



**Mississippi County, Arkansas
Economic Opportunity Commission, Inc.**

Personnel Policies


Approved by Governing Board on March 2023

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MISSION STATEMENT

Mississippi County, Arkansas, Economic Opportunity Commission is committed to promoting stability and economic security to families and children living in Mississippi County, Arkansas, and its other service areas by providing supportive services through partnerships with other agencies, jurisdictions, and stakeholders.

CHAPTER ONE GENERAL INFORMATION

Section 1. Introduction

Mississippi County, Arkansas, Economic Opportunity Commission, Incorporated, is established as a private non-profit corporation in Mississippi County, Arkansas. An eighteen-member Board of Directors serves as the governing body of the Agency.

Section 2. Purpose

These regulations will provide guidance and procedural instructions to supervisors and employees. Personnel management of programs funded by other governmental departments connected with CAA shall be coordinated with these regulations to obtain maximum efficiency.

Section 3. Dissemination

Upon employment, each person shall receive a current copy of the Personnel Policies and Procedures Manual and a copy of his/her job description. Each employee will certify in writing that he/she has reviewed the manual and their job description. This certification shall be placed in the employee's personnel file.

Section. 4. Authorities

- 4.1 **Board of Directors** – The Board, is the source, which issues the authority to administer the Agency. The powers of the Governing Board shall include the power to appoint the Executive Director; determine major personnel, fiscal and program policies; approve overall program plans and priorities and ensure compliance with conditions of approved grants for financial assistance.
- 4.2. **Policy Advisory Committee** – Management improvement recommendations from neighborhood-based organizations composed of residents of the areas or members of groups served shall be encouraged to assist the Agency in planning, conducting, and evaluating all components.
- 4.3 **Grievance Committee** – This committee consisting of six members from the three representative groups (Poor, Public, and Private), shall be appointed by the Chairman of the Governing Board. Other committees may be appointed as needed.
- 4.4 **The Executive Director** has been given the authority to hire and fire all personnel that work under him/her at Mississippi County EOC, Inc. by the Governing Board.
- 4.5 **Head Start Performance Standards**, determines the Head Start and Early Head Start Policy – This procedure includes the establishment of hiring and firing criteria for Head Start and Early Head Start.

- 4.6 **The Governing and Policy Council Members** will not receive compensation for services but can receive travel and childcare reimbursement.

Section 5. Personnel Records

- 5.1 Personnel records for all employees will contain the following:
- a. Original application for employment and reference checks
 - b. Performance evaluations
 - c. Personnel Policies certification
 - d. Appropriate records on all personnel action including hiring, promotions, discipline, and commendations
 - e. Central Registry and/or Criminal Record Check
 - f. Drug-free Workplace Certification
 - g. Smoke-free Workplace Certification
 - h. Employee Benefits Documentation
 - i. W-4 (Employee Withholding Certificate)
 - j. Job Description Certification
 - k. Documents Required by each funding source

The following items will be kept in an employee file in the finance department:

- a. Total daily or weekly straight-time earnings
 - b. Total overtime pay for workweek
 - c. Letter of appointment – Total wages paid each pay period
 - d. Date of payment and pay period covered
 - e. Appropriate attendance records for all employees
 - f. W-4 (Employee Withholding Certificate)
 - g. Notification of any changes in salary
- 5.2 No one has access to personnel files except the Executive Director, Human Resource Director, Finance Officer, and Personnel Clerk. No other employee is authorized to see the same without authorization from the Executive Director. I-9

verification is not required for employees hired before November 6, 1986. Employees hired before 1996 are not required to have reference checks in the personnel file.

Section 6: Medical Records

6.1 Employee Medical records and health information will be kept in a separate file in the finance department. Only authorized personnel will have access.

CHAPTER TWO EMPLOYMENT PRACTICES

Section 1. Employment Practices

- 1.1 Salaries and benefits are based on local prevailing practices and efforts are made to be commensurate with similar positions in the locale.
- 1.2 Formal education qualifications shall not be the only requirement for employment or advancement.
- 1.3 Conviction of a crime in itself will not preclude employment. However, some funding sources require applicants pass mandatory background screenings. A determination will be made after investigation and careful consideration of the circumstances and funding requirements. Any restriction from a position because of a conviction will be job-related and consistent with business necessity.

Section 2. Recruitment

- 2.1 Vacant senior positions will be advertised in the local news media for not less than seven (7) workdays and applications will be received for at least seven (7) workdays thereafter. Repeat advertisement will occur as necessary. Senior positions include the Executive Director, Finance Officer, and Program Directors. The Head Start Policy Council shall approve jobs in Head Start and Early Head Start.
- 2.2 Position vacancies below the senior level will be advertised by posting the vacancy notices through various media outlets, public postings, and in-house job announcements as needed for a period of not less than seven (7) workdays. The notice may include the title of the position, salary, tenure (permanent or temporary), qualifications, and methods of applying.
- 2.3 All positions, except senior level, will be posted in-house for seven (7) days before receiving applications from the general public.
- 2.4 Applications shall be maintained in the personnel department of the agency and references will be checked.
- 2.5 With non-senior level positions, the Human Resources Department will make a recommendation to the Executive Director for approval. If the Executive Director does not approve the selection, the recruitment procedure will be repeated. If the Executive Director does not approve the second selection, it will be submitted to the Board.

Section 3. Positions and Salaries

All positions and salary ranges will be established in accordance with funding levels and job descriptions. Salaries and benefits provided by the Agency shall be based upon local prevailing practices. When a vacancy occurs in all positions, the vacancy will be

advertised as described in Chapter Two, Section 2. Every effort will be made to ensure that other staff members know of agency vacancies. All applications will be screened.

Section 4. Conditions of Employment

4.1. **EQUAL EMPLOYMENT OPPORTUNITY.** It is the continuing policy of MCAEOC to ensure equal employment opportunity in all personnel actions taken. Our policy is stated as follows:

1. Recruiting, hiring, training, and promoting for all jobs will be without regard to race, religion, color, national origin, sex, age, disability, sexual orientation, gender identity, veteran status, or genetic information and will conform with all applicable laws and regulations.
2. Employment decisions will be based solely on the qualifications for the position being filled.
3. Any promotion decisions will be based solely on the individual's qualifications related to the position's requirements for which the individual is being considered.
4. All personnel actions, such as compensation, benefits, transfers, terminations, and layoffs, return from layoff, and training programs will be administered without regard to race, religion, color, national origin, sex, age, disability, sexual orientation, gender identity, veteran status, or genetic information.
5. The Human Resource Director is responsible for this policy and the necessary reporting and monitoring procedures associated with it. Any complaints should be directed to his/her attention.

4.2 **Employment at Will**

Employment with MCAEOC is voluntarily entered into, and the employee is free to terminate the employment relationship at any time, with or without notice and for any reason or no reason at all, with or without cause. Similarly, MCAEOC may terminate the employment relationship at any time, with or without notice and for any reason or no reason at all, with or without or cause. This includes teacher employment agreements.

4.3 **Political Activity**

Employment in this agency will not be offered as a reward for political activity, the active support of a political party or political candidate. Employees may engage in partisan political activities during their non-working hours. No campaigning is permitted during working hours and on company premises. This includes caps, car decals, shirts, etc.

4.4 **Acceptance of Gifts and Gratuities**

Employees of this Agency are prohibited from accepting gifts, money, and gratuities from persons performing services under contract or otherwise in a position to benefit from any employee action. Acceptance of gifts and gratuities

from persons performing services or under contract will result in dismissal or other appropriate actions.

4.5 Conflict of Interest and Nepotism

Employees are prohibited from soliciting or accepting gifts, gratuities, favors, or anything of monetary value, other than unsolicited items of nominal value. Nominal value means \$50 or less per gift and \$75 or less for all gifts received from a particular individual or entity per calendar year. Acceptance of gifts of nominal value must be disclosed according to the procedures set forth in this policy. However, the prohibition on soliciting or accepting gifts does not include acceptance of token gifts of low-cost promotional items.

(Nepotism is defined as favoritism shown to a relative as in giving an appointive job based on relationship). The following rules shall be observed with respect to employees:

- a. If an employee has a family member who serves on a board or committee, the committee/board member will not have authority to vote or order personnel actions affecting his/her job.
- b. No person shall hold a job over which a member of his/her immediate family exercises supervisory authority.
- c. If an employee has a family member who serves on a board/committee, the committee/board member will not make decisions directly pertaining to his or her job.
- d. Code of Conduct – No employee, officers, or agent of MCAEOC, Inc. shall participate in the selection, award, or administration of a contract supported by Federal Funds if a real or apparent conflict of interest is involved. Such a conflict would arise when the employee, officer, or Agent or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any parties indicated herein, has a financial or other interest in the firms selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to sub-agreements. Any violation may result in termination.
- e. Whistle Blower Protection Policy:
 - A. In keeping with the policy of maintaining the highest standards of conduct and ethics, MCAEOC, Inc. officials will investigate any suspected fraudulent or dishonest use or misuse of the organization's resources or property by staff, board members, consultants, or volunteers. MCAEOC is committed to maintaining the highest standards of conduct and ethical behavior and promotes a working environment that values respect, fairness, and integrity. All staff, board members, and volunteers shall act with honesty, integrity, and openness in all their dealings as representatives for the organization.

Failure to follow these standards will result in disciplinary action, including possible termination of employment, dismissal from one's board or volunteer duties, and possible civil or criminal prosecution if warranted.

- B. Staff, board members, consultants, and volunteers are encouraged to report suspected fraudulent or dishonest conduct (i.e., to act as "whistle-blower").
- C. A person's concerns about possible fraudulent or dishonest use or misuse of resources or property should be reported to his or her supervisor. This policy prohibits MCAEOC, Inc. Officials from interfering with an employee's right to blow the whistle. This policy prohibits MCAEOC, Inc. Officials from retaliating against an employee for having made a disclosure of misconduct or unethical/illegal activity in good faith (even if inaccurate) or for having refused an illegal order.

For the purpose of this part, a member of an immediate family shall include any of the following persons: husband, father, mother, brother, sister, son, daughter, wife, father-in-law, sister-in-law, son-in-law, and daughter-in-law, brother-in-law, mother-in-law, grandparents and grandchildren.

4.6 **Outside Employment**

Employees who have employment outside of the Agency shall abide by the following:

- a. Such employment shall not interfere with the efficient performance of the employee's duties.
- b. Such employment shall not involve a conflict of interest or conflict with the employee's duties.
- c. Such employment shall not involve the performance of duties, which the employee shall perform as part of his employment at MCAEOC.
- d. Such employment shall not occur during the employee's regular or assigned working hours at MCAEOC unless the employee during the entire day on which such employment occurs is on either approved annual leave or leave without pay.

4.7 **Criminal Record Check**

MCAEOC Early Childhood Education Department candidates for employment must have criminal record results prior to employment. Human Resource staff will initiate a child maltreatment check prior to employment. Checks are obtained through the Arkansas Department of Health and Human Service and in compliance with State and Federal Laws. For additional information, see Head Start Performance Standards and Arkansas's Minimum Licensing Requirement for Child Care Centers. In addition to the above mentioned, each employee must submit to fingerprinting and child sex offender checks as mandated by Head Start Performance Standards or other local, state, or federal requirements.

MCAEOC will pay costs associated with obtaining appropriate checks. Conviction of a crime does not automatically exclude a person from employment. Exclusions are determined by the position and are job-related and consistent with business necessity and will include additional exclusions for positions requiring childcare licensing.

4.8 **MCAEOC Procedure for Drug and Alcohol Policy**

Any candidate for employment will be required to submit to a drug test. Candidates will be notified when testing will occur and must comply as prescribed. Any candidate who refuses or delays drug testing will not be eligible for employment.

Staff will be randomly selected by an assigned identification number and appointments will be scheduled through an assigned source (i.e., lab employee or administrative staff). Any employee refusing to submit to a drug test will be terminated immediately.

An employee who tests positive for alcohol or drugs will be suspended (leave without pay). An employee is eligible to return upon completion of an approved counseling or rehabilitation program. Employees have up to twelve weeks to complete counseling or rehabilitation programs and failure to return after twelve weeks results in termination. Any employee who completes counseling or rehabilitation must submit to and pass a drug test prior to returning to work, or he/she will be terminated.

Bus drivers are subject to drug and alcohol testing under the Department of Transportation regulations. Any driver who refuses drug or alcohol testing will be suspended and possibly terminated. Any driver involved in an accident with MCAEOC property will submit to an immediate drug/alcohol test. Refusal will result in immediate suspension with possible termination. Post testing of an employee involved in an accident may be required before returning to work.

Any employee who has a substance abuse problem may request assistance prior to positive drug/alcohol testing. All information will be kept confidential and will not be used in performance or merit evaluations. Any employee requesting this help will be given every assistance and opportunity available in accordance with MCAEOC Personnel Policy Guidelines. A repeat positive test will result in termination.

4.9. **Initial health examination and TB screening**

MCAEOC Early Childhood Education Department candidates will receive an initial health examination and TB screening prior to hiring. Periodic re-examinations will occur every three and two years, respectively.

4.10. **Sexual Harassment**

MCAEOC gives every employee the right to work in an environment free of intimidation, insult, or ridicule based on race, religion, or sex. Sexual harassment

shall be defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement.
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individuals, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

4.11. **Smoke-Free Policy**

All areas occupied by MCAEOC will be designated smoke-free (vapor, etc.). In Head Start and any other child care programs to include classrooms, staff offices, kitchen facilities, parent and staff meeting rooms (used in the evenings as well as during the day), outdoor play areas, and vehicles used for transporting children. Any employee exhibiting such behavior will be subject to disciplinary actions.

4.12 **Dress Code**

Employees are expected to strive for a high level of productivity, professionalism, and safety by dressing in a manner that allows them to perform the functions of the job. Employees must wear clothing that reflects professionalism, proper grooming, safety standards, and good personal hygiene.

Employees are not permitted to wear clothing revealing excessive cleavage, back, stomach, or thighs. No excessively revealing clothing such as shorts, tank tops, or halters is allowed. Wear properly fitting clothing that will enable you to comply with the job description. When rings are worn as jewelry, they must also reflect professionalism and safety; no oversized rings are permitted with a determination based on job groups. If nose and tongue rings must be worn, they should not exceed 3 mm (If in doubt – leave it out). Dresses or skirts should not be more than 2 inches above the knee. Please be courteous of others and refrain from low rise pants that may give the impression of "sagging" or be revealing while sitting or bending. Visible tattoos may not be offensive or excessive.

Employees are expected to dress appropriately to their position, proper in respect to specific occasions, and in keeping with any safety concerns. This may pose additional restrictions for classroom, maintenance, custodial, kitchen, and other employees in higher-risk duties. For these groups, certain open shoes or heels that exceed 2 inches are not permitted while performing the functions of the job. Jewelry must be restrictive to avoid accidents and tears (i.e., large earrings that children may pull or rings that may get caught in equipment).

Appropriateness of dress is determined in accordance with company policy and other local, state, and national guidelines. Employees who do not adhere to these guidelines may be sent home without pay to change clothes and then return to work. When required and permissible, reasonable accommodation will be made for religious beliefs and disabilities in a manner that is consistent with the business necessity to present a professional appearance and safety.

Section 5. Employee Advancement and Performance Evaluation

- 5.1 The employee's immediate supervisor will evaluate employee performance, and the evaluation will be reviewed by the immediate supervisor in discussion with the employee. The evaluation will then be submitted to the Executive Director in writing signed by the supervisor and employee. At his discretion, the employee may have his/her a letter of response filed in the personnel file.
- 5.2 The Human Resources Department will announce the effective date and procedure for the annual evaluation of employees to each department supervisor. The Executive Director will write an evaluation report on all personnel who answer directly to him. Promotions shall be based upon merit and performance in current positions, plus potential in the new position.
- 5.3 All new employees must successfully complete a probationary period of six months. During the six-month probationary period, their immediate supervisor will evaluate employees after 90 days and 180 days on the job. The supervisor will recommend either retention or termination based upon both evaluations.
- 5.4 Employees shall become eligible for a merit increase, as shown in the salary schedule. An increase is contingent upon the increase being approved in the budget for the operating year.
- 5.5 All employees will be paid at least minimum wage.
- 5.6 The Executive Director must approve all promotions and salary increases. Employees will be evaluated for promotion and salary increases by his/her supervisor and approved by the Executive Director.

Section 6. Disciplinary Action and Employee Resignation

- 6.1 All employee dismissals will be by or with the consent of the Executive Director. Demotion, written reprimand, suspension, or other disciplinary action will be taken upon the Executive Director's approval.
- 6.2 **Termination (Involuntary Separation)** – Employee will receive a letter of notification, including specific reasons for the adverse personnel action. The employee will receive payment for vacation accrued at the time of termination. The employee may appeal the separation in writing within ten days. Processing of an employee will not extend the date of termination; however, the employee may be reinstated

without loss of pay if the Executive Committee finds in favor of the employee and order such action. (See Chapter Two, Section 7).

6.3 **Notice Requirements** – Employee will receive written notice (See Section 6.1) of adverse Personnel action(s), including the following:

- a. The reason(s) for the adverse personnel actions(s).
- b. The employee's right to a grievance appeal under the agency's Personnel Policies.
- c. The employee's right to be represented at all stages of the proceedings by the counsel retained at his/her own expense.
- d. The right to present witnesses on his/her behalf and cross-examine those witnesses presented in support of the agency's action.
- e. The right to receive a copy of any disciplinary action issued to the employee.

6.4 **Conduct Guidelines**

Proper conduct and performance are requirements in any work environment. There are times when those standards are not being met, and the Agency may need to point out performance or behavioral problems that require the employee's attention and improvement. In those instances, the Agency may rely upon various disciplinary measures ranging from verbal warnings up to and including termination. The specific disciplinary action utilized will depend upon various factors, including the nature of the violation. The Agency possesses sole discretion to determine the appropriate discipline for any violation of its policies and procedures. The following are examples of actions that may result in disciplinary action, up to and including termination of employment:

1. Willful or deliberate neglect of duties.
2. Insubordination or deliberate disobedience of instructions from Agency management, including disrespectful conduct. This includes, but is not limited to: a refusal to obey the legitimate request of any member of management, the failure to follow instructions, or the failure to otherwise perform assigned work.
3. Theft, misuse, misappropriation, neglect, or destruction of Agency property, funds, supplies, equipment, and/or the property of customers, other records, and/or dishonesty, or any attempt thereof. This also includes the unauthorized use of Agency telephones, equipment, materials or property, or that of another person or entity.
4. Falsification or misstatement of applications, timesheets, or any other Agency records or documents.

5. Fighting, inflicting, or threatening bodily harm to clients, students, management, or other employees. This includes reckless conduct directed toward anyone. Horseplay is prohibited.

It is the goal of Mississippi County, Arkansas, Economic Opportunity Commission, Inc. to achieve a work environment that is free from threats and acts of violence. The agency will not tolerate workplace violence of any type from any source. This includes threatening or violent actions by employees directed against other employees, clients, or visitors. Incidents of work-related threats or acts of violence will be treated seriously. Reports of such acts will be promptly investigated, and management will take actions, as necessary, to appropriately address each incident. After a thorough investigation, any employee who actively engaged in a physical altercation will be terminated.

6. Violation of Agency attendance standards, including but not limited to excessive absences, tardiness, or absence without notice. Any employee who is absent for three (3) consecutive days without notifying the Agency will be considered a voluntary resignation. An employee who does not return from an authorized leave of absence and fails to notify the supervisor that he/she is not returning will be considered to have voluntarily resigned from employment.
7. Violation of any safety rule, policy, practice, or procedure.
8. Intimidation or coercion of another employee for any reason.
9. Misconduct of any nature adversely affecting the Agency's best interests and reputation. This may include, but is not limited to, rudeness, disrespect, or other improper or indecent conduct, vulgarity, use of profane language, or indecent exposure.
10. Employees who engage in or are associated with illegal, immoral, or criminal conduct, the nature of which adversely affects MCAEOC, or their own ability or credibility to carry out their employment responsibilities, may be subject to disciplinary action, including termination even when such conduct occurs when the employee is off-duty.
11. Failure to maintain a required federal or Arkansas license or to provide to the Agency upon request.
12. Poor work performance, poor work productivity, including inefficient or negligent performance of assigned duties, loafing on the job, restriction of work output, or concealment of errors/mistakes.
13. Unauthorized possession of explosives on Agency properties or otherwise violating the Agency's Prevention of Workplace Violence Policy.
14. Repeated unexcused unavailability to work.

15. Violation of any other rule, directive, policy or procedure, including, but not limited to, those contained in these policies.
16. Intentional or negligent damage to merchandise or property belonging to the Agency, another employee, or the Agency's students or clients.
17. Violation of the Agency's policy on Harassment Prevention.
18. Failure to comply with the Agency's Substance Abuse Policy.
19. Possession of intoxicants or illegal drugs on Agency any Agency facility or premises.
20. Photographing of children, clients, or others we serve without written authorization.
21. Violation of local, state, or federal laws or regulations.
22. Possession of firearms or weapons of any kind onto any Agency facility or premises.
23. Gambling on any Agency facility or premises.
24. Unauthorized sharing of confidential information.
25. Retaliation.
26. Interference with another employee's work.

The items listed above are not all-inclusive. The Agency possesses the right to discipline an employee for any conduct that the Agency deems inappropriate.

- 6.5 **Resignation** - Exempt employees should provide the agency with 30 days advanced notice prior to resignation. Non-exempt employees should provide two weeks notification.
- 6.6 **Reduction in Force** – Personnel actions to terminate employees due to shortage of funds will be handled in the following manner:
 - a. With assistance from the program supervisor affected, the Executive Director will determine the employees to be terminated. Terminations will be based upon (1) length of service, (2) employee evaluations, and (3) recommendations of the project supervisor.
 - b. Recommendations from the Executive Director will be presented to the Board for consideration.

Employees to be terminated under Section 6.6 will be given notification. The employee has an opportunity to appeal the action in accordance with the

Grievance/Appeal Procedures if they so desire. Every effort will be made to retain employees affected by the reduction in force in other agency program positions for which they qualify.

Suspension without Pay

Personnel actions to suspend employees without pay will be handled in the following manner:

- a. An employee may be suspended without pay for disciplinary reasons. The Executive Director must approve suspension actions. During the suspension, the employee will not work and will be in a non-pay status and must return all MCAEOC equipment to the employee's supervisor.
- b. The employee will be notified in writing with a letter containing the specific charges, length of the suspension, effective date, and employee's rights to appeal in accordance with the Grievance/Appeal Procedures. Any appeal is to be initiated by the employee and is not automatically submitted to the Board. An employee can be suspended on verbal notice if it is in the best interest of safety to the employee or co-workers or other similar conditions exist, but written notification must follow.
- c. Two suspensions within a twelve-month period shall be cause for automatic termination.

Section 7. Employee Grievance/Appeal Procedure

- 7.1 Any problem a grieved person has should be settled between the individuals involved.
- 7.2 If this cannot be done, the grieved person should seek out the supervisor. If he/she gets no satisfaction at this level, he/she should file a formal grievance with the Grievance Officer. The Grievance Officer will investigate and try to resolve the grievance. If unsuccessful, the Director and the Grievance Committee (one employee selected by the agency and one selected by the grieved person, and a third person selected by the first two) will try to resolve the grievance.
- 7.3 If an agreement is not reached at this level, the employee may forward a written request to the Executive Director, stating fully the facts pertaining to this grievance and request a hearing by the Executive Committee. However, in the event that the grieved person is a Head Start employee, the composition of the grievance committee must include appropriate representation from the Policy Council. This meeting should be held within ten (10) working days of the previous meeting. He/she shall be entitled to be represented by counsel at his/her own expense, to inspect and copy any documents of the agency relating to his grievance, to present witnesses on his behalf, and to cross-examine witnesses which appear on behalf of the agency. The employees or persons concerned should schedule a meeting of the Executive Committee within ten working days of the date of the employee's written grievance and request for a hearing.

- 7.4 The Executive Committee will forward its recommendation to the Governing Board within ten (10) working days of the previous proceeding outlined in 7.3.
- 7.5 Discrimination – Employee charges of discrimination should be referred to the agency's Equal Opportunity Officer and Human Rights Committee for advice and processing assistance.
- 7.6 The Executive Committee shall make and retain a full record of the grievance hearing.
- 7.7 All employees, either permanent or probationary, shall be eligible to request and receive consideration under the Grievance Procedure.
- 7.8 Any whistleblower may file a complaint directly to the Policy Council and /or Governing Board.

CHAPTER THREE EMPLOYEE GENERAL INFORMATION

Section 1. Classes of Employees

- 1.1 **Permanent Full Time** – Those employees who work a full eight (8) hour day or forty (40) hour week on a regularly scheduled basis and whose employment is not time-limited.
- 1.2 **Permanent Part-Time** – Those employees who work less than a full (8) hour day or forty (40) hour week on a regularly scheduled basis and whose employment is not time-limited.
- 1.3 **Temporary Full Time** – Those employees who work eight (8) hours per day or forty (40) hours per week but whose duration of employment is time-limited to a definite number of hours, days, weeks, or months to be worked. Usually, a temporary employee is hired for one (1) year or less.
- 1.4 **Temporary Part-Time** – Those employees who work less than a full eight (8) hour day or forty (40) hour week regularly, but other conditions are the same for temporary full-time employees.
- 1.5 Additionally, all employees are classified as either **exempt** or **non-exempt**. Exempt employees are not required to be paid overtime, in accordance with applicable federal and state laws, for hours worked over 40 hours in a workweek. Non-exempt employees are required to be paid overtime at the rate of time and one-half their regular rates of pay for all hours worked in excess of 40 hours in a workweek, in accordance with applicable federal and state laws.
- 1.6 Consultants – A person serving with or without compensation, who may, or may not be, a regular member of the staff, but who provides expertise in a particular field.
- 1.7 These classes of employees are in no way to be construed as a limitation on wage increases within a position. Comparability studies will be made periodically and adjustments made, contingent upon availability of funds.
- 1.8 Promotions, advancement, and performance, vacation, sick leave, military leave, maternity leave, health insurance, probationary period, attendance, and workweek policies shall apply only to permanent full-time employees and permanent part-time employees as described in employee benefits. Policies regarding administrative leave, leave without pay in proportion to the percentage normally worked, holidays, employee resignation, disciplinary actions, employee conduct, and conditions governing employment shall apply to all employees.

Section 2. Probationary Period

All new employees must successfully complete a probationary period of six months. Their project supervisor will evaluate employees during this time period at 90 and 180 days (see Chapter 2, Section 5.3). The supervisor will provide training

and assistance to ensure that the employee has the opportunity to learn the job during this period. Employees who do not satisfactorily complete the probationary period will be transferred to another job or be terminated. This type of termination may not be appealed unless discrimination is charged. Upon completion of the probationary period, the employee will become a permanent employee.

Section 3. Hours of Work

- 3.1 The normal workweek for the agency shall begin Sunday and continue through Saturday. The normal workday shall begin at 8:00 a.m. and end at 4:30 p.m., with one-half hour for lunch. The Executive Director shall approve special work hours. Part-time personnel will work an established schedule, which is given to them in writing at the time of employment.
- 3.2 Employees who find that they are unable to report to work on time or for the full day must inform their supervisor at their earliest opportunity or no later than one-half hour of reporting time. Failure to do so may result in no pay for the time missed. Suitable and sufficient reason must be provided for any tardiness or absence.
- 3.3 ATTENDANCE: Consistent attendance and punctuality are key factors to the success of MCAEOC. Any non-exempt employee is only considered "at work" for purposes of monitoring attendance if they are: (a) clocked in; (b) at their workstation (or any designated off-site meeting), and (c) ready to work. Failure to achieve any of these three may result in disciplinary action, up to and including termination, as described below. Employees will be paid for all hours worked as reported on their timesheets.

"Unexcused absences" are reasons that are not covered in the "Leave" section of the Handbook. Absences covered under any "Leave" policy as established in this Handbook are considered excused, so long as the leave is approved in advance of the need for such leave or otherwise justified (e.g., emergencies). Supervisors have the authority to designate a leave request as "unexcused" based on policy manuals.

"Tardies/Tardiness" is any time an employee is unavailable for his or her scheduled shift for a period greater than ten minutes but less than two hours, including but not limited to:

- Late arrival to scheduled work shift
- Early departure from a scheduled work shift
- Late return to availability from the scheduled break or meal period
- Extended, unauthorized leave during any portion of the workday

Notice

Employees must notify their immediate supervisor, either in person or via phone call or text message before the start of the shift when the employee may be late or absent from work. If the Supervisor does not answer the phone, a message shall be left. Notification made to non-supervisory peers does not constitute notifying MCAEOC. The immediate supervisor must be notified of the absence to be

considered a valid notification. It is required that the following information be provided:

- Name
- Reason for absence
- Date/time of expected return to work
- Time of call

Discipline

The number of absences and tardiness in a given 1-month evaluation period will be tracked to determine if any disciplinary action is needed. The number of occurrences will determine the corrective action taken. MCAEOC reserves the right to evaluate all cases of discipline on a case-by-case basis.

Absences or tardiness due to weather issues will be managed in accordance with MCAEOC's inclement weather policy and on a case-by-case basis as deemed appropriate by management.

MCAEOC reserves the right to evaluate all employees' attendance (scheduled, unscheduled, or tardy) for excess over a combination of evaluation periods, patterns, and abusive practices. In so doing, appropriate disciplinary action up to and including termination may result. Employees must complete and submit a written request (schedule for leave) at least two days in advance.

Monitoring of absence and tardiness will be evaluated based on a calendar year (January through December).

Unscheduled absences or tardiness within a calendar year:

Verbal warning (2 days)

(2) Written warning (4 days)

Suspension (ten days leave without pay) (6 days)

Termination (8 days)

Employees who are absent three consecutive days or three days within a calendar month must report to Human Resources after day three and/or prior to returning to their worksites. Supervisors are responsible for monitoring attendance and notifying Human Resources when the employee has missed three days in a calendar month for any reason.

Section 4. Employee Leave **Leave of Absences**

An employee always has the option to utilize leave, if available, for any absences scheduled or unscheduled. However, any leave must be used in two (2) hour increments. An employee may not use leave if the use of leave for absences creates a negative

leave balance. If leave is requested to be used for the absence, it may only be used to the extent available, and any additional time would be unpaid.

If more than two consecutive days will be missed and no eligible paid or unpaid qualifying leave is available to the employee, the employee's Supervisor and HR shall be notified to discuss possible excused leave options, if any.

Medical Absences

Employees absent for FMLA-qualifying reasons should request FMLA leave. Absences due to illnesses or injuries which qualify under the Family and Medical Leave Act (FMLA) will not be counted against an employee's attendance record. Medical documentation within the guidelines of the FMLA may be required in these instances. Absences that fall under the FMLA or ADA will not count as occurrences. Upon returning to work from an absence due to the employee's medical condition for more than three (3) consecutive workdays, the employee is required to provide a release to a return to work from his or her treating health care provider, or the absence will be considered unexcused.

The physician should indicate any applicable restrictions regarding the employee's condition. The employee should notify Human Resources of subsequent absences that are related to the same medical condition.

Employees may contact the Human Resources Department for assistance with any attendance matter.

Section 5. Exempt Employees – Pay Deductions

If you are an exempt employee, you receive a salary that is intended to compensate you for all hours that you may work for MCAEOC. Therefore, you are not eligible to receive overtime pay. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

A normal workweek for exempt employees is a forty (40) hour week; however, exempt employees are frequently required to work more than forty (40) hours per week. Work schedules are subject to change depending on MCAEOC's needs.

You will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions. For example, absent contrary state law requirements, your salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons, including vacation.
- Full day absences for sickness or disability, since we have a sick day pay plan
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
- Family and Medical Leave absences (either full or partial day absences).
- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
- The first or last week of employment in the event you work less than a full week.

Your salary also may be reduced for certain types of deductions, such as your portion of health, dental, or life insurance premiums; state, federal, or local taxes; social security; or voluntary contributions to a 401(k) or pension plan. If you believe that MCAEOC has made improper deductions, the following procedure applies:

1. The employee should report the alleged deduction to the Human Resources Department or supervisor.
2. Each complaint will be investigated, and a determination concerning the deduction will be made.
3. If MCAEOC determines that the deduction was not permitted, the employee will be promptly reimbursed.

MCAEOC will make a good-faith effort to comply with the provisions of the FLSA and any other applicable federal or state law.

Please note: Although exempt employees do not keep timesheets of all hours worked, exempt employees are required to sign in at worksites and report absences away from work each week (for paid time off or other leave) to the Human Resources Department. You will be required to use accrued paid leave for full or partial day absences for personal reasons, sickness, or disability. However, your salary will not be reduced for partial-day absences if you do not have accrued paid time off.

Recording Time Worked – Non-Exempt Employees:

Accounting requirements necessitate the documentation of attendance as well as overtime hours. Timesheets must reflect all instances of absence, early departure, and tardiness. You must record all hours at work, including morning arrival at the job site, departure for lunch, return from lunch, and departure at the end of the workday. Employees are not permitted to work off-the-clock. If, however, employees do work off-the-clock, you are required to submit that time on your timesheet.

ALL hours worked must be included on your timesheet. Any alteration or falsification of your timesheet or another employee's timesheet is grounds for discipline up to and including dismissal. Employees will be paid for all hours worked, including work performed on or off-premises and certain travel, meetings, and training.

It is the Program Director's responsibility to receive written permission in advance from the Executive Director before an employee works overtime. If time worked is not scheduled or has not been pre-approved, it still must be paid, but the supervisor and employee may be disciplined (up to and including termination) for not obtaining approval for unscheduled time worked.

Section 6. Pay Periods

- 6.1 Pay periods are semi-monthly, with checks being available to employees on the last working day and the fifteenth of the month from the Finance Department.
- 6.2 At the end of each pay period, the employee will turn in a completed, signed time and attendance sheet to the immediate supervisor, who will verify all claimed time and forward it to the Finance Department.

Section 7. Payroll Deductions

Payroll deductions will be made as required by law. Any other deductions will be at the written request of the employee. If you believe that MCAEOC has made improper deductions, the following procedure applies:

1. The employee should report the alleged deduction to the Human Resources Department or supervisor.
2. Each complaint will be investigated, and a determination concerning the deduction will be made.
3. If MCAEOC determines that the deduction was not permitted, the employee will be promptly reimbursed.

MCAEOC will make a good-faith effort to comply with the provisions of the FLSA and any other applicable federal or state law.

Section 8. Telephones

- 8.1 Telephones are installed for agency use. Personal telephone calls should not be made except in emergencies, on agency equipment. Telephones issued by the agency are for business use only. Telephones should not be used for personal business. MCAEOC phones are to be used for agency business only.
- 8.2 Abuse of this policy could be cause for discipline up to and including termination of the employee involved.

Section 9. Travel Regulations

- 9.1 Mileage reimbursement will be paid to any employee for the use of his/her personal vehicle for official agency business at the standard government rate.
- 9.2 At the end of each month and by the fifth working day of the next month, all mileage vouchers showing trips, purpose, and odometer readings will be submitted to the employee's immediate supervisor. The supervisor will verify the travel claim, which is also subject to approval by the Executive Director and forward it to the Finance Department for payment.
- 9.3 Travel of any employee is subject to the approval of his/her immediate supervisor.
- 9.4 The Executive Director must approve out-of-county travel in writing and in advance.
- 9.5 The Executive Director must approve out-of-state travel in writing and in advance. Reimbursement is made as outlined in 9.2.
- 9.6 Travel advances may be granted to prevent hardship. The Executive Director must approve travel advances and any unused portion will be returned to the agency upon conclusion of the trip.

- 9.7 The agency receives federal, state, and private funds for staff training to increase the performance of the agency. Paid training by the agency is a privilege, not a right, and is provided by the agency for the benefit of the agency, clients, families, and staff we serve. Those receiving permission to take part in agency paid training should be mindful of the fact that it is to benefit the agency, families, and clients we serve over a long period. We will not knowingly use agency funds for training when this intent is not met.

CHAPTER FOUR EMPLOYEE BENEFITS

Section 1. Eligibility for Benefits

Annual leave (vacation), sick leave, military leave, and insurance benefits as described in this section shall apply only to permanent full-time and part-time employees of the agency as outlined. Holiday, administrative leave, leave without pay, workers' compensation, and unemployment insurance as described in this section shall apply to all employees of the agency.

Section 2. Personal/Annual Leave (Vacation)

2.1 Vacation leave will be earned at the rate, as indicated below:

Regular Full-time Administrative Employees

- a. 0-3 years credited service – 10 hours per month.
- b. 3-5 years credited service – 12 hours per month.
- c. More than five years credited service – 14 hours per month.

Regular Part-time Administrative Employees

These employees will accrue benefits according to the fraction of the full-time rate they work.

- 2.2 Annual leave will accrue from the date of employment and will become available to the employee after three (3) months of satisfactory employment. Accrued leave may be granted during this period upon approval of the Executive Director.
- 2.3 Annual leave will be approved and charged in two-hour increments not to exceed eighty hours per month without authorization from the Human Resources Department or Executive Director.
- 2.4 Annual leave should be approved in advance by the supervisor.
- 2.5 Annual leave accumulation may not exceed 168 hours and should be taken by the end of the program year. The program year is defined as a calendar year. Terminated employees will receive their remaining accumulated leave, up to a maximum of 160 hours, from the current funding cycle. It is expected that all leave will be taken during the year (calendar) of accumulation and any accumulated leave expires at the beginning of the new program year
- 2.6 Annual leave will not be charged for a holiday, which occurs during the period of annual leave.

- 2.7 Advanced annual leave granted to an employee may not exceed days that can be earned/repaid during the current program year and must be approved by the Executive Director.
- 2.8 Even if staff has annual leave available, they must arrange with their immediate supervisor to be away from work. Leave must be arranged so that it does not interfere with the operation of the program.
- 2.9 Center staff who work nine months annually receive three (3) personal leave days between January and December to accommodate the Early Childhood Program. Those who work the entire year will receive five (5) personal leave days. There will be no accumulation of personal leave from one year to the next. Personal leave should be requested and approved in advance before it can be taken. This request must be approved or denied by the Center Operations Specialists, with the Program Director reserving the right to overturn the approval or denial of personal leave.

Section 3. Sick Leave

- 3.1 Regular full-time employees will accrue sick leave at the rate of eight (8) hours per month. Regular part-time employees will accrue sick leave at a fraction of the rate of the time they work.
- 3.2 Sick leave is to be used for personal illness or if staff must be absent from work due to illness or death of an immediate family member. If staff is absent due to illness for more than three (3) consecutive days, a physician's statement must be submitted to the Central Office before returning to their worksite. The physician's statement should list any restrictions, if applicable.
- 3.3 Sick leave will accrue from year-to-year to a maximum of 30 days.
 1. An employee who cannot report for work due to the reasons stated in 3.2 above shall contact his/her supervisor within one (1) hour after the time he/she is expected to report to work. Sick leave will not be paid unless such a report is made.
 2. Sick leave with pay of more than three (3) consecutive days shall be allowed only after presenting a written statement from the employee's physician, certifying that his/her condition prevented the employee from appearing for work.
- 3.4 Advanced sick leave, not to exceed 12 days, must be approved by the Executive Director.
- 3.5 Employees may not receive credit for leave earned in the employment of another agency.

Section 4. Holidays

4.1 Authorized legal holidays of the agency, which corresponds with established county holidays or any other day declared by the Governor, President, or agency.

New Year's Day	January 1
Martin Luther King, Jr.'s Birthday	Third Monday in January
President's Birthday	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	November (Thursday and following Friday)
Christmas Eve	December 24
Christmas Day	December 25

4.2 If a holiday falls on a Saturday, the proceeding Friday will be the day off. If a holiday falls on Sunday, the following Monday will be the day off.

Section 5. Maternity Leave

The Human Resource Department, with the approval from the Executive Director, can grant maternity leave to qualifying employees upon written request. The individual may receive pay for time off based on accrued vacation, personal leave, and sick leave. Maternity leave will be granted based on FMLA, company policy, and federal and state laws. Any and all other time off will be without pay. Must have doctor's written permission to return to work.

Section 6. Administrative Leave, Timesheets, & Employee Paychecks

There are certain conditions under which employees may be excused from duty with pay without charging it to earned leave. This is sometimes referred to as administrative leave. Examples are as follows:

- a. Time off to vote
- b. Blood donations to an authorized blood program.
- c. Lateness or closing due to inclement weather conditions.
- d. Jury duty.
- e. Death of immediate family members, as designated in Section 4.

Death in the family – Leave may be granted up to three (3) days for the death of grandparents or family members as defined in Chapter Two, Section 4.5.

The Executive Director authorizes the issuance of administrative leave.

Section 7. Leave Without Pay

Employees may be granted leave without pay at their request by the supervisor's recommendation and authorized by the Executive Director. It may be granted whether or not the employee has sick leave, annual leave, or compensatory leave to their credit. Examples of leave without pay are as follows:

- a. During the probationary period or when the employee has no leave credit applicable to the type of absence needed.
- b. To extend leave and provide uninterrupted services to an employee (i.e., maternity leave).
- c. Military leave: MCAEOC recognizes the commitment and responsibility of our employees to serve in the armed forces. Accordingly, MCAEOC complies with all applicable laws concerning military leave.
- d. Disciplinary or corrective action.

MCAEOC complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which protects applicants and employees who serve in the military from discrimination in the areas of hiring, job retention, and advancement. USERRA provides job and benefit protection for employees who serve in the military and provides certain reemployment rights to any employee who has been absent from work due to service in the United States uniformed services.

MCAEOC will grant a military leave of absence to employees who are required to miss work because of service in the United States uniformed services in accordance with USERRA. Employees must notify MCAEOC upon receipt of a notice that he/she will require a military leave of absence unless providing such notice is precluded by military necessity, impossible, or unreasonable, and employees should provide MCAEOC with a copy of his/her official orders. When an employee receives notice that he/she will need a military leave of absence, please contact the Human Resources Department for further information regarding employee's rights and responsibilities under USERRA.

- e. Educational purposes when the course of study will enhance the employee's value to the agency.

Section 8. Insurance Benefits

Group health insurance will be provided to regular full-time employees and temporary full-time employees on an individual basis at their option. Group insurance, on an individual basis, will also be provided to each regular part-time employee, based on a percentage of the number of hours the employee is employed. This coverage will be provided; if funds are available from funding sources. Life coverage, family coverage, and cancer coverage insurance will be available to employees at their own expense.

Look-back Period and Safe Harbor Period

MCAEOC will have a 3-month Look-Back Period and a 3-month Safe Harbor Period. By doing so, MCAEOC will continually look at part-time employees on an ongoing basis to determine whether or not any part-time employee would have worked enough hours to meet the offering of coverage requirements.

During the Look-Back Period, if any part-time employee works an average of 30 hours per week over any 3-month period, the said employee will be offered MCAEOC's group medical plan as any full-time employee would.

When applicable, a month Safe Harbor Period will also be established. During the Safe Harbor period, if an employee's hours are reduced, MCAEOC will continue the standard employer contribution towards an affected employee's premium. If the said employee's hours are reduced to less than 30 hours per week, averaged over the 3-month Safe Harbor Period (at that point), the said employee will be offered COBRA Extension Benefits per all applicable COBRA Laws.

Section 9. Retirement Benefits

Participation in a retirement program is available to employees of the agency after one year and ninety days of employment. The agency contributes 10% of the employee's gross wages to the retirement fund. Employee contributions are allowed voluntarily. After three years of employment, an employee is fully vested.

Section 10. Injury Reporting & Workers' Compensation

Federal law requires that we keep records of illnesses and accidents that occur during the workday. Various state and local laws also may address reporting illness or injury on the job, no matter how slight. If you hurt yourself or become ill, please contact your supervisor for assistance. If you fail to report an injury, you may jeopardize your right to collect workers' compensation payments as well as health benefits. OSHA also provides for your right to know about any health hazards that might be present on the job and to report work-related injuries and illnesses free from retaliation. MCAEOC may require employees involved in an accident, regardless of severity, to submit to a drug test. Should you have any questions or concerns, contact the Human Resources Department.

An employee who suffers an occupational injury in the performance of his or her duty may receive workers' compensation benefits. In order for an employee to qualify for workers' compensation, the employee, unless rendered physically or mentally unable by the injury, must:

1. Report the injury to his or her supervisor immediately after it occurs, if possible. Otherwise, no later than at the end of the working day in which the injury occurred.
2. Report the injury to the supervisor or Worker's Compensation clerk within 72 hours after the accident of injury, or otherwise according to OSHA's requirements.

If the employee receives emergency medical treatment outside regular business hours, the employee or employee's representative shall report the accident or injury to the Receptionist/Workers Compensation Clerk or Human Resources Department on the next regular business day.

Failure to report injuries may result in problems involving the payment of benefits. It could lead to disciplinary action up to and including termination of employment if the employee fails to report a known injury. MCAEOC may require medical examinations for an injured employee at its own discretion and expense.

If an employee suffers an occupational on-the-job injury, MCAEOC may require the employee to submit to a drug and alcohol test under the Substance Abuse Policy.

Section 11. Family/Medical Leave

It is the policy of MCAEOC to grant employees extended leaves of absence under certain circumstances. With the exception of accrued leave, employees will not receive compensation during a leave of absence. MCAEOC complies with the provisions of the federal Family and Medical Leave Act (FMLA). Employees who have worked for MCAEOC for at least one (1) year in the past seven (7) years; who have worked at least 1,250 hours during the previous twelve (12) months (unless the employee is classified as an "exempt" employee under the Fair Labor Standards Act; an employee should consult with the Human Resources Department to determine whether the employee is classified as exempt or non-exempt); and work at a location where at least 50 employees are employed by MCAEOC within 75 miles of that worksite are eligible for leave under the FMLA. The FMLA provides eligible persons with up to twelve (12) weeks unpaid leave during a 12-month period for certain qualified family and medical situations. The FMLA makes it unlawful and MCAEOC will not: interfere with, restrain, or deny the exercise of any right provided under the Family and Medical Leave Act; and (ii) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. We have posted and will continue to display the poster entitled: "EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT."

Reasons for Taking Leave.

- a. For the care of the employee's child (birth or placement for adoption or foster care);
- b. For the care of the employee's spouse, dependent child, or parent who has a serious health condition; or
- c. For the employee's own serious health condition;
- d. For a "qualifying exigency" while the employee's spouse, son, daughter, or parent is on covered active duty or call to covered active duty status (or has been notified of an impending call to order to covered active duty). A qualifying exigency includes: (1) Short-notice deployment; (2) Military events

and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; (8) Parental care; and (9) Any other leave for which the employer and employee have both agreed shall qualify as an exigency;

- e. For the care of the employee's spouse, son, daughter, parent, or next of kin, who is a service member with a serious illness or injury incurred or aggravated in the line of duty. Employees eligible for this type of leave may be eligible for up to twenty-six (26) workweeks of leave, rather than the usual twelve (12), during a single 12-month period.

Definition of Serious Health Condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other regular daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy or parental care, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. MCAEOC requires certification of the family member's serious injury or illness, both before the leave begins and periodically thereafter, by the family member's health care provider.

Eligibility for Military FMLA Leave. When electing to take FMLA leave for purposes of caring for a covered servicemember, the following definitions apply:

"Covered service members" are current members of the Armed Forces, including members of the National Guard or Reserves, who are undergoing medical treatment, recuperation, or therapy, are otherwise in outpatient status, or are otherwise on the temporary disability retired list, for a serious injury or illness; or covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

"Covered veteran" means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

"Serious injury or illness" means an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating.

In the case of a covered veteran, a "serious injury or illness" is an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

"Next of kin" means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

Duration of Military FMLA Leave. Leave to care for a covered servicemember with a serious illness or injury, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. Military FMLA leave runs concurrently with other leave entitlements provided under federal, state, and local law.

Leave Year. Except for purposes of leave to care for an injured service member, the leave year (the 12-month period) under this policy shall be calculated on a "rolling 12-month period" measured backward from the date a staff member uses any family leave.

FMLA and Workers' Compensation. When an employee is on leave due to an on-the-job injury or illness which is a serious health condition under the FMLA, the workers' compensation absence and FMLA leave will run concurrently.

Advance Notice and Medical Certification. If the leave is to be entirely covered through accrued leave, then the employee should provide notice as required under those policies where possible. However, where the need for the leave is foreseeable, and if some or all of the leave will not be covered through the use of vacation, MCAEOC requires that written notice be provided to the Human Resources Department thirty (30) days in advance of the leave. If leave is not foreseeable, then the employee must provide notice to MCAEOC as soon as practicable.

Employees must provide the Human Resources Department with sufficient information to determine if the leave may qualify for FMLA protection and the anticipated timing and

duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the Human Resources Department if the requested leave is for a reason for which FMLA leave was previously taken or certified.

An employee requesting FMLA leave must furnish MCAEOC with a medical certificate to support the need for a leave due to the employee's serious health condition or that of the family member. The medical certificate must be submitted to the Human Resources Department within fifteen (15) days after receiving the certification forms from MCAEOC unless such submission is impracticable and the employee has made diligent, good faith efforts to comply with this deadline. The employee will also be required to provide periodic reports of the employee's status while on leave. Further, the employee will be required to furnish recertification from a health care provider if he or she requests an extension of FMLA leave, if circumstances described by the previous certification have changed significantly, or if MCAEOC has information that casts doubt on the need for continued leave. At the end of the leave, the employee will be asked to present a doctor's certificate of fitness to return to work. If an employee is unable to return from leave because of a serious health condition, medical certification may be required.

Employees who remain temporarily unable to perform their jobs after exhausting FMLA leave may request extensions of leave beyond the twelve-week limit. Employees must request the extension reasonably in advance of the expiration of the existing leave, and any such extension must be approved by the Human Resources Department.

Employment and Benefits Status. During FMLA Leave, MCAEOC will maintain employees' health coverage under any "group health plan" on the same terms as if the employees had continued to work. In most circumstances, employees returning from FMLA leave will be restored to their original or equivalent pay, benefits, and other employment terms. MCAEOC may find it necessary to deny reinstatement to certain highly compensated employees, but only if it is found necessary to avoid substantial and grievous economic injury to the operation of MCAEOC.

Employees who take advantage of FMLA leave will be eligible for any employment benefit that accrued prior to the start of the leave.

Medical Insurance Coverage. During FMLA leave, employees may continue to participate in MCAEOC's group health plan under the same conditions as if they continued to work. MCAEOC will make arrangements with employees requesting leave for the continued payment of the employee's share of the medical premium. If an employee fails to make premium payments as arranged and becomes in arrears for more than thirty (30) days, coverage may terminate. The employee may resume coverage when he or she returns from leave without having to re-qualify for insurance coverage.

Employees on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military or public service.

Use of Leave. An employee does not need to use FMLA leave in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment not to disrupt MCAEOC's operations. Leave due to qualifying exigencies also may be taken on an intermittent or reduced work schedule basis.

Substitution of Paid Leave for Unpaid Leave. Employees must utilize available PTO toward FMLA leave. Employees who request FMLA leave should consult with their supervisors for details on the availability of PTO. To use paid leave for FMLA leave, employees must comply with MCAEOC's normal paid leave procedures found in this Handbook.

Employee Responsibilities. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When such notice is not possible, the employee must provide notice as soon as practicable and generally must comply with MCAEOC's normal call-in procedures. MCAEOC may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for MCAEOC to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform MCAEOC if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. MCAEOC also may require a second, and if necessary, a third opinion (at MCAEOC's expense) and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. MCAEOC also may delay or deny approval of leave for lack of proper medical certification.

MCAEOC Responsibilities. MCAEOC will inform employees requesting leave whether they are eligible under the FMLA. If they are, MCAEOC will notify them of their rights and responsibilities and will specify any additional information required. If employees are not eligible, MCAEOC will provide a reason for the ineligibility.

Job Restoration after FMLA Leave. MCAEOC will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee on FMLA leave does not have any greater right to reinstatement or other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to MCAEOC's operations. A "key" employee is an eligible salaried employee who is among the highest-paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable after they request FMLA leave. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any

state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Further Information. For more information about our Family and Medical Leave Policy, please contact the Human Resources Department.

CHAPTER FIVE OPERATION, AMENDMENT AND REVIEW

Section 1. Operational Statement

This policy statement supersedes and rescinds all previous personnel policies and procedure statements and becomes the official policy statement of Mississippi County, Arkansas Economic Opportunity Commission, Inc., effective with the date of approval indicated on the front cover.

Section 2. Amendment Process

- 1.1 Amendments may be recommended at any regular meeting of the Board of Directors or its designated committee.

- 1.2 After a study by the Board of Directors or a designated committee and opportunity for comment by the Executive Director, an amendment may be passed by one-half of the members of the full Board at any regular meeting provided that all members of the Board have been mailed a copy of the proposed amendment at least five (5) days in advance of the meeting.

Section 3. Annual Review

This policy statement will be reviewed annually by the Board of Directors and Policy Council through its designated committee and Executive Director of the agency.

Section 4. Fraud Policy

This policy applies to any fraud or suspected fraud involving employees, officers or directors, as well as consultants, contractors, and other parties with business relationship with Mississippi County Arkansas Economic Opportunity Commission, Inc. If at any time an investigation is required, it will be conducted without regard to the suspected wrongdoer's length of service, position/title or relationship with the MCAEOC, Inc.

Management is responsible for the detection and prevention of fraud, misappropriation, and other irregularities. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each management team member will be familiar with the types of improprieties that might occur within their areas of responsibility and be alert for any indication of irregularity.

Any fraud that is detected or suspected must be reported immediately to the Chief Fiscal Officer, Executive Director, or a member of the Board of Directors. The person receiving the complaint will then report the misuse to the Board of Directors or Finance Committee.

The term Fraud, defalcation, misappropriation, and other fiscal irregularities refer to, but are not limited to:

1. Any dishonest or fraudulent act.
2. Forgery or alteration of any document or account belonging to the MCAEOC, Inc.
3. Forgery or alteration of a check, bank draft, or any other financial document.
4. Misappropriation of funds, securities, supplies, equipment, or other assets of MCAEOC, Inc.
5. Impropriety in the handling or reporting of money or financial transactions.
6. Disclosing confidential and proprietary information to outside parties.
7. Accepting or seeking any material value from contractors, vendors, or persons providing goods or service to MCAEOC, Inc. **EXCEPTION: Unsolicited items of nominal value (less than \$25.00)**
8. Destruction, removal, or inappropriate use of records, furniture, fixtures, or equipment. This includes the use of computers, fax machines, telephones, etc., for personal use only.

Investigation Responsibilities

The Finance Committee of the Board of Directors has the primary responsibility for investigating all suspected fraudulent acts as defined in the policy. The Committee may utilize whatever internal and/or external resources it considers necessary to conduct an investigation. If an investigation substantiates fraudulent activities have occurred, the Committee will issue reports to the Executive Director or designated personnel, and if appropriate, to the MCAEOC Board of Directors.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and senior management, as will final dispositions of the case.

If the suspected fraud or other wrongdoing involves a program funded in whole or in part with federal funds, additional responsibilities, such as special reporting disclosure to the awarding agency, may apply to the organization. It is the policy of MCAEOC to fully comply with all additional reporting, disclosure, and other requirement pertaining to suspected acts of fraud as described in award documents.

Confidentiality

The Finance Committee of the Board of Directors, Executive Director, and the Fiscal Officer will treat all information received as confidentially as possible. Any employee who suspects dishonest or fraudulent activity will notify all these parties immediately and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act.

Authority for Investigation

Member of the Board of Directors Finance Committee will have:

1. Free and unrestricted access to all records and premises, whether owned or rented: and
2. The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without knowledge or consent of any individual who may use or have custody of any such item or facilities when it is within the scope of their investigation.

Reporting Procedures

A detailed investigation of suspected improprieties or irregularities must be undertaken to avoid mistaken accusations or alerting suspected individuals that an investigation is underway.

An employee who discovers or suspects fraudulent activity will immediately contact the Fiscal Officer, Executive Director, or the Finance Committee. The employee or other complainant may remain anonymous. Upon completing an investigation, all inquiries concerning the activity under investigation from the suspected individuals, their attorney, or information concerning the status of an investigation may be given out.

Section 5. Security

Accounting Department

Information located in the Finance Directors office shall be removed and locked in the accounting computer office. The door to the computers should remain locked when the Accounting Department is vacant.

The Fiscal Officer maintains the corporate seal under lock and key. Blank check stock shall be stored in a locked cabinet in the Accounting Department. Access to this cabinet and its contents shall be in the Finance Officer's possession and/or the Executive Director.

Access to Electronically Stored Accounting Data

It is the policy of the MCAEOC to utilize passwords to restrict access to accounting software and data. Only duly authorized accounting personnel with data input responsibilities will be assigned passwords that allow them access to the system.

Accounting personnel is expected to keep their passwords secret. Administration of passwords shall be performed by the Finance Officer, Accounts Payable Clerk, and/or the Executive Director, who is a designated systems operator.

Each password enables a user the gain access to only those software and data files necessary for their employer's required duties.

Storage to Back-up Files

It is the policy of MCAEOC to maintain back-up copies of electronic data filed off-site in a secure environment. Access to back-up files shall be limited to individuals authorized by management.

Section 6. Anti-Cronyism/Favoritism Policy

Mississippi County Arkansas Economic Opportunity Commission (MCAEOC), Inc. is an Equal Opportunity Agency. Cronyism and favoritism are expressly prohibited when considering individuals for employment, promotions, benefits, and services provided by the agency.

Violations of this policy by employees will be subject to discipline, up to and including termination. If a violation is by a consultant or vendor, the contract may be terminated.

Applicants or employees who have complaints of cronyism are urged to report such conduct immediately to the MCAEOC Fiscal Officer, Executive Director, or a member of the Board of Directors so that the agency may investigate and resolve the problem.

Section 7. Drug and Alcohol Policies

MCAEOC, Inc. and all its entities and locations (MCAEOC) has a longstanding commitment to providing a safe, quality-oriented, and productive work environment consistent with the standards of the community in which we operate. Alcohol and drug abuse pose a threat to the health and safety of MCAEOC's employees and the people we serve, along with the security of our equipment and facilities. For these reasons, MCAEOC is committed to eliminating unlawful drug and/or alcohol use and/or abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy continues to apply to all employees and all applicants for employment at MCAEOC. MCAEOC's Human Resource department is responsible for the administration of this policy.

Employees are expected to report to work in a physical and emotional condition that will allow them to perform their assigned tasks competently and safely. The use, presence in the body, or reporting to work under the influence of alcohol, illegal drugs, and other dangerous substances by an employee limits the ability of the employee to exercise good judgment, react properly in unexpected situations, perform tasks safely and efficiently, and endangers not only that employee but other employees, people we serve, and the general public. MCAEOC has implemented this Substance Abuse Testing Policy ("Policy") to eliminate these problems and to meet the objectives listed below.

Under this Policy, MCAEOC possesses the right to conduct searches and pre-employment, reasonable suspicion, possession, post-accident, random, and return to duty, or follow-up, or both, testing. Rather than relying solely upon searches and substance abuse testing to deter substance abuse, however, this Policy also contains provisions designed to encourage employees with substance abuse problems to seek appropriate medical assistance before being tested positive for substances that violate the provisions of this Policy.

Policy Objectives

The objectives of the Policy are:

- 1) To maintain a safe and healthful working environment for our employees, the people we serve, visitors, and the general public.
- 2) To prevent personal injuries and protect the property of MCAEOC, our employees, the people we serve, visitors, and the general public.
- 3) To prevent the occurrence of avoidable or harmful incidents, the consequences of which may affect the safety and the future of MCAEOC.
- 4) To minimize absenteeism and tardiness, to improve productivity, and to ensure quality services.
- 5) To protect the reputation of MCAEOC and our employees within the community and among the people we serve.
- 6) To comply with the obligations of our funding providers or the requirements of the enacted city, county, federal, and state laws.
- 7) To notify employees that if an injured employee refuses to submit to a test for drugs or alcohol test or tests positive for alcohol or illegal drugs, the employee may be precluded from workers' compensation medical and indemnity benefits.

Definitions

The term "MCAEOC premises" is defined as any MCAEOC property, offices, facilities, land, buildings, structures, fixtures, installations, automobiles, trucks, and all other vehicles and equipment, whether owned, leased, or used by MCAEOC, or MCAEOC employees for MCAEOC business. MCAEOC premises also includes all areas where MCAEOC employees are working, or any other work locations or modes of transportation to and from those locations while in the course and scope of MCAEOC employment or on MCAEOC business.

The term "illegal drug" is defined as drugs, or the synthetic or generic equivalent of drugs, which are illegal under federal, state, or local laws, including but not limited to, marijuana (unless obtained and used as permitted by Arkansas law for medicinal purposes), opiates, cocaine, PCP, amphetamines (which includes methamphetamines), Ecstasy (MDMA), and any other substance which causes drug-like effects, but which may not necessarily be illegal under applicable laws. It includes 1) any illegal drugs that the federal or Arkansas government declares that employers may test for; 2) any legal drug, which is being used in a manner or for a purpose other than as prescribed or labeled, i.e., it specifically includes the abuse of prescription medication; and 3) the possession of legal drugs which have not been legally obtained, e.g., theft.

The term "legal drug" is defined as any prescribed medications and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were manufactured, labeled, or prescribed. This term includes medical

marijuana lawfully obtained from a licensed dispensary located within Arkansas and used to treat an approved medical condition.

The term "possession" as used in this Policy: 1) relating to drugs, includes traces of drugs or their metabolites found in the body as a result of a "positive" drug test; and 2) relating to alcohol or intoxicating beverages, includes traces of alcohol or its metabolites found in the body, or blood alcohol concentration ("BAC") or breath alcohol concentration ("BRAC") at 0.04 or above¹.

The term "drug paraphernalia" is defined as any unauthorized material or equipment or item used or designed for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing an illegal drug, as defined in this policy, into the human body.

The term "EBT" is defined as an evidential breath-testing device for alcohol, approved by the National Highway Traffic Safety Administration.

The term "MRO" is defined as a licensed physician responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating explanations for certain drug test results.

The term "screening test" is defined as the initial instant testing conducted at the workplace that is resulted by the on-site collector.

Policy Application

This Policy applies to all MCAEOC employees. This means that it applies to all regular full-time, part-time, temporary, probationary, leased, or contract employees and employment applicants. Compliance with the Policy is required as a condition of employment or continued employment with MCAEOC.

To the extent that any provision of this Policy contradicts or violates any federal, state, or local law or regulation, that provision is considered modified to the extent necessary to comply with the applicable federal, state, or local law. If a court or agency with appropriate jurisdiction determines that any provision of this Policy is invalid, that determination will not void or invalidate the remaining provisions of the Policy, and MCAEOC retains sole discretion regarding the interpretation of the rest of the Policy. MCAEOC maintains the right to modify or change this Policy at any time, without notice, as circumstances require.

¹ The definitions for "alcohol concentration" are found in 49 C.F.R. §382.107 and Ark. Code Ann. §5-65-204(a)(1), as of December 1, 2006, or as subsequently amended.

Policy Statements

Illegal Drugs.

The following acts or conduct constitute violations of this Policy:

1. The use or possession of illegal drugs on MCAEOC premises or while working for MCAEOC;
2. The sale, distribution, purchase, or transfer of illegal drugs at any time or place, or attempt to perform any of these acts; or
3. The possession of illegal drug paraphernalia by employees on MCAEOC premises or during MCAEOC working hours.

Alcoholic or Intoxicating Beverages.

The unauthorized use or possession of alcohol or intoxicating beverages on MCAEOC premises or during work hours is a violation of this policy. Additionally, a BAC or BRAC at 0.04 or above during working time is a violation of this Policy. Exception: At specified MCAEOC-sponsored events, the possession or use of alcohol does not constitute a violation of this policy. If alcohol is served at an MCAEOC-sponsored event, employees are expected to conduct themselves in such a manner so that they do not represent a danger to themselves or other employees, to the public, or the reputation of MCAEOC.

Legal Drugs.

Any employee undergoing medical treatment, which includes the use of any drug or medication which may affect the employee's ability to safely perform job-related functions (such as driving a vehicle, standing, lifting, etc.) must provide the Human Resource Director a written statement from the employee's licensed health care provider that the employee is using prescribed medication but that such use will not limit or impair the employee's abilities to safely perform their essential job functions. The Human Resource Officer, with the assistance of the employee's supervisor(s) or management, as needed, will then contact an appropriate health care provider, e.g., a nurse, to evaluate the situation and make a recommendation of the employee's ability to continue working. Employees must also submit a Medication Notification Form to the Human Resource Director if they take any medications that may affect the employee's ability to safely perform job-related functions as noted above. MCAEOC will not ask for information about the type of medications being taken by employees, and a copy of the Medication Notification Form is available from the Human Resources department.

Any employee who exhibits behavior while taking a medication, as determined by MCAEOC to limit the employee's ability to safely perform the employee's job functions, to induce inappropriate conduct or criminal behavior by the employee, to limit the employee's productivity, to endanger other people or property, or to negatively impact MCAEOC's public image, may be required to remain off work until the employee's behavior is changed or corrected. MCAEOC, at all times, reserves the right to have a licensed physician examine an employee under these circumstances.

Some jobs that MCAEOC has designated as "safety-sensitive" positions will be subjected to different standards with regard to the current use of legal drugs, including lawfully-

obtained marijuana. Because of the nature of the job duties for these designated positions, MCAEOC cannot permit any individual taking certain medications to work in a capacity whether the health or safety of the employee or others is at risk. Attached to this Policy is Addendum A, which lists all jobs subject to a "safety-sensitive" designation for purposes of drug testing.

MCAEOC will not discriminate or retaliate against any employee who can perform his/her essential job functions with or without a reasonable accommodation, including the lawful use of legal drugs such as prescription pills or medical marijuana. However, any impairment to an employee during working hours resulting from the use of a legal drug may disqualify the employee from being able to perform his/her job. MCAEOC will make accommodations in compliance with federal and state laws.

Illegal Drug-Related Convictions

Any employee must, as a condition of employment, notify the Human Resource Director of any conviction for a drug-related offense, regardless of whether or not the violation occurs on MCAEOC premises, on the premises of a workplace under the control of MCAEOC, or while on the job. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body with the responsibility to determine a violation of federal, state, or local criminal statutes. The employee must report the conviction no later than five (5) days after the conviction.

An applicant/employee's failure or refusal to report a conviction as outlined above constitutes a violation of this Policy.

Adulterating or Tampering with a Specimen.

Adulterating or tampering with a specimen, or attempting to do so, is a violation of this Policy and may constitute a violation of Arkansas law, e.g., Ark. Code Ann. §5-60-201, Intent to Defraud a Drug or Alcohol Screening Test. These circumstances will normally be classified as a refusal to provide a specimen, and MCAEOC will take appropriate action under this Policy. MCAEOC may also notify appropriate law enforcement officials of possible violations of Arkansas law.

Policy Enforcement

Searches and Inspections

MCAEOC possesses the right at all times, while employees are entering, departing, or are on MCAEOC premises to conduct unannounced searches and inspections of all MCAEOC facilities and properties, and everything on those facilities and properties. All employee personal property on MCAEOC premises may be searched.

Although MCAEOC will normally attempt to notify an employee before conducting a search of an employee's personal effects, searches may be initiated without prior notice and conducted at times and locations as deemed appropriate by MCAEOC.

An employee's refusal to consent to a search when requested, MCAEOC constitutes a violation of this Policy.

Substance Abuse Testing

Under this Policy, MCAEOC will implement pre-employment, reasonable suspicion, possession, post-accident, and return to duty or follow-up, or both, testing.

MCAEOC reserves the right, as a condition of employment or continued employment, to request employees to submit to tests, including, but not necessarily limited to, urine tests, breath tests, saliva tests, blood tests, or other tests or examinations to determine the use of any illegal drugs, alcohol, or the abuse or misuse of any legal drugs prohibited by this Policy, or to determine the employee's fitness for duty ("Test" or "Tests"). MCAEOC may limit the Tests to selected groups of employees, e.g., employees who operate vehicles or those who may have access to controlled substances. These Tests, which may be unannounced, may be utilized under the following circumstances:

Pre-employment

Pre-employment testing of applicants offered a position with MCAEOC shall be required as a condition of employment.

Reasonable Suspicion.

MCAEOC may request an employee or employees to submit to a Test when a supervisor has reasonable suspicion that an employee may be using or under the influence of illegal drugs or alcohol or abusing or misusing legal drugs, or where a supervisor is concerned, and can articulate facts demonstrating that concern, about the employee's safety, the safety of other employees, the safety of the general public or the risk of property damage, due to an employee's mental or physical condition or behavior.

Furthermore, MCAEOC may request an employee or employees to submit to testing when MCAEOC has a reason to believe that specific individuals, or all or portions of groups, shifts, or those at an entire location or work area, are: 1) suspected of using or possessing illegal drugs, alcohol, drug paraphernalia; 2) suspected of using or abusing or misusing legal drugs; 3) when any of these designated items are found in an area controlled or used exclusively by a designated employee or employees; or 4) in possession of legal drugs which have not been legally obtained, e.g., theft.

Possession

MCAEOC may request an employee or employees to submit to a Test if an employee is found in possession of suspected illegal drugs, alcohol, or drug paraphernalia.

Post-Accident

If an employee suffers an on-the-job injury or if a serious or potentially serious accident or incident occurs in which safety rules and procedures were violated, equipment or property was damaged (including but not limited to automobiles, trucks, and other equipment), careless acts were performed, or where the cause was due to an employee or other person's failure to use prescribed personal protective equipment while working on MCAEOC premises or the premises of a customer, MCAEOC may request all the employees potentially involved to submit to a test (unless drug or alcohol use can be completely discounted as a potential contributing factor or likely cause of the injury, accident, or incident).

Return-to-Duty and Follow-Up

When an employee returns to work from a disabling injury, extended absence, or illness, or upon completion of an approved substance abuse treatment or counseling program, MCAEOC may request the employee to submit to a return-to-duty test as a condition of reinstatement. MCAEOC may continue to request follow-up tests, including unannounced tests, as permitted by applicable law, after reinstatement.

Additional Testing

Any testing conducted in addition to the initial screening test that results in an unacceptable specimen sample or collection, as provided for in this policy, will be performed at the sole cost of the employee.

Consent to Testing

Each employee/applicant must sign a consent form as part of the testing procedure, which is attached to this Policy. Any employee who refuses to sign a consent form or submit to drug and/or alcohol testing requested under the terms of this Policy will be subject to discharge and denial of employment opportunities. Any applicant who refuses to sign a consent form or to submit to a test under the terms of this Policy may not be considered for re-employment.

SPECIMEN COLLECTION, TESTING PROCEDURES, AND RESULTS

Specimen Collection and Testing Procedure

Urinalysis is the method normally employed for testing for the presence of drugs, but MCAEOC reserves the right to utilize other methods. MCAEOC may require observed collection of a specimen if the professional collection specialist believes that the individual providing a specimen has attempted to or has substituted, tampered with, or adulterated a specimen, or provided a dilute specimen.

If the results of the screening test are positive, a confirmation test will be performed to corroborate the results of the screening test. The results of the confirmation test are controlling.

The laboratory will retain, for a period of one (1) year, a portion of all specimens that test positive. Any employee who tests positive may have a test performed, at the employee's expense, upon the retained portion of the specimen. MCAEOC and/or its agent or designee retains the right, at all times, to direct control of the specimen, including transportation to and from the approved retesting laboratory. Consideration will be given to the results of the retest. However, those results are not binding upon MCAEOC.

Breath or saliva testing will be the methods normally employed for testing for the presence of alcohol, but MCAEOC reserves the right to utilize other methods. A saliva or breath specimen will first be obtained from the employee or applicant, and a test will be performed. If the results are positive, an EBT or other test will be utilized for a confirmation test. The results of the confirmation test are controlling.

Test Results

Medical Review Officer

MCAEOC utilizes the services of an MRO to review test results. The MRO makes all determinations regarding Test results or results of tests provided by applicants or employees.

Dilute Specimens

A dilute specimen is one with creatinine or specific gravity values that are lower than expected for human urine. A dilute specimen is not a valid specimen and will not be accepted for testing. If an applicant or employee provides a dilute specimen, MCAEOC will require the applicant or employee to provide a specimen that is not diluted within 6 hours of the initial specimen collection or the end of the employee's shift, whichever is shorter. Upon refusal to provide a non-diluted specimen, MCAEOC will classify the dilute specimen as a positive test result and apply appropriate disciplinary action, up to and including termination of employment (employee) and refusal to further consider for employment (applicant). If an applicant or employee is asked to provide a second specimen and provides a second dilute specimen, the second dilute specimen will be considered a "positive" result pursuant to this Policy.

Adulterated, Diluted, or Tampered with Specimens

If an applicant or employee provides a specimen which MCAEOC believes has been adulterated, diluted, or tampered with, MCAEOC will classify the situation as a refusal to provide a valid specimen and will request a second specimen within 6 hours of the initial specimen collection or the end of the employee's shift, whichever is shorter. If an applicant or employee is asked to provide a second specimen and provides a second adulterated, diluted, or otherwise tampered with the specimen, the second dilute specimen will be considered a "positive" result pursuant to this Policy.

Drugs

A positive test result occurs when the initial screening and the confirmation test indicates the drug(s) for which the test was conducted. A positive test result is a violation of this Policy.

A negative test result occurs when either the initial screening or the confirmation test indicates the absence of the drug(s) for which the test was conducted.

If the employee tests positive for a substance for which the employee could have a valid explanation, i.e., a legal drug, the MRO will request the employee to provide an explanation for the positive test result, including, but not limited to, documents or a container demonstrating a current and valid prescription from a physician for the drug or medication which caused the positive test result. After considering the employee's explanation, if the MRO determines that the employee has a valid explanation for the positive test result, e.g., the employee is taking a legal drug, the MRO will consider the test result as a negative. MCAEOC nevertheless retains the right to ensure that the employee can safely perform the functions of the employee's position and that the employee's use of the drug or medication does not constitute a threat of harm to others.

Alcohol

A positive test result occurs when both the initial test and the confirmation test indicate the presence of alcohol equal to or greater than 0.04. A positive test result is a violation of MCAEOC policy.

A negative test result occurs when either the initial test or the confirmation test indicates the presence of alcohol at less than 0.04.

Potential Actions for Violations of this Policy

Refusal to Submit to Search, Inspection, or Substance Abuse Testing.

Any employee who refuses to submit to a search, inspection, or substance abuse testing as described in this Policy will be discharged (employee) or not considered for further employment with MCAEOC (applicant).

Sale, Distribution, Transfer, or Purchase (or Any Attempt to Perform Those Acts), of Illegal Drugs, While on or off MCAEOC's Premises.

Any employee discovered manufacturing, distributing, transferring, dispensing, or purchasing illegal drugs, or attempting to perform any of these acts, whether on or off MCAEOC premises, will be discharged.

Conviction of Illegal Drug Offense.

Any employee convicted under federal, state, or local law of any offense relating to illegal drugs may be discharged if the conviction affects the employee's attendance or job performance, damages MCAEOC's reputation, or leads to the reluctance or refusal of co-workers to work with the employee.

Substitution or Adulteration Of, or Tampering With, Specimens.

As stated above, any employee or applicant who has degraded, diluted, switched, altered, or tampered with, in any manner, a specimen to be submitted for drug or alcohol testing will be discharged (employee) or not considered for future employment (applicant).

WARNING: In Arkansas, adulterating or substituting a specimen sample, or attempting to do so, is considered a crime!

Observed Use or Possession of Illegal Drugs While on or Off the Job, and Observed Use, Consumption, or Possession of Alcohol While on the Job.

These circumstances will result in immediate suspension without pay, and the employee may be subjected to Tests and further investigation to determine the nature and extent of the employee's involvement with the illegal drug(s) and/or alcohol. If the investigation reveals that the employee violated this Policy, the employee will be discharged. If the investigation reveals otherwise, the employee will be returned to work and paid for the time off.

Suspected Use, Consumption, or Possession of Illegal Drugs/Alcohol While on the Job, Reasonable Suspicion, or Post-Accident (If Circumstances Warrant Post-Accident Testing).

These circumstances will result in immediate suspension without pay, and the employee will be subjected to Tests (see the Post-Accident testing procedure above) and further investigation to determine the nature and extent of the employee's involvement with the illegal drug or alcohol. If the investigation reveals that the employee violated this Policy, the employee will be discharged. If the investigation reveals otherwise, the employee will be returned to work and paid for the time off.

Use of or Unusual Behavior Attributable to Legal Drugs of Which MCAEOC Has Not Been Notified.

These circumstances will result in immediate suspension without pay. The employee may then be subjected to Tests or a medical examination, or both. Assuming a positive confirmation Test result or information suggesting that the employee's use of the legal drug prevents the employee from safely performing the functions of the employee's position, or creates the likelihood of harm to others or damage to property, the employee will either be required to remain off work until the situation is corrected, or if that action is not feasible, then the employee will be subject to alternative action, up to and including termination of employment.

Effect of a Positive Test Result on an Employee's Unemployment Claim.

A positive test result for illegal drugs or alcohol could result in an employee being denied, or receiving reduced, unemployment benefits under Arkansas law.

**EMPLOYEE VOLUNTARY PARTICIPATION IN A
SUBSTANCE ABUSE REHABILITATION PROGRAM**

This portion of the Policy is intended to provide employees with MCAEOC's view towards voluntary participation in a substance abuse rehabilitation program ("Program"). MCAEOC supports employees who recognize their own substance abuse problems and encourages those employees to seek professional help to resolve those problems. Employees may contact a member of Human Resources with any questions regarding a Program or rehabilitation program. However, every employee is responsible for seeking help before drug and alcohol problems lead to disciplinary action.

An employee's voluntary participation in a Program will not be used as a basis for disciplinary action and will not be used against the employee in any disciplinary proceeding if an employee seeks voluntary participation in a Program prior to being tested by MCAEOC. However, the employee may be required to execute a Last Chance Agreement and establish that the employee is not a current drug user before being returned to work.

Participation in a voluntary program will not be a defense to the imposition of disciplinary action under this Policy where facts proving a violation of this Policy are obtained outside participation in a Program. For example, once MCAEOC requests an employee to submit to a Test, the employee cannot refuse and expect MCAEOC to allow the employee to participate in a Program because the employee will be considered discharged immediately upon refusal. Accordingly, the purposes and practices of this Policy and participation in a Program are not in conflict. The key is to seek professional assistance when it is needed and before this Policy is violated.

No employee's job will be jeopardized, nor will an employee be subject to disciplinary action for voluntarily requesting help due to substance abuse problems. However, any employee participating in a Program will be expected to maintain satisfactory job performance (to the extent that the Program recommends a return to work).

Any employee participating in a Program is expected to maintain satisfactory job performance and job attendance (to the extent that the Program recommends a return to work). The length of time an employee will be allowed to participate in a Program depends upon applicable laws and MCAEOC's applicable policies.

The employee is solely responsible for the costs of a Program.

To the extent practicable, MCAEOC will keep an employee's participation in a Program confidential. When it becomes necessary for an employee to participate in a Program, absences will be handled in accordance with MCAEOC's standard policies regarding vacation, disability, or annual sick leave, if an employee is eligible for those benefits.

Confidentiality

All searches, inspections, and specimen collections will be performed with concern for each employee's personal privacy, dignity, and confidentiality. The results of any testing performed under this Policy will be kept confidential and disseminated on a "business need-to-know" basis or as legally required. Any employee that inappropriately discloses confidential information may be subject to discipline, up to and including termination of employment.

However, the discovery of illegal drugs, legal drugs being abused, misused, or stolen, alcohol, drug-related paraphernalia, stolen property, or other prohibited items through these searches and inspections may result in the proper law enforcement authorities being notified.

Administration

Any applicant or employee's violation of any MCAEOC policy or procedures during MCAEOC's enforcement or attempted enforcement of this Policy may also be considered a violation of this Policy and may result in disciplinary action up to and including discharge.

MCAEOC will broadly interpret this Policy in a manner to achieve the Policy Objectives contained in this Policy. This Policy may be amended as necessary to meet the requirements of federal, state, county, or city law. MCAEOC reserves the right to modify or amend this Policy with or without advance notice to employees.

(Effective: May 1, 2017) Following a close review of federal and state policies, procedures, and laws in addition to actual and potential job functions which will affect the health and safety of the employee or others, MCAEOC has designated all job positions as "safety-sensitive" positions:

Section 8. Internet Use and Electronic Mail

Every MCAEOC employee is responsible for using the electronic mail (E-Mail) and Internet system properly and in accordance with this policy. Any questions about this policy should be addressed to Human Resources.

MCAEOC E-Mail/Internet systems are the property of MCAEOC. They have been provided by MCAEOC for use in conducting MCAEOC business. All communications and information transmitted by, received from, or stored in this system are MCAEOC records and property of MCAEOC. The E-Mail/Internet system is only to be used by employees of MCAEOC, who have been granted access to use this system, for business-related purposes during working time. Employees who have been granted access are permitted to use MCAEOC Email/Internet systems for non-work-related purposes during non-working time only. "Non-working" time is limited to unpaid break periods and other times when an employee is considered "off the clock" (i.e., lunchtime, before/after work). Non-business-related use of MCAEOC E-mail/Internet systems during non-working time is not private and is subject to the same limitations and controls imposed on work-related communications under this and other related MCAEOC policies.

The computers and computer accounts given to employees are to assist them in the performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system, including non-business-related communications. The computer system belongs to MCAEOC and may not be used for non-business-related purposes except during non-working time as defined above. MCAEOC reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent over the E-Mail/Internet system or stored on an employee's computer, for any lawful, legitimate reason necessary to maintain production and discipline and without the permission of any employee. Even though MCAEOC has the right to monitor its computers and E-Mail/Internet Systems, business-related messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any E-Mail messages that are not sent to them.

MCAEOC computer and E-mail/Internet systems should not be used to create or disseminate any defamatory or unlawful communications or communications that violate MCAEOC Policy, including its Workplace Violence Policy and Harassment Prevention Policy. MCAEOC's E-Mail/Internet and computer systems should not be used to access any discriminatory, defamatory, or offensive websites (e.g., pornographic sites, hate speech, criminal skills, illegal drugs, etc.). Employees are prohibited from performing any act that is illegal or otherwise in violation of any applicable federal, state, or local law.

Employees may not use MCAEOC's E-Mail/Internet system to download music, movies, games, or other entertainment software or programs, including wallpaper and screen savers that may affect system efficiency or disrupt workplace productivity. Employees may not install personal software or hardware on the computer system.

Respect all copyright and other intellectual property laws, including those that may apply to software, files, graphics, documents, logos, messages, and other material that is

downloaded or copied. Employees may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of Human Resources.

To ensure security and avoid the spread of viruses, employees accessing the Internet through a computer attached to MCAEOC's network must do so through an approved Internet firewall.

Accessing the Internet directly by modem is strictly prohibited unless the computer you are using is not connected to MCAEOC's network.

Files obtained from sources outside MCAEOC, including disks brought from home; files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to e-mail; and files provided by customers or vendors may contain dangerous computer viruses that may damage MCAEOC's computer network. Employees should never download files from the Internet, open e-mail attachments from outsiders, unknown sources, or use disks from non-MCAEOC sources without first obtaining the express written permission of Human Resources.

This policy may be amended or revised from time to time, as the need arises. Users will be provided with copies of all amendments and revisions.

Violations of this policy will be taken seriously and may result in disciplinary action, including possible termination and civil and criminal liability.

Section 9. Social Media Policy

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

This policy applies to all MCAEOC employees.

GUIDELINES

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's weblog or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board, or a chat room, whether or not associated or affiliated with MCAEOC, as well as any other form of electronic communication.

The same principles and guidelines found in the MCAEOC's personnel policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved, and exercise personal responsibility. Keep in mind that any of your conduct that adversely affects employees, customers, suppliers, or people who work on behalf of MCAEOC or MCAEOC's legitimate business interests may result in disciplinary action, up to and including termination of employment.

Know and follow the rules

Carefully read these guidelines and ensure your postings are consistent with these guidelines. Inappropriate postings that may include discriminatory remarks, harassment, bullying, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination of employment.

Be respectful

Always be fair and courteous to fellow employees, customers, suppliers, or people who work on behalf of MCAEOC. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open-Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, vulgar, obscene, threatening, or intimidating, that disparage customers, employees, or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or MCAEOC policy.

Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors about MCAEOC, fellow employees, customers, suppliers, people working on behalf of MCAEOC, or competitors you know to be false.

Post only appropriate and respectful content

Maintain the confidentiality of MCAEOC and private, proprietary, or confidential information. Do not post internal reports, policies, procedures, or other internal business-related confidential communications. Do not use or post personal health information about clients or employees. Do not post employee or clients' personal information to anyone who is not authorized by MCAEOC to receive that information in accordance with MCAEOC's policies. Develop a healthy suspicion; in other words, don't allow someone to mislead or trick you into disclosing MCAEOC's confidential information.

Respect all copyright and other intellectual property laws. For MCAEOC's protection and your own, it is critical that you show proper respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks, and other intellectual property, including MCAEOC's copyrights, trademarks, and brands.

Express only your personal opinions. Never represent yourself as a spokesperson for MCAEOC. If MCAEOC is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of MCAEOC, fellow employees, customers, suppliers, or people working on behalf of MCAEOC. If you do publish a blog or post online related to the work you do or to subjects associated with MCAEOC, make it clear that you are not speaking on

behalf of MCAEOC [and include a disclaimer in a reasonably prominent place on your site stating that, "The postings on this site are mine alone and they do not necessarily reflect the views of my employer, MCAEOC."] You may not post anything on the Internet in the name of MCAEOC or in a manner that could reasonably be attributed to MCAEOC without prior written authorization from the Executive Director.

Using social media at work

Refrain from using social media while on work time unless it is work-related as authorized by your manager. Do not use MCAEOC email addresses to register on social networks, blogs, or other online tools utilized for personal use.

Retaliation is prohibited

MCAEOC prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy, or for cooperating in an investigation will be subject to disciplinary action, up to and including termination of employment.

Media contacts

Employees should not speak to the media on MCAEOC's behalf without contacting the Executive Director. All media inquiries should be directed to the Executive Director.

For more information

If you have questions or need further guidance, please contact your HR representative.

Section 10. Retention Policy

MCAEOC will retain all documents for three (3) years unless stated otherwise by the funding source. If any litigation, claim or audit has not been fully resolved before the expiration of the three (3) year period, all relevant records shall be retained until one year after resolution.

Section 11. Weapon Policy

MCAEOC prohibits all persons who enter MCAEOC property from carrying a handgun, firearm, or weapon of any kind, regardless of whether the person is licensed to carry the weapon or if a license is not required. The definition of "weapons" includes ammunition, stun guns, bows, arrows, hunting knives, pellet guns, batons, blackjacks, brass knuckles, and explosives (including fireworks). This prohibition applies to all MCAEOC employees, visitors, vendors, customers, and contractors. The only exceptions to this policy will be:

1. On-duty law enforcement officers,
2. on-duty security guards,
3. concealed carry permit holders are permitted to have a weapon in their vehicle in MCAOC parking lots only if the vehicle is locked and the weapon is secured inside the vehicle,
4. and other persons who have been given written consent to carry a weapon on the property by the Human Resources Department.

This policy extends to all MCAEOC property, including without limitation all MCAEOC-owned or MCAEOC-leased buildings and surrounding areas such as sidewalks, walkways, or driveways. MCAEOC vehicles are covered by this policy at all times regardless of whether they are on MCAEOC property.

All MCAEOC employees are also prohibited from carrying a weapon while in the course of performing their job or any task on behalf of MCAEOC, whether or not they are on MCAEOC property at the time and whether or not they are licensed to carry a weapon—the only exception being for persons who have been given prior written consent.

The possession of weapons, including those identified above or those otherwise restricted by law (including hunting weapons) on MCAEOC property, regardless of whether the person is licensed to carry the weapon, is strictly prohibited, except as specifically provided in this Handbook. Legal, chemical dispensing devices such as pepper sprays that are sold commercially for personal protection are not covered by this policy. If you have a question about whether an item is covered by this policy, please call your department leader/supervisor or the Human Resources Department. You are responsible for ensuring beforehand that any item you possess is not prohibited by this policy.

Failure to abide by all terms of this policy may result in disciplinary action up to and including termination. Further, carrying a weapon onto MCAEOC property in violation of this policy will be considered an act of criminal trespass and will be grounds for immediate removal from the property and possible prosecution. MCAEOC will contact law enforcement for assistance if necessary.

This policy should not be interpreted to create any duty on the part of MCAEOC to take any actions beyond those currently required of an employer under existing law. For your safety and those around you, if you become aware of anyone violating this policy, please immediately report it to the Human Resources Department.

Section 12. Workplace Violence

It is the policy of MCAEOC that rules and regulations regarding behavior in the workplace are necessary for the efficient operation of MCAEOC and the benefit and safety of all employees. Management alone cannot prevent violence in our workplace. This must be a joint effort by every employee. MCAEOC encourages each employee to report possible problems to management.

Conduct that interferes with operations, that discredits MCAEOC, or that is offensive to residents or co-workers will not be tolerated, whether such conduct is that of an employee, associate of an employee, or visitor. Any act of violence that impacts the workplace will be cause for investigation and subject to action by MCAEOC. Violence is any act of aggression or any statement, which could be perceived as an intent to cause harm to MCAEOC or an individual, whether personal, such as physical, emotional, or impersonal, such as property damage or theft.

General

Employees are expected to conduct themselves in a positive manner to promote the best interests of MCAEOC. Such conduct includes:

- a. Complying with all of MCAEOC's safety and security regulations and policies
- b. Complying with MCAEOC's Workplace Harassment Policy
- c. Treating all residents and co-workers in a courteous manner including, but not limited to, refraining from any physical or verbal abuse of residents or co-workers
- d. Reporting to management suspicious, unethical, or illegal conduct by co-workers, residents, or visitors without fear of retaliation
- e. Cooperating with MCAEOC investigations
- f. Handling the property of MCAEOC and individuals with care and respect to the owner.

The following conduct is prohibited and may subject the individual involved to disciplinary action, up to and including termination:

- a. The use of profanity or abusive language.
- b. Failure to comply with MCAEOC's Weapon Policy.
- c. Fighting or assault on a co-worker, resident, security staff, or visitor.
- d. Threatening or intimidating co-workers, security staff, residents, or visitors.
- e. Retaliation for having reported inappropriate conduct or for having cooperated in an investigation of inappropriate conduct.
- f. Intentional interference with an employee's work.
- g. Theft, destruction, defacement, or misuse of MCAEOC property or the property of an employee or visitor.

This listing is illustrative of the type of behavior that will not be permitted. It is not intended to be an all-inclusive list. Any violation of MCAEOC's policies or any conduct considered inappropriate or unsatisfactory may, at management's discretion, subject the employee to disciplinary action, up to and including termination.

Procedures

It is every employee's responsibility to ensure that his/her conduct does not include or imply a breach of this policy. Furthermore, it is every employee's responsibility to report suspicions of such behavior, whether by an employee or non-employee, to an appropriate member of management. If, however, violence, threats of violence, or suspected violence to a person or property has taken place or is taking place, the following will apply:

- a. Should an employee perceive a threat to be urgent, the employee should call 911 before reporting the threat to his/her supervisor. An urgent threat is one where there is actual violent behavior or where it appears that violent behavior is likely to take place.
- b. Should an employee receive a bomb threat, the employee should notify his/her supervisor immediately. The supervisor should notify Human Resources.
- c. Any threats of violence or suspected violence to a person or property should be reported to the employee's supervisor or Human Resources. If the threat or action involves an employee's immediate supervisor, it should be reported directly to Human Resources instead of the employee's supervisor. An oral or written statement setting forth all pertinent facts will be required.
- d. Any supervisor who receives a report or has knowledge of, or suspects the occurrence of violence or threats of violence, should promptly assess the most important action to be taken first. In all cases, however, Human Resources should be notified as promptly as possible.
- e. Human Resources will work with the supervisor in investigating the report. They will determine the appropriate action and/or discipline to be taken with the offender up to and including termination.
- f. Human Resources will work with employees who report that they have been subjected to violence to support efforts to reduce the harm, which has been or is being done.
- g. Appropriate confidentiality and documentation of each report should be maintained.

Section 13. Harassment Prevention

It is the policy of MCAEOC to treat all employees equally in the terms and conditions of their employment. The harassment of any employee is contrary to this policy and may be considered a violation of federal law and will be considered justification for disciplinary or other appropriate action. This policy applies to all employees, supervisors, agents, and non-employees who have contact with employees during working hours. This policy defines harassment and outlines the method by which it is reported.

Harassment is any annoying, persistent act or actions that single out an employee to that employee's objection or detriment because of race, religion, color, national origin, sex, age, disability, sexual orientation, gender identity, veteran status, genetic information, HIV/AIDS status, smoker or nonsmoker, occupational pneumoconiosis (with no respiratory impairment) due to coal dust exposure, or any other legally protected characteristic (protected status). Harassment may include any of the following:

1. Verbal abuse or ridicule. This includes epithets, derogatory comments, slurs or unwanted advances, invitations, or comments based on protected status.

2. Interference with an employee's work. This includes physical contact such as assault, blocking normal movement, or interference with work directed at an individual because of their sex or other protected status.
3. Displaying or distributing offensive materials based on protected status. This includes derogatory posters, cartoons, drawings, or gestures.
4. Discriminating against any employee in work assignment or job-related training.
5. Intimate, unwelcome physical contact.
6. Making offensive innuendoes based on protected status.
7. Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer, or any other term or condition of employment.
8. Retaliation for having reported harassment.

It is every employee's responsibility to ensure that their conduct does not include or imply harassment. If, however, harassment or suspected harassment has or is taking place, the following will apply:

1. An employee should report the harassment or suspected harassment immediately to his/her supervisor. In the event of a conflict with the supervisor, the employee should report the harassment to the Human Resource Department. If possible, this complaint should be in writing, setting forth all pertinent facts. The complaint does not have to be in writing, however.
2. Any employee who receives a report of or has knowledge of harassment shall promptly inform the Human Resource Department in writing.
3. Each complaint will be investigated, and a determination of the facts will be made on a case-by-case basis. Appropriate action up to and including discharge will then be taken by the Human Resource Department and the Executive Director's approval.
4. The investigation files, including the complaint, will be maintained by the Human Resource Department. Any disciplinary action taken will also be documented in the employee's personnel file.

MCAEOC will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in an investigation of alleged harassment. Violation of this provision may result in discharge.

False accusations are considered serious and may result in disciplinary action up to and including termination of employment.

Section 14. COVID-19 GUIDANCE

COVID-19 policies and procedures are updated in accordance with guidance from the Centers for Disease Control and Prevention and funding sources. Please contact HR or the health team for the latest updates.