this manual.

The Executive Director will provide the final interpretation on personnel issues. That decision can be challenged. Staff (employees and volunteers) may present ideas and concerns to the Personnel Committee of the Board of Directors through the Dispute Resolution Procedure.

1.2.3 Policy Exceptions: This Employment Practices Compliance Manual should not be interpreted as a guarantee that the policies and practices in it will be applied in all cases. Further,
the Board of Directors may at its sole discretion, make exceptions - by way of resolution - to any part of this Employment Practices Compliance Manual.

1.2.4 Policy Changes: This Employment Practices Compliance Manual is subject to change at any time, depending upon the Agency’s operational needs.

1.2.5 Governmental Regulations: In the event a federal or state statute, rule, or regulation conflicts with any provision contained in this Employment Practices Compliance Manual, then such statute, rule, or regulation will prevail.

1.3 Management Rights

1.3.1 Management Rights Clause: The rights and responsibilities to operate and manage the business and affairs of Family of Woodstock, Inc. are vested exclusively in the Agency, and the Agency not exercising any of these rights shall not be construed as a waiver of them. These rights and responsibilities include, by way of illustration and without being limited by past practice or otherwise, the right to:

• hire, assign, promote, transfer, furlough, lay off, evaluate, and discipline employees for just cause;
• select, test, train and determine the ability and qualifications of employees;
• determine, control and change work practices and schedules, work and shift assignments, hours of work, the size, composition and organization of the workforce, and job classifications, descriptions, content and standards;
• implement and comply with regulations and requirements issued by any government agency;
• make, modify and enforce reasonable rules of employee conduct and safety;
• determine, control and change the quality and nature of products, materials and services;
• introduce new or improved methods, equipment, techniques and processes;
• contract and subcontract for services; and
• exercise all other rights pertaining to the operation and management of the business and affairs of Family of Woodstock, Inc.
PART 2  PERSONNEL PROCEDURES

2.1  Procedure for Filling Vacancies

2.1.1 Initiation of Procedure for Filling Vacancies: In the event a Team Leader or Program Director desires to create a new position or fill a vacancy in an existing position, the Team Leader or Program Director should propose the changes to the Executive Director and prepare a summary of the duties, responsibilities, and requisite skills and qualifications. The Executive Director will determine if the vacancy is to be filled; whether the position is to be filled as a full-time, part-time, or temporary; and determine if the position is fully funded.

2.1.2 Notification of Vacancies: Family provides equal employment opportunities to all applicants on the basis of ability, education, experience and training. In order to build a diverse workforce, the Agency will generally practice a policy of open hiring and maintain a broad list of places and groups that are to receive job notices.

A program may advertise or otherwise recruit qualified applicants outside the Agency at the same time the job is posted internally. Within the limitation of program budgets, all new positions will be advertised as widely as possible, except in situations described in 2.1.3 below. This includes using Items of Interest, online job postings, and classified ads.

2.1.3 Promotions: Family is committed to providing promotional and lateral transfer opportunities to employees who demonstrate exemplary job performance and self-motivation. In these instances openings will not be posted.

A Program Director, with the support of the Team Leader and/or Executive Director, may propose a staff person for promotion, for review and approval by the Board of Directors. Promotions are presented to the Finance Committee for recommendation to the Board of Directors for approval and are generally implemented twice a year, in January and July.

2.1.4 Agency-initiated Transfers: Family may transfer an employee to another position to accommodate the Agency’s needs.

2.1.5 Hiring Relatives: No relative or partner may be employed in a position supervised or evaluated by another employee who is a relative or partner without the prior approval of the Team Leader and/or the Executive Director. Family will try, when possible, to limit these supervisory relationships and to identify an alternative supervisor.

2.1.6 Advisory Hiring Committee: A hiring committee for positions within a program will consist of a minimum of two people selected by the Program Director and Team Leader. A hiring committee for Program Director positions will be determined by the Team Leader and Executive Director. The Executive Director will hire the Team Leaders. The Board of Directors has the responsibility of hiring the Executive Director.

2.1.7 Employment Applications: Misrepresentations, falsifications, or substantial omissions in the employment application may exclude the applicant from further consideration or, if employed, result in termination of employment.
2.1.8 References and Background Checks: Applicants will be required to complete and sign a State Central Child Abuse Registry form, Justice Center forms (including criminal background check), drivers’ license authorization form, employment verification information request form, and hold harmless statement. Thereafter, the Program Director or Team Leader will check the employment references of final applicants.

2.1.9 Pre-employment Physical: Applicants for shelter programs may be required to have a pre-employment physical examination. The Agency will reimburse the cost of the examination if the applicant does not have medical insurance. Employment shall be conditioned on the applicant passing the physical examination.

2.2 Orientation Period

2.2.1 Regular Employment Status: The term “regular employment status” refers to employees who have successfully completed the three-month orientation period and have been assigned a continuous regular work schedule.

2.2.2 Length of Orientation Period: The first three months of a person’s employment are considered an orientation period. Completion of this training period does not constitute an ongoing commitment of employment. A formal Performance Appraisal shall be conducted with the supervisor no later than the end of this three-month period in order to qualify the staff person for ongoing employment and benefits.

2.2.3 Successful Completion of Orientation Period: In the event the Program Director is not certain that the staff person is fully ready to assume the full duties and responsibilities of the job at the end of the orientation period, the supervisor may place the person on probation for an additional month. The additional month will not affect the employee receiving their benefits after the first 3 months. At the end of the additional one-month probation period, the supervisor must either approve the employee for permanent status or terminate the employee.

2.3 New Staff Orientation Program

2.3.1 Training Plans: Each program follows a training plan for new employees. Due to the variety of programs at Family, programs training plans may differ. The plan is developed by the leadership of each program.

The plan will include:

• Orienting the staff to the Agency.

• Review of the policies and procedures for the program including the transportation policy, technology policy, physical plant exits, fire plan, electric panel, water cut off, and furnace cut off;

• Instructions on safety in the workplace including OSHA requirements and DVD;

• Review of the employee’s job description;

• Review of key agency people and their contact information with whom the staff may be required to collaborate; and,

• Review grant requirements of funding source paying for employee’s position.

And may include all or some of the following:

• one on one training sessions;
• shadowing;
• self-study of program regulations, manuals, proposals, and guidelines;
• frequent individual supervision and goal setting; and,
• training workshops provided either within the Agency or from outside agencies.

2.3.2 Orientation Session: All new regular employees must attend a new employee orientation session at the earliest scheduled time after beginning employment. These orientation sessions are generally scheduled bi-monthly as part of the Basic Training. The purpose of this session is to familiarize new staff with an overall view of the Agency’s philosophy, structure, programs, general policies and personnel benefits. The agency pays employees for their time participating in orientation and basic training.

2.3.3 Mandatory Basic Training: Within the first six months of employment, all employees will participate in all or part of the Agency’s mandatory Basic training as determined by their Program Director and Team Leader. This training includes the following components:

• listening skills
• cultural competency
• trauma informed care
• safeTALK, suicide prevention
• mandated reporting
• domestic violence issues
• confidentiality
• history and philosophy of Family
• mental health and substance abuse issues
• ethics, boundaries, self-care
• criminal justice issues
Non-exempt employees who are asked to attend either the above orientation or training programs will receive equivalent time off during their normal work week. When this is not possible and attendance results in the employee working over forty hours overtime compensations will be paid.

Exempt staff who attend such programs at a time when they do not ordinarily work will receive compensatory time for the time spent in orientation.

2.3.4 Mandatory OSHA (Office of Safety and Health Administration) Training: All staff are required to be knowledgeable about OSHA requirements, and toward that end, the Agency provides trainings which each staff person must participate in as part of their orientation and each year thereafter.

When completed, each staff person will receive a certificate acknowledging the training, which will be kept in their personnel file.

In accordance with Department of Labor requirements, each staff must review the OSHA regulations on an annual basis. It is the responsibility of the Program Director to keep records of each training cycle and add to the Agency personnel file.

2.4 Staff Evaluation

2.4.1 Purpose: The intent of performance evaluation is to provide the employees with a clear and comprehensive assessment of their accomplishments, and the strengths and weaknesses in their job performance. Performance appraisal is seen as a process of growth, and, to the greatest extent possible, should be forward-looking and balanced.

2.4.2 Criteria: The evaluation is based on a comprehensive analysis of all responsibilities identified in the staff person’s job description, and should include input from co-workers within the staff person’s program, other Agency programs where appropriate, and those from other agencies who regularly work with the employee. The evaluation process also includes the staff person’s self-evaluation. Where possible, input should also be solicited from clients/consumers with whom the employee has worked.

2.4.3 Performance Appraisals: A new employee receives a written performance appraisal by no later than the end of the third month of employment. This is an evaluation of the employee’s performance during the orientation period. Thereafter, performance appraisals are conducted on an annual basis or more often if deemed advisable by the employee’s supervisor. The appraisal is based on performance in relation to responsibilities outlined in the job description, the previously agreed upon work plan, and standards of job performance, which are developed by the supervisor in consultation with the staff person.
The supervisor conducts the appraisal with the employee. The employee has the right to present any material pertinent to the nature and scope of the appraisal and to comment on the performance review in writing as part of the process.

The employee must sign the performance review signifying that the employee has read and understands the contents. The employee’s signature does not necessarily imply agreement with the evaluation.

Goals and objectives identified in the evaluation should be concrete, measurable, and realistic as to outcome and time of completion. They may include an expansion of responsibilities and should describe changes to be made in areas where performance has not been acceptable. An evaluation should also contain an assessment of the employee’s success in achieving the goals set in the employee’s annual training plan.

2.4.4 Position Descriptions: Job descriptions will be reviewed annually during performance evaluations for any revisions, and will be updated by the Program Director as needed with the approval of the Team Leader.

An employee may bring to the supervisors suggested changes in the employee’s job description, if the employee feels that the job has changed sufficiently to warrant the change. Suggested changes will be evaluated by the Program Director. The employee, the supervisor, the Program Director and Team Leader will all be involved in the process to ensure that it is done fairly, accurately and consistently with other similar jobs. The revised job description must be signed by the staff person, Program Director, Team Leader and Executive Director.

2.5 Corrective Action and Discipline

2.5.1 Policy Statement: It is the policy of Family of Woodstock, Inc. that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all staff (employees and volunteers), the efficient operation of the Agency, and the delivery of services to consumers. Corrective action may be necessary when an employee has violated a policy, rule, regulation, or procedure or has demonstrated performance deficiencies. Corrective action may include counseling or initiating formal disciplinary action against an employee.

In instances where an action has been reported to a supervisor which seems inappropriate, the first step is to fact-find and determine the full circumstances of the event. This in house investigation will not preclude notification to the Justice Center of any serious incident or allegation of abuse by a staff person against a consumer.

2.5.2 Allegations of Abuse or Exploitation by a Staff person: If an incident of abuse or exploitation is alleged to involve any staff person of the Agency, the Agency will commence its own investigation. This policy in no way bars the exercise of administrative, management or board prerogatives, including, but not limited to, the evaluation of staff and the initiation of disciplinary proceedings against a staff person.
All Agency staff persons are required to report to their supervisor, Team Leader, or Executive Director any complaint by a recipient of the Agency’s services against a staff person. If the subject of the allegations is unsatisfied with the findings of such an investigation or the recommended disciplinary action, the individual may initiate the procedures in the Agency’s dispute resolution procedure.

Any incident alleged to involve an individual performing services for Family while employed by another Agency, will be reported to that individual’s employer, and, if appropriate, to the relevant enforcement Agency.

The responsibility for contract employees lies with the contractor; however, serious problems with contract employees will result in a review of the contract by the Executive Director.

2.5.3 Counseling: Family follows the general concept of progressive discipline. The extent to which supervisory conferences or disciplinary measures are utilized depends upon the facts and circumstances of each situation. Counseling may be the appropriate first step in addressing misconduct or performance deficiencies. In such cases, the supervisor will have a conference with the individual to define the areas of deficiency and develop a written plan for improvement.

The purpose of counseling is to inform the individual of the misconduct or the performance deficiency, deter its recurrence, and inform the individual of the consequences if the conduct is repeated or the performance is not improved.

When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards.

The supervisor must give the staff person a written summary of the inappropriate action(s) and an alternative that would have been acceptable. The staff person must acknowledge receipt by signing the memorandum.

2.5.4 Disciplinary Warning and Possible Termination: If, in the judgment of the supervisor, a staff person’s actions are serious but correctable, the supervisor may impose a corrective action plan which may include probation for up to one month. The Team Leader and Executive Director will be notified when any staff person is placed on disciplinary warning.

During this period, the supervisor will provide intensive and detailed supervision to give the staff person every opportunity to recognize and correct inappropriate behavior. If job performance is not markedly improved during this period, the supervisor will recommend termination. The final decision to terminate employment is made by the Executive Director.

2.5.5 Suspension Pending Investigation: When, in the opinion of the supervisor, a staff person’s actions endanger the program or a consumer of services, this information will be brought to the appropriate Team Leader and the Executive Director for immediate action. If the Executive Director agrees that the supervisor’s concerns are warranted, the staff person will be suspended with pay pending a fact-finding process.

2.5.6 Immediate Termination: Family reserves the right to dismiss an employee, volunteer, or consultant immediately.
2.6 Rules of Conduct

2.6.1 Prohibited Conduct: A staff person (paid employee or volunteer) who is found to have violated the policies, procedures, rules, or regulations communicated in this Employment Practices Compliance Manual or is found to have engaged in misconduct or has failed to correct poor performance may be subject to disciplinary action.

2.6.2 Per Se Violations: The actions listed in this section will generally be regarded as just cause for immediate termination of employment. This list is illustrative and is not intended to limit the Agency’s right to impose discipline in other appropriate cases.

• Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, volunteer, consumer, or any other person, whether on or off Agency premises.

• Possession of weapons, including but not limited to firearms, explosives, or knives (except for pocket knives) on Agency property or in Agency vehicles.

• Possession, use, or being under the influence of alcohol or controlled substances during hours of work or while on Agency property or in Agency vehicles.

• Willful or deliberate abuse, destruction, defacement, or misuse of Agency property or the property of another employee, volunteer, consumer, or any other person.

• Theft or unauthorized possession, use, or removal of Agency property or the property of another employee, volunteer, consumer, or any other person.

• Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the Agency.

• Preparation or manipulation of another employee’s time record.

• Acts of sabotage, including the work of another employee or volunteer.

• Making false statements about another employee, volunteer, or consumer.

• Gross insubordination or willful refusal to comply with the lawful order or instruction of a supervisor.

• Violation and/or disregard of safety rules or safety practices in such a way that jeopardizes the safety of the employee, another employee, volunteer, consumer, or any other person.

• Unauthorized expenditure of Agency funds.

• Illegal gambling while on duty.
2.6.3 Misconduct: A staff person (paid employee or volunteer) found to have committed any of the actions listed in this section will be subject to appropriate disciplinary action, which may include termination of employment. This list is illustrative and is not intended to limit the Agency’s right to impose discipline.

- Willful violation of Agency’s policies, procedures, rules, or regulations.
- Willful refusal to comply with the lawful order or instruction of a supervisor.
- Willful work slowdown, work stoppage, or interfering with or restricting the performance of another employee or volunteer or in any other way interfering with Agency operations.
- Personal activity during paid work time without the expressed permission of the appropriate supervisor.
- Disruptive, loud, and boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.

2.7 Proprietary Issues

2.7.1 Policy Statement: Any written materials, program designs, training curriculum, or other materials produced in the course of performing job responsibilities as an employee of Family are considered to be the property of the Agency and not the individual employee. Under certain circumstances, the Agency may consider joint promotion of materials for mutual gain.

2.7.2 Unauthorized Release: Without prior authorization by the Executive Director, and adherence to confidentiality laws, no consumer information, images or Agency materials may be used or disclosed outside of the performance of Family business for any purposes.

Failure to comply with this policy may result in disciplinary action up to and including suspension without pay and/or termination.

2.8 Personnel Files

Content: The personnel records maintained by the Agency include, but are not limited to, employment applications, personnel change forms; copies of job-required licenses and certificates, Federal and State withholding tax forms, pension enrollment/waiver forms, medical, dental and vision enrollment/waiver forms, performance appraisals, promotions, dispute resolution notices, counseling memoranda, notices of discipline, and orientation reports.
2.8.2 **Performance Evaluation**: Supervision notes and performance evaluations are to be kept in the personnel files in Family’s Administrative Offices in Kingston. Supervisors may keep copies in a secure location in their offices to refer to during supervisory sessions, but must ensure that the files in the administrative office are complete.

2.8.3 **Change in Status**: All staff (paid or volunteers) must notify the appropriate Program Director who will inform the Director of Payroll of any changes in:

- Name and/or marital status;
- Address, email and/or telephone number;
- Number of eligible dependents (benefits);
- W-4 (income tax) deductions;
- Emergency contact person;
- Beneficiary designation in case of the employee’s death; and
- Certifications

In instances where the changes impact the employee financially, failure by the staff person to notify Family of the change(s) will remove Family from any responsibility for loss of income and/or benefits.

2.8.4 **Employee Access**: A current employee may review and copy the contents of the employee’s own personnel file; however, access to certain documents may be limited, for example: an employee may not have unrestricted access to attorney work products, confidential memorandums, letters of reference, and unsolicited complaints.

A current employee may review one’s own personnel file in the presence of the Director of Payroll, their Program Director, Team Leader, or the Executive Director and may add notes to the file to provide additional information, clarify data in the file, or express disagreement with items in the file. Staff may not change, remove, or destroy anything that is in the file.

2.8.5 **Supervisor Access**: Supervisors may review their staff person’s personnel files during regular business hours.

2.8.6 **Exit Interview**: At the time of separation from employment, each staff person must complete the exit interview process.
PART 3 OPERATIONAL POLICIES

3.1 Hours of Operation

3.1.1 Workweek: A work week consists of thirty-five to forty hours.

3.1.2 Workday: The normal full-time work day for non-residential employees consists of eight consecutive hours of work, including a mandatory paid thirty-minute meal period and two paid fifteen-minute rest breaks.

3.1.3 Work Schedule: The Program Director establishes an employee’s work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the program.

3.1.4 Travel Time: Family complies with the FLSA and New York State Wage & Hour Laws regarding the determination of when travel time is considered working time. Supervisors must instruct staff how to record any eligible travel time on the time sheet.

3.2 Meal Periods & Rest Breaks

3.3.1 Meal Periods: Each program has established paid meal periods.

3.3.2 Observance of Meal Periods: An employee who works more than six hours in a given day is required to take the scheduled meal period. The meal period may not be taken at the end of an employee’s workday in order to leave work before the normal quitting time.

Notwithstanding the above, according to the NYS Department of Labor, “In instances where only one person is on duty and is the only one in a specific occupation, it is customary to eat on the job without being relieved. The Department of Labor will accept these special situations as compliance Section 162 where the employee voluntarily consents with the arrangement. However, an uninterrupted meal period must be afforded to every employee who requests this from an employer.” If the employee consents to this arrangement, it must be part of the employee’s signed job description.

3.3.3 Rest Breaks: Each program has established paid rest breaks. An employee who chooses not to take a rest breaks is not entitled to leave before the normal quitting time and will not receive extra pay for the time worked.

3.3 Working Off-Site

3.3.1 Other Program or Outside Agency: Staff assigned to work at sites under the auspices of another program of Family or an outside agency must work under the rules and conditions of that program or agency, including but not limited to dress code, code of conduct, signing in and out procedures, etc.

3.3.2 Supervision: Family will request that the host program or agency appoint a site supervisor to act as a liaison between the host agency/program and the Program Director for Family’s onsite
staff. The Program Director will be the liaison’s contact person for any issues, problems or concerns regarding the staff person offsite.

Supervision of that staff member remains the responsibility of the Program Director. It is expected that conflicts/issues with the host agency will be brought to the Program Director and Team Leader and the issues will be resolved through negotiations between the Program Director and the host site liaison.

3.4 Inclement Weather & Emergency Conditions

3.4.1 Agency Programs: Due to the 24 hour nature of many of Family’s programs and the Agency’s commitment to the needs of working parents and other consumers of services, the Agency’s offices and programs will remain open, whenever possible, even in adverse conditions. Staff are encouraged to use their own good judgment in determining whether it is safe for them to come to work in such conditions.

3.4.2 Inclement Weather: Except in instances when the roads are closed by local or state authorities and there is no other road to take, or when the program is closed by the Executive Leader or Team Leader, staff will be expected to report to work.

If an employee chooses to not report to work, the absence will be charged against the employee’s holiday leave credits or vacation leave credits. However, an employee may make up the absence during the same pay period with prior approval of the Program Director.

In cases where an employee does not have sufficient holiday leave credits or vacation leave credits to cover the absence, the Program Director may request approval of the Team Leader or Executive Director that the leave credits be advanced.

3.4.3 Required to Remain at Work: In emergency situations it may be required that an employee remain at work past the normal shift to provide coverage until the next staff person arrives. In such instances the employee will be compensated for the extra time worked.

3.5 Time Records

3.5.1 Weekly Time Sheets: All employees must complete individual time records showing daily hours worked, including starting and finishing times and any time taken off during normal work hours. Time sheets cover each separate work week.

Time sheets must be completed by the end of the employee’s last shift or no later than the following Monday morning.

Time sheets are due on Monday by 12:00 noon. When Monday is a holiday, time sheets are due by 9:00 am on Tuesday.

In instances where a particular staff person does not complete a time sheet in a timely manner, the Agency reserves the right to delay payment.

All employees are responsible for their own time sheets and must initial their own time sheets.
Program Directors are responsible for ensuring that name, title and hours are accurately represented before giving their approval in writing.

An employee may not record the time sheet of another employee.

The falsifying of any time sheet is prohibited and may result in disciplinary action up to and including suspension without pay and/or termination.

3.5.2 Correction of Errors: An employee must report any errors on paychecks or a lost check to the supervisor immediately. Every effort will be made on Family’s part to correct errors on the employee’s next paycheck.

3.5.3 FLSA Exempt - Improper Deductions: It is Family’s policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). If an FLSA-exempt employee believes that any improper deduction has been made, the employee should immediately notify the Payroll Department.

3.6 Agency and Personal Vehicle

3.6.1 Use of Agency Vehicles: Vehicles owned, leased, or rented by the Agency are assigned to staff persons for the sole purpose of conducting Agency business. Only authorized staff may drive Agency vehicles. Agency vehicles may only be used for authorized Agency business and may not be used for the personal use or private gain or to transport unauthorized individuals or materials.

3.6.2 Use of Personal Vehicles: When staff use a personal vehicle for Agency business, the staff person’s own insurance provides the primary coverage. Family maintains liability insurance which pays personal injury or liability claims to the extent they exceed the limits of the staff person’s own policy up to the limits of Family’s insurance policy. The Agency is not responsible for any damage to a staff person’s personal vehicle while on Agency business. Family’s insurance does not cover any damage to the vehicle.

3.6.3 Driver’s License: Staff who as part of their job responsibility transport or drive consumers either in an Agency vehicle or a personal vehicle must submit a copy of a valid New York State driver’s license to be maintained on file. The Agency routinely confirms that all staff continue to have a valid driver’s license.

3.6.4 Driving Convictions & Tickets: Any tickets while driving on Agency business or any conviction or suspension of driver’s license, suspension of registration or insurance, or driving under condition of impairment must be reported the next working day to the appropriate supervisor who will report the incident to the appropriate Team Leader. Even when a staff person is contesting the ticket or the offense the person must notify the appropriate supervisor.

Failure to give notice of a ticket while driving on Agency business or a conviction or suspension of driver’s license, suspension of registration or insurance, or driving under condition of impairment, may result in disciplinary action up to and including suspension without pay and/or termination.
3.6.5 Accidents: A staff person must notify the appropriate supervisor immediately in the event of an accident, theft, or damage involving a vehicle owned, leased, or rented by the Agency or the staff person’s own personal vehicle being used for Agency business, regardless of the extent of the damage or lack of injuries. An Accident Report from the police must be submitted to the appropriate supervisor.

3.6.6 Traffic Laws: Staff are responsible to comply with all motor vehicle laws and regulations. In situations where the Agency vehicle is parked at a meter, it is the responsibility of the staff to ensure that the vehicle does not receive a parking ticket, or to pay that ticket if it is issued.

The Agency is not responsible for parking or other tickets when staff are using their own vehicles to perform agency business. The Agency, however, will reimburse staff for the cost of parking fees associated with Agency business or to attend trainings, so long as a proper receipt is submitted.

3.6.7 Seat Belts: All passengers must wear seat belts in Agency or private vehicles. Children under age four, must be properly secured in a federally-approved child safety seat attached to a vehicle by a safety belt or universal restraint anchorage (LATCH) system. A child under age four who weighs more than 40 pounds may be restrained in a booster seat with a lap and shoulder belt. A child of age 4, 5, 6 or 7, must use a booster seat with lap and shoulder belt or a child safety seat. Exception: A child more than four feet nine inches tall or more than 100 pounds is allowed to use a seat belt that has both a lap belt and a shoulder harness.

3.6.8 Agency Vehicle Maintenance: Staff are responsible for maintaining Agency vehicles in a neat and clean condition at all times. Papers and garbage must be removed from the vehicle at the end of each trip. Vehicles should be maintained in a safe and secure condition when not in use. It is the staff person’s responsibility to notify the Director of Maintenance and the Executive Director of any needed maintenance or repair work on a Agency vehicle.

No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on Agency vehicles at any time, except those of a limited community service nature that have been authorized by the Executive Director.

3.7 Telephones

3.7.1 Personal Calls: The use of Family’s telephones is primarily for Agency business. In instances when personal use is necessary, it should be kept to a minimum. When, in the judgment of a supervisor, such use is impeding the staff person’s or program’s work performance, it should be addressed by the supervisor directly.

3.8 Cell Phones

3.8.1 Personal Calls: While Family allows staff to receive essential personal calls during the work day, such calls must be of minimum length. Non-essential personal business calls must be during meal periods or rest breaks.

3.8.2 General Guidelines: Staff must limit receiving or placing calls, text messaging, surfing the internet, receiving or responding to e-mail, or checking for phone messages while at work.
Calls must not be taken or made with the phone on speaker when others are in or close to the room.

Cell phones should be set to silent during meetings or trainings. If a call must be taken, the staff person should leave the room.

Cell phone use (both calls and texting), including hands free, is prohibited while driving for Family business.

3.8.3 Agency Phones: Some programs have Agency cell phones which will be assigned to case workers by program directors. These phones are meant to be used for Agency Business only. Use of the phone for personal calls will be cause for disciplinary action, including repaying the Agency for the used minutes.

All minutes must be purchased with a purchase order and receipts returned to the finance department with the number of the cell phone for which the minutes were purchased written on it.

The employee assigned to the phone is responsible to maintain the phone in a safe location, to keep it in good condition, and to maintain the box, owner’s manual and charger. The employee is responsible for lost or destroyed phones. If the employee’s negligence is part of what causes the loss of the phone, a new phone may not be issued.

If the phone is stolen, the employee must make a police report which should be returned to the Program Director as soon as possible. The Program Director must notify the Team Leader, Executive Director and the IT Consultant.

When a staff person leaves the position for which the phone was assigned, the phone, charger, owner’s manual and all other pieces associated with the phone should be returned to the Program Director during the exit interview.

3.9 Electronic Workplace

3.9.1 Policy Statement: Producing, exchanging and retrieving information electronically by taking advantage of technology presents valuable opportunities for Family. While staff are encouraged to use this technology, its use carries important responsibilities. Staff are expected to exhibit the same high level of ethical and business standards when using this technology as they do with more traditional workplace communication resources.

Staff have no expectation of privacy with respect to e-mail or electronic communication or information stored in company computers or property. All staff are given access to the Agency’s technology and must read and sign the Technology Use and Privacy Policy, acknowledging the guidelines presented in that policy.

3.9.2 Technology Use and Privacy: Family provides various technology resources to authorized staff to assist them in the performance of their job duties. Each staff person has a responsibility to use Family’s Technology Resources in a manner that increases productivity, enhances the services provided, and is respectful of others.
3.9.3 Definition of Technology Resources: Technology resources consist of all electronic devices, software, and means of communication including, but not limited to, the following: workstation computers; lap-top computers; cell phones; tablets; computer hardware such as disk drives, tape drives and flash drives (also called memory sticks); peripheral equipment such as printers, modems, fax machines, scanners and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet, electronic mail, telephones, pagers, and voice mail systems.

3.9.4 Authorization: All users share responsibility for the security of Family’s Technology Resources. Users have access to sensitive and confidential information as part of their everyday job. Misuse of the technology resources can expose sensitive information to an unauthorized user. It is critical that Family’s technology resource users avoid activities that could result in unauthorized access to sensitive information.

Access to Family’s Technology Resources is within the sole discretion of the Agency. Generally, staff are given access to the Agency’s various technologies based on their job functions.

Authorized use of some of Family’s Technology Resources is secured by the assignment of a unique user ID and password. Passwords are intended to prevent unauthorized access to information. All users must protect their password(s) from unauthorized use.

3.9.5 Acceptable Use: Family’s Technology Resources are to be used by staff primarily for the purpose of conducting Agency business. Staff may, however, use Family’s Technology Resources for the following incidental personal uses so long as such uses do not interfere with the staff person’s duties, do not conflict with Family business, and do not violate any of Family’s policies:

• To gain personal proficiency;

• To send and receive necessary and occasional personal communications;

• To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental personal data) in a reasonable manner which does not unduly use up the equipment or its storage capacity;

• To use the telephone system, fax machine, or copy machine for brief and necessary personal use; and,

• To access the Internet for brief personal searches and inquiries during times which are outside of work hours, provided that the staff person adheres to all other usage policies.

When a staff person utilizes agency equipment in such a way as to slow down the functioning of that equipment (i.e. streaming music) the staff person may be asked to curtail that operation.

As relates to personal use, Family assumes no liability for loss, damage, destruction, alteration, disclosure, or misuse of any personal data or communications transmitted over or stored on Family’s technology resources. Family accepts no responsibility or liability for the loss or non-
delivery of any personal electronic mail or voice mail communications or any personal data stored on any of Family’s property.

3.9.6 Improper Use: Staff must not use Family’s Technology Resources to intentionally obtain or generate information containing content that may be considered offensive or disruptive. Offensive content includes, but is not limited to, sexual comments or images, racial slurs, gender offensive comments, or any comments that would offend someone on the basis of race, creed, color, national or ethnic origin, gender identity or expression, age, marital status, sexual orientation/preference, physical differences, religious or political beliefs, or disability.

Staff must not use Family’s Technology Resources for any illegal purpose, in violation of any of Family’s policies, in a manner contrary to the best interests of the Agency, or in any way that discloses confidential or proprietary information of Family or third parties.

Staff must not use Family’s Technology Resources to copy, retrieve, forward or send copyrighted materials unless the staff person has the author’s permission.

Family’s Technology Resources may not be used for personal gain without prior approval of the Executive Director.

3.9.7 Administrative Access to Technology Resources: All messages sent and received, including personal messages, and all data and information stored on the Agency’s e-mail system, voice-mail system, website, computer systems, and other social media pages are Family property regardless of the content.

While Family intends to respect the privacy of its staff, on occasion, Family accesses all its technology resources including computer files or email and voice mail messages. Staff should be aware that the right of privacy cannot be guaranteed with respect to any messages or information created or maintained on Family’s Technology Resources, including telephone voice mail, electronic mail, and internet uses. Family may, at its discretion, inspect all files or messages on its technology resources at any time for any reason. Family also monitors its technology resources continuously in order to determine compliance with its policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other business purpose.

3.9.8 Social Media: All technology websites and other social media pages are the property of the Agency. All new social media initiatives must be reviewed and approved by the Executive Director, or designee, before being launched. Either the Executive Director or designee must have primary administrative control. No photo or client information may be publicized on any social media sites without a written consent from the client or their guardian.

3.9.9 Technology Resources: Because Family manages costs for support, upgrades and new capabilities, and because there are laws and regulations governing the distribution of copyrighted software, the Executive Director or designee must be able to keep track of the technology resources in the Agency. Users can help by working with the resources that Family provides and advising the Executive Director or designee, when Family provided resources becomes inadequate for the job.
Users must not purchase, install, upgrade, or move technology resources without prior approval of the Executive Director or designee, so that the Executive Director or designee can keep an accurate inventory and prevent damage to equipment.

Technology resources should stay in the place in which they were installed. Users may reposition technology resources on a desktop or work space, but they should not disconnect the resource from the network in order to move it to a different location.

Only authorized equipment is to have a permanent physical connection to Family networks. No software shall be installed on any Family technology resources without prior approval of the Executive Director or designee. Any illegal or unlicensed software will be removed upon discovery. All software developed using Family’s Technology Resources is the property of Family. Developed software must not be copied or distributed without prior approval of the Executive Director, or designee. In instances where staff are uncertain about these issues or the functioning of any of the Agency’s equipment, the staff person must go to the appropriate supervisor and the supervisor will make the request.

Failure to comply with the technology use and privacy policy may result in disciplinary action up to and including suspension without pay and/or termination.

3.9.10 Confidential Information: Family is bound by law and Agency commitment to protect confidential information of its consumers. Staff are expected to use good judgment and to adhere to the highest ethical standard when using or transmitting Confidential Information on Family’s Technology Resources.

Confidential Information must not be accessed through Family’s Technology Resources in the presence of unauthorized individuals. Similarly, confidential information must not be left visible or unattended.

Moreover, any confidential information transmitted via technology resources must be marked with the following confidential legend:

“This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential, privileged, or legally protected, and as such is not a public document. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.”

Whenever sending confidential information via internet or fax, all appropriate measures should be taken to protect consumer confidentiality.

Failure to follow this policy may result in disciplinary action up to and including suspension without pay and/or termination.
3.10 Visitors, Children & Pets

3.10.1 Policy Statement: It is the policy of Family of Woodstock Inc. that children and pets of employees are not brought to work on a regular basis. If a staff person has an emergency and has no other option, the staff person may bring their children or pets for a short term, upon approval of the appropriate supervisor. If this accommodation is needed for more than two days, approval by the Team Leader or Executive Director is necessary.

3.11 Lactation Accommodation

3.11.1 Policy Statement: Family provides break time for nursing staff to express breast milk. This break will be provided for up to three years after the birth of a child. If the break time is less than 20 minutes, it is a paid break. All reasonable efforts will be made to provide a nearby private room for the purpose of expressing milk.

3.12 Solicitations/Distributions

3.12.1 During Work: Family discourages solicitation of staff while at work. Each staff person has the right to reject any solicitation, and if the soliciting individual does not respect the request to curtail solicitation, the individual will be asked to cease all solicitation on Family premises.

Questions concerning solicitation should be referred to the Executive Director.

Failure to comply with this policy may result in disciplinary action up to and including suspension without pay and/or termination.

3.13 Political Activity

3.13.1 During Work: As a not-for-profit Agency, Family is prohibited from endorsing or rejecting a particular candidate or political party. Staff must remain neutral and avoid expressing personal political beliefs and/or reinforcing positive or negative opinions of the consumer.

Failure to comply with this policy may result in disciplinary action up to and including suspension without pay and/or termination.

3.13.2 Advocacy: Notwithstanding the above, staff have the right to educate elected officials, the community and consumers on the impact that proposed policies will have on the Agency consumers.

3.14 Radios & Headsets

3.14.1 Policy Statement: Staff may listen to radios and or digital devices with headphones. In instances when the radio/digital device is in a communal space without headphones, all staff in that workspace must agree on volume, radio station and music selection, or it must be eliminated.

Each Program Director sets the standard for the use of radios and headphones for the program. Consideration must be given to whether the staff person is approachable when listening to
headphones, will the headphones distract from work or will they create a communication barrier between staff and clients, or other staff.

3.15 Personal Property

3.15.1 Policy Statement: A staff person is not to bring unnecessary or inappropriate personal property to work.

3.15.2 Inspections: Desks, lockers, and other storage areas may be provided for the convenience of staff but they remain the sole property of the Agency. The Agency is not responsible for loss or damage to personal property placed in such storage devices.

In the event the Agency has reasonable suspicion to believe there are drugs, alcohol, weapons, or stolen property in such storage areas, the Agency can inspect such storage devices, as well as any articles found within them, at any time, with or without notice. The inspection will normally be done by two representatives of the Agency and may or may not be made in the presence of the staff person.

3.16 Personal Appearance

3.16.1 Policy Statement: Staff are expected to dress in a manner appropriate to their specific jobs. This may vary depending on the tasks to be performed on a particular day. Care must be taken to ensure good personal hygiene, as well as appropriate clothing for the job activity for any given day. Relaxed, casual and business casual describes Family’s “dress code”.

Clothing and appearance should not be distracting or offensive to those the staff person works with, including clients, community members, business relationships and co-workers. Program Directors set and supervise the standards for each program.
PART 4 ABSENCE POLICIES

4.1 Attendance

4.1.1 Tardiness: A staff person must be ready and able to work at the time the staff person is scheduled to begin work. In the event a staff person is unable to report to work at the scheduled time, the staff person must notify the appropriate supervisor as soon as possible before the scheduled starting time. The reason for tardiness and the expected time of arrival must be provided.

4.1.2 Unscheduled Absences: In the case of sudden illness or emergency that cause a staff person to be absent from work, the staff person is required to personally notify the appropriate supervisor by telephone at the earliest possible time. It is not sufficient to call in to the switchboard. Asking another person to call in on one’s behalf is not permitted. Notification requirements may be waived in cases of emergency.

4.1.3 Unexcused Absences: Notification of an absence does not automatically mean the absence is authorized. Any time off from work that is without approval of the appropriate supervisor is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action up to and including suspension without pay and/or termination.

4.1.4 Leaving Work Early: Staff are required to notify the appropriate supervisor in advance of any incident that would require them to leave the building before the end of their scheduled work day (leave early).

4.1.5 24-hour Programs: Many of the programs that Family sponsors are critical to the well being of the most at-risk individuals in the County. Many programs are 24 hour in nature and we have contractually committed to operating these programs on an around-the-clock basis. Therefore, in accepting a job in a 24-hour programs, every effort must be made to fulfill the scheduled shift, and all time off must be prearranged and pre-approved by the Program Director. In emergency conditions staff must communicate with the program as early as possible if not be able to fulfill the entire shift.

4.2 Family and Medical Leave Act

4.2.1 Summary: The Family and Medical Leave Act Policy (FMLA) allows an eligible employee a maximum of twelve workweeks (defined by the employee's normal workweek) of job-protected, unpaid leave in any twelve month period for certain family and medical reasons. The twelve-month period is a “rolling period” measured backward from the date an employee uses any FMLA leave. At the conclusion of the leave of absence, the employee will be restored to the position the
employee held when the leave began or to an equivalent position with equivalent benefits, pay, and working conditions, provided the employee returns to work immediately following such leave.

4.2.2 Types of Unpaid Leave: An eligible employee will receive an unpaid leave under the following circumstances:

• **Sick Leave of Absence** – An employee who is unable to work because of a serious health condition or disability may be granted a sick leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. The Agency requires certification of an employee’s need for sick leave, both before the leave begins and on a periodic basis thereafter, from the employee’s health care provider.

• **Parental Leave of Absence** – A female employee, when not disabled by pregnancy or childbirth (see above), and a male employee may be granted a parental leave of absence to care for a child upon birth or upon placement or adoption or foster care.

• **Family Care Leave of Absence** – An employee may be granted a family-care leave of absence for the purpose of caring for a child, spouse, or parent who has a serious health condition. The Agency requires certification of the family member’s serious health condition, both before the leave begins and on a periodic basis, by the family member’s health care provider.

4.2.3 Eligibility: To be eligible for an unpaid leave under the Family and Medical Leave Act (FMLA), an employee must meet the following requirements:

• The employee must have worked for the Agency for at least twelve months before the leave request (these need not be consecutive);

• The employee must have worked for the Agency for at least 1,250 hours during the previous twelve months prior to the date the leave commences; and

• Spouses who both work for Family are allowed a combined maximum of twelve workweeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a parent, during any twelve month period.

4.2.4 Definitions: The following terms are fully defined in the Federal Regulations on the Family and Medical Leave Act, 29 CFR Part 825:

• **Serious Health Condition** will mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity (as contained in the Federal Regulations), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
* A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;

* A period of incapacity due to pregnancy or prenatal care;

* A period of incapacity or treatment for such incapacity due to a chronic serious health condition;

* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or

* A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

• **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.

• **Family Member** will mean and refer to:

  * **Spouse/Partner** - as defined or recognized under State law for purpose of marriage;

  * **Parent** - biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter as defined in directly below. This term does not include an employee’s parents "in law";

  * **Child** - biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen, or age eighteen or older and "incapable of self-care (as defined in the Federal Regulations) because of a mental or physical disability". Persons who are "in loco parentis" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

4.2.5 **Notification Requirements**: If the need for leave is foreseeable, the employee must give notice, in writing, to the Team Leader for Quality Assurance & Human Resources at least thirty calendar days prior to the commencement date of the unpaid leave. The employee must complete
the *Leave of Absence Request Form* and submit the form to the Team Leader for Quality Assurance & Human Resources for review. The failure of an employee to give the thirty-day notice with no reasonable excuse for the delay may result in the delay of the employee taking the leave until thirty calendar days from the date of notice. When the need for leave is unforeseeable, verbal notice to the Team Leader for Quality Assurance & Human Resources will be allowed.

4.2.6 **Status Reports:** The employee must periodically update the appropriate Team Leader who should then notify the Director of Payroll as to the employee’s status and intent to return to work.

4.2.7 **Medical Certification:** The employee must produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, within fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee’s eligibility for an unpaid leave of absence and/or the ability to return to work. Medical certification forms are available from Team Leader for Quality Assurance & Human Resources. The medical certification must include:

- The date the medical condition began;
- The probable duration of the medical condition;
- Pertinent medical facts; and,
- An assertion that the employee is unable to perform the employee’s essential job functions or that the employee is needed to care for a family member for a specified period of time.

The Team Leader for Quality Assurance & Human Resources may request a second opinion by another health care provider. The Agency will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the Team Leader for Quality Assurance & Human Resources may, again at the Agency’s expense, obtain a third opinion from a health care provider approved jointly by the Team Leader for Quality Assurance & Human Resources and the employee. This third opinion will be final and binding.

4.2.8 **Leave for the Birth, Adoption or Foster Care Placement of a Child:** Leave for the birth of a child or the placement of a child for adoption or foster care must be taken within twelve months from the date of the birth or placement.

4.2.9 **Certification for Adoption/Foster Care:** An employee must produce proper certification from the appropriate agency for an unpaid leave for the adoption or foster care of a child.

4.2.10 **Employment Restrictions During Leave of Absence:** While on an approved unpaid leave, the employee may not be employed by another entity during the same hours that the
employee was normally scheduled to work for Family of Woodstock, Inc. without approval from the Executive Director.

4.2.11 Use of Accrued Paid Leave Time: An employee taking leave for the birth, adoption or foster placement of a child or to care for a spouse, child, or parent with a serious health condition must first use all but two weeks of vacation time which will be included in the maximum twelve weeks of leave. The substitution of paid leave for unpaid FMLA leave does not extend the twelve-week period.

For leaves taken due to the employee’s own serious health condition, the employee must first use all sick leave credits and then all vacation leave credits, which will be included in the maximum twelve-week period. However, in the event that the paid leave credits are greater than the maximum twelve-week period, an employee may use paid leave credits to extend the leave of absence beyond the twelve-week period, up to a maximum of one year. If, after the completion of the one-year leave of absence, the employee is medically unable to return to work (as determined by a health care provider) and the employee has leave credits remaining, the Board of Directors may authorize an extension of the employee’s leave of absence until such benefits are exhausted. However, job reinstatement beyond the one-year leave of absence is not automatic and will be dependent upon job availability.

4.2.12 Workers’ Compensation: Leaves taken under the Workers’ Compensation may invoke the Family and Medical Leave Act provided the employee meets the eligibility criteria outlined in the eligibility section and the Agency notifies the employee that it has designated such leave as FMLA leave. If the Workers’ Compensation leave has been designated as FMLA leave by the Agency, it can be counted against the employee’s FMLA leave.

In accordance with the FMLA, an employee who has elected to receive Workers’ Compensation benefits cannot be required to substitute paid leave credits during this period of leave.

4.2.13 Medical Insurance: During the period of authorized FMLA designated leave, an employee’s eligibility status for medical insurance coverage will not change for up to a maximum of twelve weeks. In the event the employee has accumulated paid leave credits that extend beyond the twelve-week period, the employee’s eligibility status for medical insurance coverage will not change as long as the employee is in “full-pay” status (refer to section in the Agency’s Employment Practices Compliance Manual pertaining to Workers’ Compensation regarding “Continuation of Medical Insurance”.)

The employee’s premium copayments must be paid on a timely basis in order to maintain the continuous coverage of benefits. Premium copayments will be at the same level as if the employee was working. Coverage will cease if premium copayments are not made within a thirty calendar day grace period of the due date. In the event the employee fails to return to work after the authorized leave of absence period has expired, provisions of COBRA will apply. In addition,
the Agency may recover the premium payments it paid during any period of the unpaid leave except for the following circumstances:

The continuation, recurrence, or onset of a serious health condition of the employee or the employee’s eligible family member with proper medical certification; or,

Circumstances beyond the employee’s control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee’s spouse is unexpectedly transferred to a job location more than 75 miles from the employee’s work-site; the employee is laid off while on leave.

4.2.14 Return to Work: The following conditions for returning to work will apply:

• **Job Restoration** - At the conclusion of FMLA leave - provided that the employee returns to work immediately following such leave - the employee will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay, and working conditions.

• **Medical Statement** - Before resuming employment, an employee must submit a statement from the employee’s health care provider indicating that the employee is able to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.

• **Early Return** - An employee who intends to return to work earlier than anticipated must notify the Team Leader for Quality Assurance & Human Resources at least five business days prior to the date the employee is able to return.

4.3 Unpaid Leaves of Absence

4.3.1 General Terms: Absences taken beyond an employee’s leave accruals shall be considered unauthorized (AWOL) unless prior written approval has been given from the Executive Director. Subject to the approval of the Executive Director, unpaid leaves of absence may be available to an employee for personal reasons including, but not limited to, personal illness, family responsibilities, and education.

4.3.2 Request for Unpaid Leave: The employee must submit such request and the reasons for the leave, in writing, to the Executive Director as soon as reasonably possible prior to planned commencement of the requested leave. The Executive Director has sole discretion in approving such leave.

4.3.3 Return to Work: An employee who fails to return from an unpaid leave of absence at the scheduled expiration date without giving proper notice or receiving proper authorization shall be conclusively presumed to have voluntarily resigned from employment.
PART 5  COMPLIANCE POLICIES

5.1 The Americans with Disabilities Act

5.1.1 Policy Statement: It is the policy of Family of Woodstock, Inc. to comply with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. Accordingly, employment decisions at Family, such as recruitment, hiring, job assignments, training, promotion, demotion, furlough, layoff and recall, termination of employment, compensation and benefits, and employer-sponsored activities will be conducted so as not to discriminate unlawfully against persons with disabilities.

5.1.2 Reasonable Accommodation: Under the Americans with Disabilities Act employers are required to provide reasonable accommodations for staff with disabilities. Reasonable accommodations are generally defined as adaptations in scheduling or equipment which allow the staff person to fully perform the essential functions of the job without unreasonable financial cost to the employer or adverse impact on co-workers. Family is committed to assisting any staff with a disability to remain with the Agency and develop professionally for as long as the staff can work effectively. Appropriate accommodations vary with the individual, the disability, and the job requirements. Specific accommodations must be negotiated on a case by case basis with the Program Director, Team Leader and Executive Director.

As a government contractor, Family is subject to §503 of the Rehabilitation Act of 1973 (as amended), which requires government contractors to take affirmative action steps to employ and develop qualified individuals with a disability.

If a staff person has such a disability and would like to be considered under the affirmative action program, individual should inform the immediate supervisor. Submission of this information is voluntary and refusal to provide it will not subject the individual to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of the individual with a disability, and regarding necessary accommodations, (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (iii) government officials investigating compliance with the Act shall be informed.

5.1.3 Pre-Employment Inquiries: Pre-employment inquiries are made only regarding an applicant’s ability to perform the duties of the position and not any disabling condition. Pre-employment physical exams will only be requested when in compliance with the law.

5.1.4 Complaint Procedure: A staff person who believes that the actions or words of an employee or non-employee have violated this policy should immediately report the behavior as set forth in Section 5.5 - Complaint Procedure and Investigations.
5.2 Equal Employment Opportunity

5.2.1 Policy Statement: Family of Woodstock, Inc. is an Equal Opportunity Employer. Family is fully committed to the principles of multi-cultural staffing and equal employment opportunities.

At Family, employment is based upon personal capabilities and qualifications without discrimination on the basis of a person's race, color, religion, gender identity/expression, sexual orientation/affection or preference, age, national origin, marital status, citizenship, medical condition, disability, status as a disabled, special or Vietnam-era veteran, genetic predisposition or “carrier” status, military status, physical differences or any other protected characteristic as established by law.

Equal employment opportunity applies to all policies and procedures relating to recruitment, hiring, job assignments, training, promotion, demotion, furlough, layoff and recall, termination of employment, compensation and benefits, employer-sponsored activities, and all other terms and conditions of employment.

Family is committed to providing culturally appropriate services to its diverse consumer population. The Agency also reaches out through both formal and informal networks to recruit diverse candidates for positions. Family incorporates cultural awareness and competency in the training of its staff.

5.2.2 Complaint Procedure: A staff person who believes that the actions or words of an employee or non-employee have violated this policy should immediately report the behavior as set forth in Section 5.5 - Complaint Procedure and Investigations.

5.3 Religious & Political Beliefs

5.3.1 Policy Statement: Family attracts consumers and staff of diverse viewpoints. Care must be taken to avoid demeaning the understanding and opinions of others. In all conversations, care should be taken to respect the opinions and understandings of others.

Family remains neutral and avoids advocating any religious beliefs in its work with consumers. Staff must remain neutral and avoid expressing personal beliefs and/or reinforcing positive or negative opinions of the consumer. Representatives of the Agency may not endorse any specific organized religion, religion in general or non-religion in their counseling and case management work with consumers. Upon consumer request, referrals may be made to clerical, pastoral or spiritual counseling programs.

5.3.2 Complaint Procedure: A staff person who believes that the actions or words of an employee or non-employee have violated this policy should immediately report the behavior as set forth in Section 5.5 - Complaint Procedure and Investigations.
5.4 Sexual Harassment

5.4.1 Policy Statement: Family has “zero tolerance” of harassment and discrimination. All staff members at Family have a right to be treated with respect and dignity, and to work in an environment free from all forms of discrimination and conduct which could be considered harassing, abusive, coercive or disruptive. The complaint procedure in Section 5.5 is intended to provide an effective mechanism for reporting and resolving promptly, complaints of sexual harassment without any risk of repercussion to a complaining staff person for filing a complaint of sexual harassment in good faith.

5.4.2 Applicability of Policy: This policy applies to all staff regardless of supervisory level. Family does not tolerate sexual or other forms of harassment of its staff by supervisory personnel, co-workers, subordinates, consumers or third parties who deal with Family or against any of its consumers by any Family staff.

All staff are encouraged to be observant of and report any questionable conduct to their supervisors who are responsible to ensure that no retaliation will occur for those who report questionable activities. If the supervisor is the subject of the report, the supervisory chain of command should be followed.

5.4.3 Supervisory Responsibility: Supervisors are responsible for providing a work environment that is free from unsolicited, unwelcome, and intimidating behavior, including behavior of a sexual nature. A supervisor must therefore take immediate and appropriate corrective action in the event the supervisor is a witness to, or becomes aware of, any violations of this policy. The supervisor is also responsible for immediately notifying the Team Leader for Quality Assurance & Human Resources and/or Executive Director of any policy violations.

5.4.4 Definition of Sexual Harassment: Sexual harassment is defined by government regulation as “unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature… [when] submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s [employment]; when submission to or rejection of such conduct… is used as the effect of unreasonably interfering with the individual’s work performance or creating an intimidating, hostile or offensive work environment.”

Whether conduct constitutes harassment or discriminatory behavior is determined by how the experience is viewed by the offended person; it is not determined by the person who is initiating and engaging in the behavior.

5.4.5 Forms of Sexual Harassment: Unprofessional, inappropriate, or offensive conduct committed by a supervisor, coworker, vendor, supplier, visitor, or any other non-employee is prohibited, even if the conduct is welcome by the recipient(s). Prohibited conduct includes, but is not limited to:

• A supervisor threatening or implying that a subordinate’s acceptance or refusal of the supervisor’s sexual advances will affect the subordinate’s terms or conditions of employment (e.g., promotion, demotion, pay increase, termination).
• Verbal harassment of a sexual nature related to a staff person’s gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.

• Sexually oriented comments about an staff person’s body that are unwelcome and/or unreasonably interfere with an staff person’s work performance or create an intimidating, hostile, or offensive working environment.

• Any sexual advance that is unwelcome or any demand for sexual favors.

• Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an staff person’s work performance or creates an intimidating, hostile, or offensive working environment.

• Physical contact of any kind, which is not welcome, including touching, kissing, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person’s body.

5.4.6 Complaint Procedure: A staff person who believes that the actions or words of an employee or non-employee have violated this policy should immediately report the behavior as set forth in Section 5.5 - Complaint Procedure and Investigations.

Nothing in this policy should be construed as in any way limiting employees’ rights to use the Dispute Resolution Procedure as described in this Employment Practices Compliance Manual.

5.4.7 Disciplinary Action: Any staff person who is found to have committed an act of sexual harassment is subject to disciplinary action up to and including suspension without pay and/or termination.

5.5 Complaint Procedure and Investigations

5.5.1 Policy Statement: Family of Woodstock takes all complaints of discrimination, harassment, and sexual harassment seriously. A comprehensive complaint procedure has been developed to address any complaints received from employees and non-employees. This procedure is not intended to restrict an individual’s rights to make a complaint to a federal or state agency.

5.5.2 Reporting Policy Violations: A staff person who believes that the actions or words of a supervisor, co-worker, vendor, supplier, visitor, consumer, or any other non-employee has violated the Agency’s ADA, Equal Employment Opportunity, Religious Belief, Political Belief, or Sexual Harassment policy should immediately report any perceived violation of this policy to the Executive Director. In the event the staff person is unable to discuss this matter with the Executive Director, the complaint should be reported in writing to a member of the Board of Directors.

5.5.3 Investigation of Complaint: Generally, investigation of a complaint will be conducted by someone appointed by the Executive Director. In the event the Executive Director is named in
the complaint or is involved in the incident, the Board of Directors will appoint an individual to conduct the investigation. All complaints will be investigated discreetly and promptly. An investigation generally involves talking with the parties involved as well as any witnesses. All staff persons are required to cooperate in an investigation.

5.5.4 Confidentiality: Complaints will be handled and investigated in a manner that is as impartial and confidential as possible. In no event will information concerning a complaint be released by the Agency, to third parties, or to anyone within Agency employment who is not directly involved in the investigation of the complaint unless otherwise required by law. A staff person's confidentiality will be protected to the greatest extent possible, consistent with conducting a full investigation. However, the Agency cannot guarantee complete confidentiality.

5.5.5 Retaliation: Family of Woodstock will not retaliate, intimidate, coerce, threaten, discriminate, or otherwise take any adverse employment action against a staff person who files a complaint or who participates in an investigation. Likewise, the Agency prohibits a staff person from retaliating against an employee or non-employee for filing a complaint and/or participating in an investigation.

Any staff person who retaliates against an employee or non-employee is subject to disciplinary action up to and including suspension without pay and/or termination.

5.6 Drug-Free Workplace

5.6.1 Statement of Compliance: The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the Agency must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the Agency hereby complies with the requirements of the Drug-Free Workplace Act by adopting the following policy and drug-free awareness program:

5.6.2 Policy Statement: Family is strongly committed to maintaining a safe, healthy, and productive work environment. Staff at program sites, on-call or conducting business for Family, are prohibited from using, possessing, distributing, selling or being under the influence of alcohol or illegal drugs.

5.6.3 Sanctions: The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is strictly prohibited in all workplaces and work-sites. A staff person who is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and/or may be subject to criminal, civil and disciplinary penalties, including termination of employment.

In instances where a staff person is incapacitated or dysfunctional because of consumption of drugs and/or alcohol, the staff will be asked to leave and will be offered assistance to return safely home. In such instances, the Team Leader for Quality Assurance & Human Resources will meet with the staff person to discuss whether treatment or counseling is appropriate. It is the agency’s intent to support recovery. However if the staff person continues to come to work unable to perform properly, disciplinary action will be taken. In instances where the supervisor feels that the
staff person is not capable of functioning due to inebriation, the supervisor can request that the 
staff person agree to be drug tested.

5.6.4 Notification of Federal Agency: Each staff person must abide by this policy and notify the 
Team Leader for Quality Assurance & Human Resources of any criminal drug statute conviction 
for a violation occurring in the workplace within five calendar days of the conviction. Thereafter, 
the Agency will notify the granting federal agency within ten calendar days after receiving notice 
from an employee of such a conviction or otherwise receiving actual notice of such conviction. In 
addition, within thirty calendar days of receiving notice of a conviction, the Agency will take 
disciplinary action against the employee and/or require such employee to satisfactorily participate 
in a substance abuse or rehabilitation program pursuant to the Drug-Free Workplace Act.

5.6.5 Prescribed Medications: Staff persons on prescribed medications are permitted to work if 
the drugs do not impair the staff person’s ability to perform one’s job functions. In instances where 
the staff person’s performance seems to be affected by the prescription medication being taken, 
the Agency may ask the staff person to provide medical verification acknowledging that it is safe 
for them to work under the influence of the medication.
PART 6 DISPUTE RESOLUTION

6.1 Dispute Resolution Procedure

6.1.1 Definition of Dispute: For the purpose of this Employment Practices Compliance Manual, a “dispute” will mean a claimed violation, misinterpretation, or inequitable application of any of the expressed provisions of this Employment Practices Compliance Manual.

6.1.2 Informal Resolution of Disputes: Any staff person or consumer, who is dissatisfied with a policy, decision, or the treatment received, may present the matter to the appropriate Program Director. The matter should be presented in writing whenever possible.

The staff person may present the matter to the Program Director’s Team Leader, Team Leader for Human Resources, or Executive Director. These issues will be reviewed, and, when necessary, for mediation will be scheduled.

Every effort will be made to resolve the complaint within a reasonable period of time, while preserving the confidentiality and privacy of those involved to the greatest extent possible. When appropriate, the identity of the staff person bringing the issues may be withheld from the individual about whom the complaint is being made in order to prevent retaliation.

If the matter cannot be resolved informally, the staff person may proceed with Step One below.

6.1.3 Step One: An employee who claims to have a dispute may present the dispute to the Executive Director. The dispute must be submitted, in writing, within thirty calendar days from knowledge of the occurrence or from when the employee should have had knowledge.

The written dispute must specify the date of submission, the name of the employee, the date the dispute arose, the nature of the dispute, the provision of the Employment Practices Compliance Manual that was allegedly violated, misinterpreted, or inequitably applied, a statement of facts (including dates), and the remedy sought.

Within seven calendar days after receiving the dispute, the Executive Director, or designee, will meet with the employee. Within seven calendar days after the meeting, the Executive Director or designee will issue a written response to the dispute, which will be given to the employee and placed in the employee’s personnel file.

6.1.3 Step Two: In the event the employee is not satisfied with the response from the Executive Director, the employee may submit the matter to the Board of Directors by filing a Request for Hearing with the Chair of the Personnel Committee. The Request for Hearing must be submitted, in writing, within seven calendar days from receiving the response from the Executive Director, or from when said response should have been received. The Request for Hearing must include a written statement of the dispute as outlined in Step One, above.

The Board of Directors will set the time and place for the hearing. The conduct of the hearing will be under the exclusive jurisdiction and control of the Board of Directors. All decisions rendered by the Board of Directors will be final and binding.
Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are stated as official Agency policy.

The Board of Directors may, at its discretion, refuse to proceed with any dispute it determines is improper or baseless under this policy.

6.2 Anti-Retaliation

6.2.1 Policy Statement: Family will not tolerate retaliatory action of any kind, taken by a supervisor or staff member against another staff member who has followed Family’s policies to:

- Seek remedy or report incidents of discrimination, harassment or workplace violence;
- Request reasonable accommodation;
- Use Family’s open door or complaint resolution policies; and/or
- Notify Agency management of on-the-job drug use, safety violations, or inappropriate behaviors or actions.

6.3 Whistleblower Protection

6.3.1 Policy Statement: This policy is created to encourage reporting of serious concerns to proper authorities without personal threat to the person revealing the information.

6.3.2 Reporting of Violations: Anyone having concerns should report to the appropriate supervisor the potential violations discovered. If the supervisor is the cause for concern then the individual may report to a Team Leader, Executive Director, or the chair of the Board Personnel Committee, as appropriate.

6.3.3 Protection from Retaliation: Any employee, volunteer or Board Member who in good faith reports violations of Family’s policies or procedures, or state or federal laws or regulations, will not suffer harassment, retaliation or adverse employment consequences as a result of reporting the violation.

Further, any employee or Board Member who retaliates against another individual for revealing such information is subject to disciplinary action up to and including termination or removal from the Board. The Executive Director will be responsible to administer the Whistleblower Policy and report any concerns to the Board of Directors.

6.3.4 Failure to Report Violations: Any employee, volunteer or Board Member who has knowledge of such violations and does not report it is subject to disciplinary action up to and including termination or removal from the Board.