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1.0 INTRODUCTION

1.1. Mission Statement

The mission of the Eden II Programs is to provide people with autism specialized, community-based programs and other opportunities, with the goal of enabling them to achieve the highest possible quality of living throughout their life spans.

1.2. A Message from the Executive Director

Welcome to Eden II!

Whether you have been working for our agency for many years, or just recently accepted a new position, you have committed yourself to a very important endeavor: improving the lives of individuals with autism. This is a commitment our agency takes very seriously, and a mission our agency could not accomplish without the skilled, dedicated employees that make Eden II what it is.

The quality of services we can provide depends most on the talents and initiative of the people who directly provide it, and those that offer supports and assistance to help make our programs the best they can be. We welcome you to our team, and hope you find the satisfaction and enjoyment that comes with doing work that, while sometimes very difficult, is critically important to the people we are serving and their families.

Best of luck in your career at Eden II!

Joanne Gerenser, Ph.D.

Executive Director

1.3. Welcome and Purpose

The Eden II School For Autistic Children, Inc. (d.b.a. Eden II Programs), hereafter referred to as Eden II, aims to recruit, hire and train personnel in a manner which will provide people with autism excellent services delivered by competent, professional employees. The procedures set forth in this personnel manual are adopted to help ensure the highest quality of services, and a working environment which fosters the growth and development of employees. It is our agency's goal to provide the kind of working

environment and the administrative support systems which will foster employees' optimal performance and professional growth.

This personnel practices manual outlines the policies and procedures of our agency with regard to employment-related issues. Please familiarize yourself with these topics, and feel free to consult with your supervisor or the Human Resources Department if at any point you are unclear of what is expected of you, or need assistance in interpreting these policies as they apply to a specific situation. Our Human Resources Department is also available to help answer questions you may have regarding your benefits, and you are welcome and encouraged to contact us with any question you may have.

In addition to its employees, Eden II is fortunate that, from time to time, family members of an individual served, friends, and members of the community volunteer their time and talents in the furtherance of the Eden II mission, and certain of the policies set forth herein address our volunteers' service.

We look forward to working with you throughout your careers at Eden II!

The Human Resources Department

1.4. **Disclaimer of At-Will Employment**

This manual has been prepared to provide employees and supervisors with basic information regarding the principles and practices of Eden II with regard to employment. It is not a contract of employment. The employment relationship between Eden II and its employees is that of employment at will. Under this relationship, the employee is free to terminate his or her employment with Eden II for any time, for any reason or no reason, with or without prior notice. Likewise, Eden II has the same right to terminate the employment relationship on the same terms as the employee.

1.5. **Important Note Regarding These Policies**

Only the Eden II Board of Directors has the authority to change policies and practices described in this handbook. Only the Executive Director of Eden II has the authority to enter into agreements with employees. Other employees or representatives of Eden II do not have such authority, nor do they have the authority to make agreements inconsistent with the contents of this manual.

Eden II can change or amend the practices described in this manual at any time, with or without advance notice. This manual supersedes all prior manuals, and applies to all employees regardless of the date of hire.

If you have any questions about the contents of this handbook, please discuss them with your supervisor or the Human Resources Department.

2.0. WORKPLACE PRACTICES

2.1. Introduction to Workplace Policies and Practices

The workplace practices outlined below were created to ensure a safe, productive, and fair workplace for all employees. The contributions of our talented and diverse staff are the backbone of our agency's quality services. Strict adherence to the practices outlined below is required by employees and supervisors at every level of the organization.

This personnel practices manual was developed to provide general guidance to agency supervisors and employees in handling common workplace situations in a fair and equitable manner that is consistent with our mission of providing quality services to children and adults with autism. This manual is not, however, all inclusive, and it is likely that situations may arise in which further clarification of the expected actions of the employee, or of the agency, is necessary. In all such cases, the Human Resources Department is available to provide consultation/direction in determining the best course of action, in a manner consistent with generally accepted practices. Please feel free to contact the Human Resources Department any time you have a question regarding these policies, or special circumstances which may arise in the course of your employment.

2.2. Equal Opportunity Employer

Eden II is an equal opportunity employer. Eden II provides equal employment opportunities to all employees and applicants for employment, without regard to race, creed, color, national origin, sex, age, disability, marital or veteran status, sexual orientation, citizenship status, history of receiving mental health services, or any other basis protected by local, state or federal law. There will be no discrimination on the basis of any said factors in employee recruitment, hiring, compensation, training, promotion, transfer, lay-off, and leaves of absence, compensation, training, or termination, or in any other terms or conditions of employment.

2.3. Americans with Disabilities Act

Eden II provides employment opportunities based on an individual's ability to do the job, and complies fully with the Americans with Disabilities Act (1990), as follows:

- No qualified individual with a disability will be discriminated against in any employment decision. A qualified individual with a disability is an individual with a

- disability who meets the skill, experience, education, or other job-related requirements of the position held or desired, and who, with or without accommodation, can perform the essential functions of the job.
- When an individual is disabled under ADA, an employer must make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee, unless the accommodation would cause an undue hardship on the employer or the employee poses a direct threat to the health or safety of himself/herself or others in the workplace that can not be reduced to an acceptable level with a reasonable accommodation.
 - A qualified employee with a disability is encouraged to request an accommodation if it is needed to perform the essential functions of such employee's job effectively. Requests should be directed to the Human Resources Department. Human Resources in conjunction with the employee's program director will then meet with the employee to discuss the possible reasonable accommodations that will permit the employee to perform the essential functions of the job.

2.4. **Religious Accommodation**

Consistent with Federal, State and local laws, Eden II will make reasonable accommodation to the religious beliefs and practices of an employee, unless doing so would impose an undue hardship on Eden II business operations. Employees who want time away from work for religious observance may make a request for time off to allow this time away. Requests for time off are normally granted unless doing so would impose an undue hardship on Eden II's ability to provide services. Employees are expected to manage their Paid Time Off (PTO) and have days in their PTO bank to cover religious days of their denomination.

2.5. **Harassment and Discrimination Prevention**

Eden II expressly prohibits any form of unlawful harassment of and/or unlawful discrimination against any employee on the basis of race, color, religion, creed, gender, national origin, age, veteran status, the presence of handicaps or disabilities, or any other legally protected characteristic or status.

Any employee who harasses or discriminates against any other employee or volunteer of Eden II, any individual served or family member of a served individual or any professional contact/vendor of Eden II, is subject to discipline up to and including termination.

Definition and Examples of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, suggestive or lewd remarks or jokes, sexual posters, sexually-oriented statements, cartoons or drawings, and other verbal, written (e.g. e-mail, web sites) or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Other types of illegal harassment and discrimination prohibited:

- Expressing comments, jokes, puns, innuendos, bantering, and teasing that demean, insult, or offend another person or persons
- Leering, gawking, and making other nonverbal gestures that demean, insult, or offend another person or persons
- Expressing words, names, and statements that demean, insult, or offend another person or persons
- Posting or displaying pictures, photos, illustrations, or objects in the workplace that demean or offend another person or persons.
- Any employee who engages in any type of behavior that Eden II deems harassing or discriminatory is subject to discipline, up to and including termination.

Harassment and Discrimination Complaint Procedure:

- All employees of Eden II, whether supervisor, manager, office worker, or front line staff member, share responsibility for creating an atmosphere free of discrimination and harassment, whether of a sexual nature or otherwise.
- Any employee who believes that he or she has been subjected to sexual or other harassment based on their gender, race, religion, disability, or other legally-protected factor, should immediately report the alleged harassment, in confidence, to the Human Resources Department, their supervisor/ program director, the Executive Director, or any other supervisor, coordinator, manager, or director with whom the employee is comfortable speaking. This person will ensure a fact-finding investigation is immediately undertaken by the Human Resources Department or another designated investigator.
- The investigation will be conducted in an expeditious and discreet manner and will include an interview with the individual making the complaint and with any

witnesses. The investigation process will be designed to maintain confidentiality to the extent practical, while also conducting a full and fair investigation.

- The person alleged to have committed harassment will also be interviewed. The complainant, alleged accused, and all witnesses shall not discuss or disclose the nature or content of the investigation, except to such person(s) charged with responsibility to conduct the investigation. When the investigation has been completed, Eden II may, to the extent appropriate, inform the individual who made the complaint and the individual alleged to have committed the alleged harassment of results of the investigation. If it is determined that inappropriate conduct has occurred, then Eden II will act promptly to eliminate the offending conduct and, where appropriate will impose disciplinary action up to and including termination.
- If the person to whom the employee reports the offending behavior fails to resolve the complaint to the employee's satisfaction within five working days, the employee shall submit the complaint or issue in writing to the Executive Director. The Executive Director, or designee, will gather information from all parties involved and make a decision within 10 working days.

Obligation to Report

If an employee believes he/she has witnessed harassing behavior in the workplace, immediately contact a supervisor or the Human Resources Department. In addition, any supervisor who becomes aware of harassing behavior must immediately report it to the Executive Director, Deputy Executive Director, or Human Resources Director and must immediately act to end the harassing behavior.

Retaliation Prohibited

Eden II prohibits any type of retaliation against any employee who in good faith files a complaint under this policy or against any employee who assists in the complaint investigation. Retaliation in any form, by supervisors, co-workers, or others, will result in severe disciplinary action and/or dismissal.

Disciplinary Action for Harassment or Discrimination

Prompt and effective disciplinary action will be taken when Eden II determines that an employee's conduct is against Eden II's policies and procedures intended to prevent prohibited harassment. This means that the remedial actions taken will be reasonably calculated to stop the offending conduct and deter future violations. This may include retraining, reassignment, disciplinary, or other action, up to and including termination of employment.

The Human Resources Director and the Executive Director of Eden II shall assure conformance with this policy and shall recommend for the Board of Trustees to establish other policies or procedures necessary to effectuate its intent. This includes, but is not limited to dissemination of this policy during new employee orientation, training for all supervisory staff on the policy and how to maintain a work environment free of sexual and other forms of harassment/ discrimination.

2.6. **Immigration Law Compliance**

Eden II will operate in strict adherence to the Immigration Reform and Control Act of 1986, and other federal and state laws and regulations pertaining to the employment of immigrants.

Eden II does not discriminate on the basis of citizenship or national origin, and will only request documents pertaining to citizenship, residency, or immigration status as necessary to ensure our compliance with applicable law.

All employment offers are contingent upon the verification of the employee's identity and authorization to work in the United States which is documented on the I-9 form. All new employees must present to Eden II original documents that establish identity and employment eligibility, or a receipt for the application of the documents within three business days of the date employment begins. Where a receipt is tendered by the employee, the actual document must be presented within 90 days of the date employment begins. Failure to provide the required documents will result in immediate termination. Employees who submit work authorizations containing an expiration date will be followed up with at the time of the documented expiration, and required to submit further documentation indicating that they continue to be eligible for employment.

2.7. **Affirmative Action**

Eden II provides employment opportunities without regard to sex, race, color, religion, national origin, or age, and to qualified individuals with a disability as well as to special disabled and Vietnam era veterans. When recruiting, hiring, training, and promoting in those job categories in which women, minorities, handicapped individuals, or veterans are underutilized, Eden II will take affirmative action to seek out qualified applicants without regard to sex, race, color, religion, national origin, age, disability, or veteran status.

The Equal Employment Officer within our Human Resources Department is responsible for communicating and implementing this policy.

Employees belonging to one of the above mentioned categories who want to make known their interest in the opportunities and benefits of our affirmative action program may obtain a copy of Eden II's Affirmative Action Plan from Human Resources.

2.8. Employee Classifications

Full time employee

is an exempt or non-exempt salaried employee who is routinely scheduled to work 35 hours per week if on an academic schedule, or 40 or more hours per week if on an administrative schedule.

Part time employee

is an employee who is routinely scheduled to work a specified number of hours per week for the agency. Part time employees routinely scheduled to work 50% or greater of the full time hours for their position are eligible to accrue Paid Time Off on a prorated schedule. Part time employees routinely scheduled to work 80% or more of the full time hours for their position are eligible to receive medical/dental benefits.

Per diem employee

is paid for the time/days worked and are not in a regular, salaried, full or part time position

Extra assignment employee

is a non-introductory, full time employee of a department within Eden II, who elects to work extra hours through employment in another department within the agency

extra assignment employees who are in exempt full time positions receive special enhanced rates of pay when they elect to provide these extra services. Extra assignment employees who are in non exempt positions for their full time job will receive overtime pay in accordance FLSA requirements for any hours worked beyond 40 hours in a given work week.

Introductory employee - new hire (IE-NH)

is hired on a trial basis for the first three months of employment for the purpose of assessing actual ability to perform the assigned position

Introductory employee – job change (IE-JC)

is transferred, promoted, or demoted to a new position within the agency, who will be assessed in their new position to determine their actual abilities to perform the assigned duties

Exempt employee

is considered overtime ineligible by current state and federal law

Non-exempt employee

is considered eligible for overtime pay by current state and federal law

Academic schedule employee

works an Eden II “school day” calendar, including up to 230 scheduled teaching / training work days per year

2.9. **Introductory Period**

All newly hired employees, or employees who are promoted to a new position or transferred to a new job site or role, are subject to a three month introductory period in their new position. This introductory period is a “trial period” to determine the appropriateness of the placement. However, the introductory period does not alter the employment at will relationship between the employee and Eden II. The employee or Eden II may terminate the employment relationship during or after the introductory period.

During the introductory period for new hires, employees are not eligible for any of the benefits given to regular full time employees, including health insurance, life insurance, or use of Paid Time Off.

Immediately following completion of the three-month introductory period, employees, depending on their work schedule/status, may be eligible to participate in several company plans, including but not limited to medical insurance, life insurance, 403B pension plan, tuition reimbursement, etc. Participation in these plans is subject to the specifics of each plan.

Use of Paid Time Off for requested and approved holidays or other days specified at the time of hire will not be permitted during the introductory period, unless said time falls on days when the building is closed for observance of a mandatory holiday. Introductory period employees will not be eligible for pay for any other days taken during this three month period, unless the days had prior approval by the program director.

In cases where the introductory period is extended (whether due to transfer, promotion,

disciplinary action), employees will maintain enrollment and participation in company plans that they were previously enrolled in, so long as they maintain their eligibility in said plans/programs via their work hour commitment.

2.10. Work Hours

Work hours and work schedule are set according to the needs of the employee's department and the agency as a whole. Eden II may change employee work hours, for long periods or from time-to-time, to meet the needs of the agency and the people it serves. Supervisors will announce changes in work schedules as far in advance as possible. In addition, employees may be required to work overtime hours, hours other than those normally scheduled, or hours in another department based on the needs of the agency. Non-exempt employees who work more than 40 hours in any given work week will be paid overtime in accordance with applicable laws. Exempt employees are not entitled to overtime, regardless of the number of hours worked, but may be provided supplementary pay in the event they take on additional assignments not otherwise included in their primary job.

Exempt and Non-Exempt Staff Schedules:

Full time employees in these classifications generally work a 40 hour work week. For direct care staff, this may be a five day, 8 hour per day schedule; a four day, 10 hour per day schedule, or a special schedule designed to meet the needs of a particular job role.

Generally, all other full time exempt (overtime ineligible) and non-exempt (overtime eligible) staff will work five 8 hour days.

Academic Staff Schedules:

The normal work week for school, preschool, and adult day program classroom staff is generally 8:30-3:30 from Monday through Friday throughout the year (12 months). Employees are required to stay after 3:30 for occasional meetings, trainings, and transportation duties as required by their supervisor. Non-exempt employees who work in excess of 40 hours in any given week will be entitled to overtime pay in accordance with applicable law.

Meals/Breaks:

- All employees working a 6 hour or greater day may take a 45 minute meal break, at a time arranged by and/or acceptable to their supervisor.
- For employees working an academic schedule or other traditional "day shifts" exceeding 6 hours, break opportunities should generally occur between 11am and 2pm.

- For employees working evening or overnight shifts, break opportunities should generally occur midway between shift start and stop times.
- Some employees providing direct care/supervision in community based assignments where they are the only staff person in that role at the time may voluntarily agree to eat while on duty (without being relieved by another staff person). Employees should be aware that forgoing uninterrupted meal breaks is never a requirement of any position, and any employee working shifts of greater than 6 hours who requests an uninterrupted meal period will be provided one.
- Shifts that start before 11:00am AND continue later than 7:00pm are not a typical practice at Eden II. However, if such a shift of employment occurs, on a regular or as needed basis, in addition to a 45 minute lunch time meal period, employees will be provided with an additional meal period of at least 20 minutes between 5:00pm and 7:00pm.
- Beyond any meal breaks required and provided, supervisors may grant employees an additional paid break period of up to 15 minutes per shift.
- Employees may not forgo breaks to cover periods of late arrival or early departure from duty.
- Please note that in certain positions/locations, or under certain circumstances, supervisors may require breaks to be taken on-site. Employees taking breaks on site must be relieved of all duties while on break. (If an emergency or other event requires employees to be called back to duty, this will not be considered break time).
- Unauthorized extensions of defined and authorized break times are prohibited. Failing to return to duty on time, as scheduled, after an authorized break period is a violation of agency policy. Employees violating this policy will be subject to disciplinary action, and unauthorized breaks will not count toward hours worked.

“Flex time”

Employees in certain positions will, from time to time, be required to alter their work schedule as necessary to meet their job goals/responsibilities. In these cases they must request and receive approval from their supervisor in advance to alter their work schedule during the specific week in which these atypical hours will occur. Employees may not accrue “flex time” and, with their supervisor’s permission, can instead adjust their schedules within a pay period to compensate for the atypical schedule worked. Flex time will not be provided for mandatory meetings and trainings required by the employee’s position or department, unless these trainings require greater than 3 hours of extra service beyond the employee’s usual weekly work schedule. Supervisory approval to “flex” time within a given pay period does not remove the agency’s obligation to pay non-exempt employees for each hour worked, or to pay overtime rates of pay when 40 hours are exceeded in a given work

week.

No employee will be permitted to accrue compensatory time under any condition, unless approved in advance, in writing, by the Executive Director.

2.11. **Employee Termination/Resignation**

Employees who voluntarily terminate their employment with Eden II are required to give their supervisor appropriate notice of resignation, as follows:

- Employees in academic or non exempt positions (PTO Schedules A or B) are required to give at least two weeks notice prior to their intended departure date.
- Employees in exempt positions (PTO schedule C) are required to give at least one month's written notice prior to their departure date.

All employees must give the appropriate written notice of resignation and participate in the Human Resources Department Exit Interview process to receive payment of accrued leave time according to the schedule specified in the Time Away From Work (TAWF) policy.

No Paid Time Off (PTO) will be paid to employees who fail to provide appropriate written notice. Employees who terminate during the 6 months of employment whether voluntarily or involuntarily, are not entitled to payment for accrued PTO.

Employees who are terminated due to misconduct are not entitled to payment for any accrued PTO.

The employee must work the required period of notice. These must be "working weeks", not to fall under a prescheduled holiday or vacation period. If an employee intends to use accrued leave time subsequent to their provision of notice of resignation, such PTO requests continue to be subject to the approval of the program director. Unauthorized time taken during the required notice period may result in forfeiture of accrued PTO or payroll docking. Supporting documentation for absence during this period may be requested by the supervisor.

Alternatively, the program director has the right to request that the date of departure be extended by the number of leave days taken to ensure notice is truly adequate. The program director, upon receiving written notice of intent to resign, may also request an alternative, earlier departure date if this action is reasonably necessary to serve a legitimate business purpose of the agency.

Nothing in this section shall be understood to limit or alter the employee or Eden II's right to terminate the at-will employment relationship.

2.12. **Layoffs/Reorganization**

In the event that Eden II should have to lay off its employees due to business/funding conditions, impacted employees will be given as much advance notice as possible. Employees requesting Eden II's help in identifying employment opportunities outside the agency will be provided with consultation and assistance through the Human Resources Department.

If in the event that Eden II should have to reorganize its employees, all persons reorganized because of change in program will be offered positions of a similar classification if available. Eden II will make every effort to maintain employees' salary levels at the same rate of pay as they were receiving before reorganization. In any event, Eden II will offer the salary of the respective new position. If program reorganization results in a need for fewer employees within a specific job role, or elimination of certain positions, assistance will be provided to impacted employees in identifying other employment upon their request.

2.13. **Promotions from Within**

Eden II values the development of its employees and recognizes the unique skills and abilities that employees with a history of direct service within the agency can bring to higher-level positions. As such, the following procedures are practiced to encourage consideration of internal applicants for open positions:

- Generally, notice of vacancies shall be posted on the bulletin board at each program site in order to provide an opportunity for all eligible internal candidates to apply for the position.
- Employees will be considered for vacant positions when their experience and qualifications are appropriate.
- Employees who have applied for a vacant position shall be advised by the agency of its decision.
- If an employee so desires, he or she may have the decision reviewed by and may discuss the matter with the Director of Human Resources.
- Eden II is not required to promote from internal staff. The fact of present employment by Eden II will not be the determining factor in the filling of vacancies or new positions.
- Advancement is dependent upon successful performance in the position held and fitness for the new job. In a promotion, length of service in the present position shall be considered where qualifications and competence of applicants are considered to be substantially the same.

2.14. Demotions

Occasionally, an employee may fail to maintain necessary qualifications of their position (e.g., maintaining a valid driver's license for a direct support professional position, or teaching certification for a classroom teacher). Similarly, at times a work performance problem or skill deficit may render an employee unable to effectively carry out the full scope of their responsibilities. While progressive discipline and dismissal from employment are frequently appropriate actions in such cases, at other times demotion to an alternate position (which does not require the same level of skills, certifications, or other qualifications) may be the appropriate course of action.

Employees who are demoted from one full time position to another retain medical and other benefits they were receiving at the time of the demotion. Employees who are demoted to per diem status DO NOT maintain the benefits of employment they received when in a full time position (e.g., are not eligible for company paid medical/dental/life insurance, Paid Time Off, etc.).

2.15. Internal Transfer Guidelines

There are several types of job changes which may occur within Eden II. Examples include promotions, reassignments within a given department, or transfers to another department. Changes in specific assignments within a given department, even if such changes result in modification of the employee's work site, are considered reassignments and can be made at the discretion of the program director in accordance with their program's needs (for example, transfer of a teacher to another classroom, or of a direct care worker to another residential site). When an employee requests to be transferred or promoted to a position in another department, however, this job change has the potential to impact on the ability of their prior department to continue to effectively carry out their duties and responsibilities. Therefore, the following procedures were developed to assist in maintaining a fair and collegial work environment, and ensure our agency effectively and respectfully balances the needs of its employees, individuals served, and individual departments. The strictest adherence to these guidelines is expected by all Eden II employees.

- For direct service and teaching positions as well as positions which are both non-clinical and non-supervisory, "lateral moves" to generally equivalent-level positions in other departments (rate of pay does not change by more than 10%) can be done under the following conditions:
 - The individual meets all requirements of the position which he or she is requesting to be transferred to.
 - The director of the new department to which the employee has applied wishes to hire the employee for that position.
 - The individual notifies his or her supervisor at least one month in advance of the requested transfer date.

- The individual has worked for at least 6 months for the department in which he/she is requesting to transfer from.
- For staff pursuing a promotion, pay increase, or position of increased responsibility in another department (rate of pay increases by more than 10%), or for Eden II staff with clinical oversight or supervisory responsibilities (psychologists, program coordinators, teaching supervisors, etc.), the following conditions apply:
 - The individual must meet all requirements of the position that they are applying for (or will have met all requirements by the targeted transfer date).
 - The director of the new department to which the employee has applied wishes to hire the employee for that position.
 - Promotion to a position in a new department can only occur with the provision of at least two months notice to the current (soon to be former) department (unless this requirement is waived by the director of the current (soon to be former) department).

Expected Actions

Open positions generally will be posted on agency job posting boards in all program sites so that staff within the agency have the opportunity to apply for promotions or positions that may be more suitable for their needs and skills than their current positions. Posting of open positions does not require the consent or notification of other program directors. Further, employees may confidentially *inquire* about or interview for potential open positions without notification of their current department's director. However, if at any time an employee of another department is being actively considered for an open position (has been interviewed and an offer is being considered), the director of his/her current department must be notified and consulted with (and internal reference check completed). At the point that the employee is being actively considered, the prospective program director should inform the employee that they are considering offering them a new job opportunity, but will need to speak to their current supervisor prior to making such an offer to assist with their decision-making. The employee seeking a transfer is also encouraged to personally discuss their potential interest in employment outside their current department with their current supervisor.

In certain cases, programs may be undergoing staffing shortages or other crises in which an employee transfer would create an undue hardship. Conversely, there may also be times in which a crisis in another department leads to a request to have the minimum notice period shortened. In each of these cases, it is expected that a reasonable agreement regarding the appropriate course of action will be reached by the department directors (in conjunction with the Human Resources Director, Deputy Director or Executive Director if necessary for mediation). In general, however, program directors are encouraged to plan effectively regarding their program's needs, and attempts should be made to carry out inter-department transfers in accordance with established timelines in all but the most extenuating of

circumstances.

Prohibited Actions Regarding Internal Transfers

Program directors may not offer or provide pay increases or previously unplanned promotions to employees who have expressed an interest in moving to another department in an effort to retain them within their current department.

Program directors may not offer an employee from another department a higher salary than planned for the open position in an effort to make a transfer more enticing to the employee. If program resources permit however, it is acceptable to offer the employee the current starting rate for the position plus an adjustment based on previously acquired cost of living increases the employee has accrued (not to exceed an average of 3% per year of employment at our agency). Salary differentials beyond those described above are not acceptable under any circumstances as they have the potential to create unfair differentials month staff with equivalent responsibilities and time served.

Program directors may not solicit staff transfers or attempt to recruit staff from another department to fill open full time positions without the explicit consent and understanding of the director of the department from which staff may be solicited.

“Matching” of salaries provided by another department in which work hours or responsibilities are substantially different is unacceptable (e.g., offering a potential teaching assistant who will be working a 35 hour work week on a school schedule the same salary as held at a prior position as a direct care worker working a 40 hour/week, non-exempt schedule.) In such cases, the rule of paying the starting salary for the position, plus accumulated cost of living allowances, should apply.

In cases where an employee transfer occurs within a program year, and the employee has worked over one year for Eden II, an annual cost of living allowance or salary increase should be given to the employee by the new program if and when other annual agency employee raises are given. This raise can be a performance-based increase if that is the practice of the new program (and should be based on the assessment of the previous supervisor if the employee has been employed less than 3 months at the new program), or the standard cost of living allowance as given by the new department. The decision is at the discretion of the new program director, and either method is acceptable as long as it is consistent with the program’s usual practices of allocating employee salary increases.

Any questions regarding the interpretation of these guidelines and/or generally acceptable practices regarding the recruitment / hire of employees of another department should be directed to the Director of Human Resources.

2.16. **Anti-Nepotism Policy**

To foster a fair and equitable work environment and avoid the representation of nepotism and/or favoritism, it is the policy of Eden II not to hire, transfer, or promote relatives of employees or individuals served into the same program which directly affects decision-making on personnel issues or issues which affect the related individual served. Also, employment will not be offered anywhere in Eden II to relatives of Eden II directors and executive staff.

For purposes of this policy, the term “relatives” is defined as a sister, brother, husband, wife, son, daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, uncle, aunt, nephew, niece, grandfather, grandmother, grandchild and stepchild, or an individual who otherwise resides with an employee.

The Executive Director may, in the case of relatives of staff otherwise precluded, approve an exception to the provisions of this policy if it is found that:

- the position to be filled requires a person with specialized training and experience not generally available in the employment market
- there is a vital Eden II need to fill the position
- substantial bona fide efforts have been made to search for other qualified candidates
- the relationship between the relative and the individual served or employee is unlikely to materially affect their employment by Eden II

The Executive Director will inform the Board of any exceptions.

Any such instances, which exist up to the time of the adoption of this policy, shall be made known to the Executive Director who shall decide to either “grandfather” these cases or correct them in an appropriate manner.

Employees or applicants must disclose any relationships which may create the appearance of a violation of this policy to the Human Resources Department. If an employee has deliberately concealed a relationship with another employee or individual served in violation of this policy, the employee(s) will be subject to disciplinary action, up to and including termination. Employees who become aware that a colleague has failed to disclose a relationship in violation of this policy will consult with the director of Human Resources. Resolution of such reported violations will be determined by the Human Resources Director.

2.17. **Conflict of Interest Policy**

- (1) No employee shall use his/her position at Eden II to further their personal interests over the interests of the individual served and the agency. Although it is impossible to

identify all situations in which a conflict of interest may arise, the following are non-exhaustive examples of some common situations where a conflict of interest may arise:

- conducting personal business at work
- using the workplace or relationships developed within to solicit support for outside organizations/companies is expressly prohibited
- situations where a senior or professional staff may be offered a non-trivial gift, services or cash by a vendor, individual served or donor
- situations where Eden II enters into a transaction or other business relationship with a company or vendor in which a senior staff or a close relative of the senior staff has a material interest
- situations where a senior or professional staff is using Eden II corporate information in any form, including the intellectual property of the Agency for personal gain or for the benefit of any other person or entity
- situations where a senior or professional staff use knowledge or information gained from position for personal gain or benefit or to influence decision-making of Eden II for personal gain
- inappropriate personal (including but not limited to sexual) relationships between management and staff in either a direct or indirect supervision situation within a given program area
- situations where a more senior ranking employee may have the opportunity to work in a program that is directly managed by a lesser ranking employee.

Employees are encouraged and required to report potential conflicts of interest.

A more detailed copy of the Conflict Of Interest Policy is being held in the HR Department. Staff with responsibilities that could create the potential for conflicts of interest should familiarize themselves with this detailed policy. In addition, any staff unsure of what might create a conflict of interest should access the more detailed policy

2.18. **Employee Screening and Hiring Procedures**

All individuals recommended for employment by program directors may be subject to approval by the Executive Director.

Employees must provide a resume of their history of employment or related experience. Every effort shall be made to obtain the following information either on a written application or during the interview process:

- Any prior or current experience as an employee in an agency implementing methods of behavior technology

- Any prior or current experience as an employee, volunteer or certified provider with OPWDD, any other State agency, or any other provider of human services
- Any prior or current experience in direct care work relevant to the position for which an application is being made. Child caring/developmentally disabled experience should be specifically identified.
- Names, addresses, and where available, telephone numbers of at least two professional references who can verify the applicant's history of employment or related experience, work record, and qualifications.
- Names, addresses, and telephone numbers of at least two personal references, other than relatives, who can attest to the applicant's character, reputation and personal qualifications.
- The application and/or resume must have the applicant's education showing, at a minimum, the highest grade level or degree attained, any additional credits earned, and any relevant education or training regarding care of or services to developmentally disabled individuals. At a minimum, the names and addresses of schools and other educational institutions that can verify that the applicant meets the minimum qualifications for the job for which application is being made shall be provided.
- Information indicating special skills or completed training/courses, which aid in the performance of duties of the position for which the person is applying.
- A signature on the application indicating whether or not the applicant has ever been convicted of a crime in NYS or any other jurisdiction.
- A copy of high school diploma (or GED) and any other degrees or certifications
- Eden II will verify with at least the last employer that the applicant worked in the capacity stated on their application and for the period of time stated on it.
- Employees will be subjected to fingerprinting and background checks in accordance with the regulations of the program(s) in which they will work.
- All applicants will be required to disclose any convictions for misdemeanor or felony crimes, and any pending criminal charges.
- For positions in which driving is required, applicants will sign a statement indicating those convictions related to moving violations within the last three years; and any suspensions, revocations, DWI/DUI convictions, or any occurrence involving harm to persons or property while driving.

All applicants will be informed of, and attest to their understanding that any untrue answer to any question in the application process is grounds for immediate dismissal.

Prospective employees will be informed that program oversight/funding parties (SED;

OPWDD) may deny/revoke eligibility for employment due to background check findings if, in the opinion of the oversight agency, said findings preclude employment in a setting providing services to children and/or developmentally disabled individuals, in accordance with applicable laws.

2.19. **Exposure Control and Prevention**

Prior to starting work new employees must submit a current medical exam stating they are free from communicable disease and any condition precluding work with children, this should include the results of a tuberculosis (TB) test stating there is no sign of active tuberculosis.

All employees who work directly with individuals served will be trained regarding transmission of blood borne pathogens upon hire and annually thereafter.

All employees are offered free Hepatitis –B vaccines and information on Hepatitis –B virus. Those who decline the vaccine will sign a statement to this effect.

Universal precautions will be utilized by all staff at all facilities. Any surfaces that contact blood or other potentially infectious substances will be cleaned with an appropriate disinfectant. Personal protective equipment (e.g., disposable gloves) is provided for employees who may have contact with possible infectious material.

All exposure incidents will be reported and treated by health care professional of the employee's choice and recorded at the facility.

Employees whose health status is not conducive to promoting the overall health and safety of the workplace are asked to use Paid Time Off to assist in protecting the health/safety of other employees and individuals served. Employees failing to use good judgment with regard to staying home from work when ill may be requested to do so by their program supervisor.

In accordance with Occupational Safety and Health Administration (OSHA) regulations, employees must report and document injuries sustained at work. This should occur by the end of the work day, or at least within 24 hours, via an occurrence report and supervisor notification. Employees must also report any potential workplace dangers (e.g., physical plant conditions, equipment failures, etc.). Please refer to the Eden II Exposure Control Plan for additional information/resources.

2.20. **Exit Interview**

Individuals resigning from employment at Eden II must schedule an exit interview with the Human Resources Department.

Employees must return any agency keys, access cards, supplies, and any other Eden II property before or at the time of the exit interview with the Human Resources Department.

Employees departing employment with Eden II will have the opportunity during their exit interview to receive and complete any appropriate benefit forms, have their questions answered, and provide information relating to their reasons for leaving.

2.21. **Employment References**

Post Employment References

All requests for references on past employees will be referred to the Human Resources Department. When requested by an outside agency to provide information regarding a former employee, Eden II will only verify dates and positions of employment. Disclosure of any additional information regarding employment history will require written informed consent by the employee.

Current Employee References

When a current employee requires a reference letter regarding their job performance at Eden II, he or she may request a reference from their program director. It is up to the discretion of the program director and the Human Resources Department whether or not a reference will be provided. All written employee references must be reviewed by the Human Resources Department, and a copy placed in the employee's personnel file.

2.22. **Appraisals and Evaluations**

All employees will be issued a job description at their time of hire to a new position. Employees will be asked to sign to acknowledge receipt and understanding of these job duties. Employees will be formally evaluated at least once per year based upon their completion of the responsibilities outlined in their job description, and general conduct as an employee of Eden II. New employees will be evaluated after three months of employment and annually thereafter. Additionally, all new employees will be subject to a heightened level of observation, monitoring, and feedback from supervisory employees.

The evaluations are to be done on an approved form, and will be retained in the employee's personnel file.

The procedure for evaluation shall be as follows:

- The supervisor shall write and sign the evaluation. The supervisor's direct superior shall also review the evaluation.
- The supervisor will meet with employee to discuss the evaluation.

- The employee shall receive a copy of his/her evaluation.
- The employee may prepare in writing comments on his/her evaluation, which may be filed with his/her supervisor and which shall become part of the personnel file.
- The employee signs the evaluation, attesting to reading and having been advised of its contents, and not to signify agreement with its content.
- If not satisfied, an employee can follow the grievance procedure as outlined elsewhere in these Human Resources Policies.
- Evaluations are based on job performance as outlined in each job description.

2.23. **Use of Computers and Electronic Equipment**

Eden II computers and electronic equipment are for the purpose of conducting company business. Use of Eden II computers, electronic equipment, or internet access for activities inconsistent with the agency's goals is strictly prohibited.

Only the Information Technology Department may approve and install software for use on Eden II computers.

Employees who use Eden II computers and electronic equipment should consult with the HIPAA Security Policy and the Internet Policy (refer to Attachment B contained herein) for detailed, related information governing the use of such devices.

Violation of the agency's policies regarding computer and internet use is grounds for disciplinary action up to and including dismissal.

2.24. **Access to Personnel Files**

Every employee will have a personnel file. Generally, no material, other than job status changes completed by the Human Resources Department for record keeping purposes, will be placed in the file unless the employee has read it.

The employee will be requested to sign all relevant materials placed in the file, such signature to indicate that the employee has read the material being placed in their personnel folder, and not to indicate the employee's agreement with the content of the material being placed in the folder.

The employee shall have the right to answer/respond to any material placed in their personnel file, and his/her written response/comments will be attached to the file copy.

The employee may examine his/her file by request to the Director of Human Resources, after which an appointment to do so will be arranged.

Material from an employee's file will be released only upon written permission from the employee. This release must specify which documents are to be released.

Employees may request copies of information contained within their file from the Human Resources Department. The request will then be processed within two weeks.

2.25. **Employee Supervision**

Eden II shall endeavor to provide training and supervision of its personnel, which will:

- Identify all line and onsite supervisors and their supervisory responsibilities.
- Provide training so that all employees and volunteers are made aware of the identity and availability of their immediate supervisors.
- Provide for periodic supervisory consultation with employees and volunteers.
- Provide annual evaluations whereby employees and supervisors are evaluated relative to their job duties.
- Take into consideration the population served; architectural factors; facility size; staffing patterns and rationales; qualifications and stated responsibilities of employees and training of staff, particularly in the prevention, reporting, remediation or treatment of individual served abuse.
- Eden II shall ensure that policies/procedures are in compliance with the terms of Human Resources Policies.
- Appropriate assistance shall be given to those employees whose evaluation has indicated the need for improvement of teaching, managerial or supervisory skills.

2.26. **Employee Grievance Procedures**

At times, employees may disagree with an administrative decision, or feel that they have been treated unfairly. In the event of a grievance, the aggrieved employee should first discuss the matter with their immediate supervisor, with the objective of resolving the matter informally. The employee shall initiate the grievance process as soon as possible.

If satisfaction is not obtained, the employee should discuss the matter with the Program Director, with the object of resolving the matter informally.

If the employee is not satisfied with the results of these informal discussions, the employee shall put their grievance in writing in a letter to the Program Director.

Grieving employees are not expected to grieve to a supervisor or manager who the grieving employee believes to have a personal interest, bias, or is in some material way associated with the matter being grieved. In such cases, the grieving employee may grieve to the next level of supervision.

If the employee is not satisfied with the results of the written grievance to the Program Director, he/she should write a letter to the Executive Director no later than ten (10) working days following the decision and/or event(s) giving rise to the grievance, explaining their grievance in detail.

Written grievances shall be acknowledged by management, or management's designee, as soon as possible after receipt. The member of management addressed shall seek resolution as soon as possible, while assuring that sufficient time is allocated to ensure a thorough investigation. Employees shall receive status updates at specified intervals until the matter is closed.

The decision of the Executive Director shall be final.

Grievances regarding termination of employment must be typed and ink-signed by the terminated employee, addressed to the Executive Director at Eden II corporate headquarters, and include a valid current return address. The correspondence must be posted by US Mail, certified/return receipt requested. The Executive Director shall make best effort to respond as soon as possible, but in no case more than sixty days (60) from receipt of the complaint.

3.0 PAY AND BENEFITS

3.1. Pay Periods and Pay Day

Eden II pays employees in biweekly (2 week) pay periods. Payday will be every other Friday.

The pay periods covered by each paycheck are documented on each paystub, and generally paychecks come about two weeks following the completion of each pay period. Eden II's work week is from Monday through Sunday.

Occasionally, employees may submit work/timesheet records too late for pay to be processed for a given payroll. In these cases, pay will be processed in with next payroll after submission and verification of time worked.

Employees are eligible for direct deposit of their wages into their bank accounts after they have completed the 90 day introductory period. Enrollment forms can be picked up from the Finance or Human Resources Department. Employees should be aware that it takes two pay cycles to process requests for direct deposit.

3.2. Recording Work Hours

Eden II requires all employees to record their actual hours worked each day by electronic punching in /out or otherwise recording start time and stop time for each program worked. Employees who fail to conscientiously report actual work hours, who fraudulently report time worked, or engage in other inappropriate behaviors relating to the reporting of time will be subject to disciplinary action, up to and including dismissal. The individual should record work hours in accordance with the forms/systems of his/her department. All reported work hours must be reviewed and authorized by a supervisor.

3.3. Calculation of Overtime Pay

Overtime pay will be provided to eligible (non-exempt) employees for hours worked beyond 40 hours within a given work week. Eden II's work week starts at 12:01 a.m. on Monday (Sunday night) and ends at midnight the following Sunday. The half-time overtime differential is calculated based on the FLSA approved weighted average methodology.

Exempt employees are not eligible for overtime rates of pay, regardless of the hours worked. All overtime must be approved [in advance, except in exigent circumstances] by designated program supervision. Management reserves the right to discipline staff for working overtime without prior approval.

3.4. **Expense Reimbursement**

Personal Car Usage

Employees shall be paid for the use of their automobiles on agency business at a rate of \$0.35/mile when such use is pre-approved by the Program Director. Employees will not be reimbursed for using personal vehicles for transporting individuals served (unless specifically requested to use personal vehicles by program director).

Reasonable actual toll and parking expenses will be reimbursed. Employees requesting reimbursement for travel-related expenses need to submit a travel log and approved requisition, along with original receipts.

Other Expenses

Employees who wish to request reimbursement for other expenses related to their job duties must obtain prior signed approval from their department director (or higher level supervisor) to be eligible for agency reimbursement.

Employees seeking reimbursement should refer to the Eden II Procurement policy, which in-part specifies that:

- original invoices and receipts are generally required for reimbursement.
- Eden II is tax exempt, and therefore will not reimburse for sales taxes

Travel Related Expenses

Employees who must travel for agency business should refer to the Eden II Travel and Entertainment Policy, available in the Human Resources Department, for specific information on allowable expenses and procedures.

3.5. **Benefits**

All employees upon hire will automatically be covered by the Federal Insurance Contributions Act (Social Security), NYS Unemployment Insurance, Short Term Disability and Worker's Compensation.

3.6. **Health Related Benefits**

Upon successful completion of 90 days continuous employment, employees who work a

minimum of 80% of a full time equivalent for their position will be offered the Eden II health benefits package, including:

- Medical, including doctor visits, hospitalization, prescription coverage
- Dental, offering direct reimbursement for approved expenses up to established policy limits per year
- Life Insurance, offering an employee death benefit of two times the employee's annual salary, up to a maximum of \$50,000. Employees with Director titles and above have a modified schedule of maximum payout.
- Long Term Disability, generally offering 60% of a monthly wage base (less the sum of other sources, and with some limits/modifications by age/income) for qualified individuals.

Medical and dental insurance are offered to both employees and their families. Life Insurance and Long Term Disability coverage are for employees only.

The Eden II medical plan is contributory, depending upon an employee's salary level and choice of the single or family plan. The dental plan also requires a small employee contribution. All other plans described above are non-contributory (paid for fully by the agency at no cost to the employee).

Other potential health-related benefits:

- Eden II may also, from time to time, offer additional special enhanced health care reimbursement programs for employees in certain positions (e.g., qualified employees of OPWDD funded/certified programs), or other health-related options that may be of benefit to the employee and family (e.g., flexible spending accounts). Voluntary benefit options such as supplemental short term disability or vision plans may also be available to interested staff. Employees should consult with their department director or Human Resources Department to determine if there are any such programs available that they may be interested in and for which they qualify.

3.7. **The Consolidated Omnibus Reconciliation Act (COBRA)**

Eden II offers employees and their families the opportunity for a temporary extension of health coverage [at the prevailing group rates plus a 2% administrative fee] [in accordance with applicable law], when an employee's coverage would otherwise end due to separation or reduction in hours. Employees who leave the agency will be offered this option. Please see the Human Resources Department for further details.

3.8. **Retirement Plans**

Supplemental Retirement Plan (SRA)

Upon successfully completing 90 continuous days of employment, all employees will be eligible to join the Eden II SRA. Participation in the SRA, for which contributions are made solely by employees, is voluntary.

Retirement Annuity (RA)

All employees working a minimum of 50% FTE (or at least 1,000 hours in a 12-month period) and completing two consecutive years of employment, are eligible to join the RA plan. Participation requires a 2.5% employee contribution of all earned wages, which is matched by an employer contribution (4.5% of wages of participating employees effective July, 2014). The employee's effective date of the RA is the first day of the month following enrollment (after the employee has completed two years of employment). Participation in the RA is also voluntary.

3.9. **Tuition Reimbursement**

Full time Eden II employees may be eligible for tuition reimbursement. For an employee to be eligible for tuition reimbursement, written prior approval must be obtained from the employee's program director. The individual must demonstrate to the director's satisfaction that the course is relevant to their employment at Eden II. At the completion of the course, employees must provide evidence of a grade of at least a C or better.

The employee is referred to the Tuition Reimbursement Procedure, which contains the specific process steps and forms that are associated with this reimbursement program. Please see the Human Resources Department for this information.

3.10. **Employee Assistance Program (EAP)**

Eden II offers a free, confidential, personal counseling and referral service to eligible employees and their family members through ComPsych Guidance Resources. Experienced professionals are available by phone 24 hours a day. Assistance is available for a broad range of personal and work-related concerns. The service is confidential according to law. No information may be given out about you without your knowledge and written permission. Any benefits-eligible staff member of the Eden II Programs may use the service, free of charge, for questions or issues involving themselves or a family member.

It can be difficult to ask for help when confronted with a challenging personal situation

(legal, child care, mental health, work-life balance, etc.). It's Eden II's goal to make reaching out for help as easy as possible, through the use of this confidential EAP program. Employees are encouraged to make use of this invaluable program by calling 1-800-311-4327, or accessing their website at www.guidanceresources.com.

3.11. **Employee Recommendation Bonus**

In effort to recruit qualified employees, Eden II encourages recommendations of prospective new hires from current employees. An employee recommendation bonus of \$100 will be provided for referral of a new full time employee after successful completion of their 3-month introductory period. Subsequently, an additional \$100 bonus will be provided to the referring employee after their recommended employee completes one year of service in a full time position. (Specific bonus amounts are subject to change based on budget conditions and/or agency hiring needs.)

To be eligible for payment of an employee recommendation bonus:

- The referring employee must complete a request identifying the referred employee within three months of the referred employee's starting date of employment.
- The employee referred must verify that the referring employee was the source of their referral to employment at Eden II.
- Both employees (referring and referred) must continue to be active employees at the time of payout.

Employees whose job roles/responsibilities involve the recruitment of prospective new employees (program directors, Human Resources Department staff, and executive staff) are ineligible for employee recommendation bonuses.

3.12. **Attendance at Conferences, Workshops, and Other Trainings**

Employees may have the opportunity to attend various educational opportunities, such as conferences, workshops, and other trainings. Some expenses associated with these opportunities may be paid by the agency for qualified employees who are approved to attend. These decisions are made on an individual basis, and determined by availability of departmental funds. Non-exempt employees who are required by their program directors or are required by their position to attend conferences, workshops and other trainings will be paid for their time engaged in approved training activities.

3.13. TIME AWAY FROM WORK

Introduction and Intent:

This document describes Eden II's policies and procedures relating to various forms of time away from work (TAFW).

The primary type of time away from work used by employees is Paid Time Off. Paid Time Off (PTO) is provided for the purpose of rest, relaxation and a planned interruption from the workplace to attend to personal affairs. With PTO banking, you will accumulate a specified amount of time each pay period worked, and you will determine how you will use it—for vacation, illness/injuries, attending to children/ school activities, medical/dental appointments, personal business, religious observances, or emergencies. The amount of time accrued will depend on your position and the length of your service with the organization.

PTO banking provides you with more flexibility to use your time off to meet personal needs, while recognizing your individual responsibility to manage your paid time off. Supervisors and staff have the responsibility to plan schedules that meet operating requirements of departments and time off needs of staff. In order to balance and meet service and staffing requirements, staff members and supervisors should plan time off schedules well in advance as per policy.

The current policy briefly describes forms of time away from work including, but not limited, to PTO (e.g., sick reserve, FMLA, jury duty, short term disability, worker's compensation, etc.). It should be noted that some forms of time away from work overlap (e.g., FMLA may be unpaid, or may be covered through PTO, depending on whether the employee has PTO available). When time away from work falls under two or more separate categories/descriptions (e.g., FMLA and short term disability, military leave and PTO), please read all applicable policy sections for a detailed understanding of the benefits, rules, and expectations that apply.

I: PAID TIME OFF (PTO)

Eligibility

You are eligible to participate in the PTO banking program if you are a regular status employee (not a per diem employee, consultant, or intern) scheduled to work at least 50% of a full time equivalent schedule (at least 17.5 hours per week in an academic schedule position, at least 20 hours per week in all other positions). Regular status, part-time employees working more than a 50% schedule accrue PTO on a prorated basis, depending

on the number of hours worked. (For example, if you work 60% of a full time schedule, you will accrue 60% of the hours that a full time employee would accrue in your position). Employees with scheduled work commitments of less than a 0.5FTE position, and diem/hourly employees are not eligible for PTO (but, if working in a NYC location, may be eligible for sick time through NYC's Paid Sick Leave Act)

Please note that employees must complete 90 calendar days of employment to request accrued PTO. Termination or move to ineligible classification (less than a 50% schedule) in the first 6 months of employment results in no payment of accrued PTO.

Deposits into Your Leave Accounts: PTO and Sick Reserve

The amount of PTO you accrue each year is based on your length of service and accrues according to the Accrual Schedule for Full Time Employees (chart on next page). PTO is accrued, according to your accrual schedule, for each full pay period you work. You will not accrue PTO time while you are on an unpaid leave of absence, workers compensation, or disability.

For the purpose of this policy, years of service is defined as consecutive years employed in a regular status (not per diem, consultant, or trainee), PTO-eligible position (50% FTE work week schedule or greater).

Also, it is important to note that hours as listed on the chart on the next page will be added to PTO bank balances at the completion of fully worked pay periods only. So, for example, if person is not working in PTO eligible position at the start, or completion, of a pay period, additional hours will not accrue for that pay period.

There is a cap, or maximum balance of PTO you can accrue and have "banked". If, however, you reach your bank cap, you will not immediately stop accruing time. Rather, your time will be placed in a separate sick reserve bank. Sick reserve hours are for use only in situations of serious extended personal illness or approved FML. They will not be paid out upon separation, retirement, or any other circumstances, and can not be used for occasional sick days, personal days, vacations, or for many other purposes for which PTO can be used. However, banked sick reserve time can give you the option to have additional paid leave time available specifically for extended time away from work due to serious illness/FML.

Employees do not accrue PTO during sick reserve leave. Available PTO must be used prior to use of sick reserve time. Sick reserve time can not be used, even for serious illness or FML, until and unless PTO banks have been fully depleted, or, upon employee request, depleted to a bank balance of no more than 2 work weeks.

PTO Accrual Schedule for Full Time Employees

Schedule A: Academic* Schedule Employees (35 hour per week “academic” schedule)

*(Working according to educational program or adult day program calendar) *Please note that some academic schedule positions (e.g., certified teachers) are actual “exempt” positions as defined by federal law, and as such all applicable federal and state laws apply. However, for the purpose of PTO accrual schedules, all 35 hour/week academic schedule employees accrue time according to schedule A)*

<u>Years of Service</u>	<u>Annual Days Accrued (7-hour work day)</u>	<i>(By definition, all academic schedule employees are on 7 hour/day 35 hour/week work schedule, with no more than 230 work days/year)</i>	<u>Annual Hours Accrued</u>	<u>Hours Accrued per 2 week pay period</u>
0 – 5	10		70	2.69
5 – 10	12		84	3.23
10 or +	15		105	4.04

Schedule B: Non – Exempt (overtime eligible) Employees (40 hour per week work schedule)

<u>Years of Service</u>	<u>Annual Days Accrued (8 hour work day)</u>	<u>Annual Days Accrued (10 hour work day)</u>	<u>Annual Hours Accrued</u>	<u>Hours Accrued per 2 week pay period</u>
0 – 5	30	24	240	9.23
5-10	35	28	280	10.77
10 +	40	32	320	12.31

Schedule C: Exempt Employees (40 hour per week work schedule)

<u>Years of Service</u>	<u>Annual Days Accrued (8 hour work day)</u>	<u>Annual Days Accrued (10 hour work day)</u>	<u>Annual Hours Accrued</u>	<u>Hours Accrued per 2 week pay period</u>
0 – 5	30	24	240	9.23
5-10	35	28	280	10.77
10+	45	36	360	13.85

Maximum Time Accumulated:

You may carry over unused PTO time from year to year. However, there is a maximum, or cap amount of PTO time you can accumulate. This encourages you to use your PTO and allows the agency to manage its financial obligations responsibly. For all academic schedule employees (Schedule A), the cap is 280 hours (prorated for any positions that are less than 1 FTE). For Schedule B and C employees, each person's cap is equal to their total annual accrual amount (e.g., if your annual accrual amount is 280 hours, your maximum PTO bank balance is 280 hours). If a change in position to another PTO eligible position reduces your bank cap to below your bank balance at the time of the change, you will have until the end of the fiscal year in which the change occurs to maintain your higher bank cap (after which it will be set according to policy for your new assignment, and any still-remaining hours in excess of new bank cap will be transferred to the sick reserve bank).

When employees have reached their maximum bank balance, no additional time can be added to the PTO bank. However, once you have reached your maximum PTO balance, the PTO time you would otherwise continue to accrue will roll over into a separate, reserve sick day bank. The sick reserve bank can be accessed in lieu of benefits through short term disability in the event that the employee has exhausted PTO bank balances and continues to require time away from work due to illness. Employees who use sick reserve days for a personal illness or family medical leave will not accrue additional PTO while out on sick reserve leave.

A maximum of 60 reserve sick days may be banked (prorated for employees working less than full time equivalency). In the event an employee has reached the maximum PTO balance and the maximum sick reserve day balance, the employee will not accrue any additional leave time until at least one of those balances has been reduced below the maximum level.

Paid Time Off at Separation from Service (or move to ineligible position)

- Appropriate notice of resignation is defined as a minimum of 2 weeks notice for academic schedule (schedule A) and non exempt (Schedule B) employees, and one month's notice for exempt (Schedule C) employees. In all cases, employees should provide their employer with as much notice as possible when their resignation is planned.
- Employees separating from service with Eden II will NOT be eligible for any payout of PTO bank hours if:
 - They are terminated for violation of agency rules, policies, and/or regulations
 - They stop reporting to work or resign (or transfer to a PTO ineligible position) without appropriate notice (defined as 2 weeks for academic schedule and non- exempt employees (Schedule A and B), one month for

exempt schedule (Schedule C) employees). Days must be “worked” days to count toward meeting the required notice period.

- They separate from employment within 6 months of their initial hire into a PTO eligible position.
- If you resign from the agency having given appropriate notice or become ineligible for benefits through reduction in your work schedule, you will be compensated for your PTO days as follows:
 - 100% of your base rate of pay if more than 5 years or more of service is completed
 - 75% of your base rate of pay if 3 years or more but less than five years of service is completed
 - 50% if more than one or more year but less than 3 years of service is completed
 - 25% if employed between six months and 1 year
 - 0% if employed for less than six months
- No payment is made upon separation for sick reserve days, and any remaining sick reserve days will be forfeited upon termination of employment for any reason (or move to a PTO ineligible position).
- Should you die during your career at Eden II, your estate, upon request, can be paid for your accrued PTO in accordance with the schedule above.

Special Provisions for Retirement (defined as departure from the agency at age 59 ½ or greater):

- It is requested that employees planning their retirement notify the agency within 3 months of their planned last day; notification is requested as early as one year in advance if possible to allow for appropriate succession planning. However, minimal required notice as required for eligibility for PTO payout is the same as for resigning employees.
- As long as adequate notice is given, employees with at least 5 years of service at Eden II who provide appropriate notice of intent to retire will be paid in full (100% your daily rate of pay) for all days accumulated in your PTO bank upon retirement
- Employees who retire with shorter periods of service will be provided with payment of accrued PTO based on the schedule above for employees who resign.
- At retirement, employees may elect to have PTO paid as a lump sum, or to have all accumulated PTO days paid out over time in two week increments. If the latter option is chosen, the individual will not accrue

additional leave time nor remain an employee of Eden II during the extended payout period.

- No payment is made upon retirement for reserve sick days

Management of PTO:

You are responsible for managing your paid time off. It is important that you plan ahead for how you will use your PTO account. This means developing a plan for taking your vacations, as well as doctor's appointments and personal business. It also means holding some time in "reserve" for the unexpected, such as emergencies, illnesses, bereavement days and other uncontrollable events. The amount you reserve for illness should depend on your personal health and sick leave history. Keep in mind however, that PTO beyond that provided by agency policy will not be granted for any reason, so your time should be managed carefully. Also, given supervisor's obligations to deploy staffing in a way that meets agency/program needs, not all time off requests can be approved. Submitting a request as early as possible helps with effective program planning and may make it more likely your request will be approved (as long as sufficient PTO is in your account to cover the requested time away).

Minimum Increments of PTO and Deductions for Time Off/ Lateness / Early Departure:

Eden II reserves the right to deduct time from an employee's accrued PTO days commensurate with the amount of time away from the office/work site during any given day/week. For efficient implementation of this policy, the general practice will be as follows:

For non-exempt employees:

Eden II will deduct paid time off at quarter hour intervals, and reserves the right to round time off to the nearest quarter hour interval at its sole discretion. For example, if an employee is 24 minutes late, the company may deduct a half hour of PTO from their bank. The company further reserves the right to deduct PTO for late returns from breaks. In addition to deduction of PTO for absences, non-exempt employees and academic schedule employees will have PTO time deducted from their account for lateness (planned or unplanned) and early departure from their scheduled shifts. Note that excessive unplanned time off may result in progressive disciplinary action for staff of any employment status, and may be grounds for dismissal.) Employees who are not in exempt positions and who have exhausted their PTO balance will not be paid for time not worked (i.e., will be docked for late arrivals, early departures, missed days, and other unapproved absences).

PTO deductions can be made in increments as small as 15 minutes, and non-exempt staff may request a specific amount duration of PTO from as large as multiple days to as small as a 15 minute period. However, employees in direct consumer service positions are encouraged to request time off in full day increments to allow

supervisors to efficiently arrange necessary coverage. (While program directors retain the right to accept or reject any time off request, they may be especially likely to turn down requests for less than one full day of service, unless such request is related to approved family medical leave or, in some cases when feasible, leave time for educational/professional development purposes).

For exempt employees: If you are an exempt status employee, you are expected to request PTO in increments of not less than one half day (4 hours), unless your PTO is being taken under the FMLA. However, even if you have exhausted all leave, partial day absences will not result in a deduction of wages from your paycheck, although will result in a deduction of PTO (even in amounts of less than 4 hours, and even if the deduction results in negative a negative PTO balance).

Notice and Scheduling of PTO:

Unless you are ill, you are required to notify your supervisor in advance of your intent to take PTO and get written approval for the time off. This allows for you and your manager/supervisor to prepare for your time off and assure our staffing needs are met. Supervisors will grant or deny time off depending upon the needs of the department.

- Time off of 4 days or greater must be requested at least one month in advance (earlier if possible).
- Time off of 2-3 days is requested at least two weeks in advance.
- Time off of 1 day is requested at least one week in advance.
- Please always request time off as far in advance as possible (both to increase the likelihood that the day will be approved, and to allow your supervisor to ensure adequate staffing in your absence.)

Time off of more than 2 consecutive work weeks will require director level approval. Time off of more than 3 consecutive weeks requires HR notification and executive level approval.

There may be occasions, such as sudden illness, when you can not notify your supervisor in advance. In those situations, you should inform your supervisor of your circumstances as soon as possible, according to departmental procedures. Excessive unplanned time off, defined as 6 or more instances of unscheduled time off or tardiness within a rolling 12 month calendar, may be grounds for disciplinary action, and may affect your employment status at Eden II. Further, failing to report to work as scheduled, without notifying a supervisor in accordance with your departmental practices, may be grounds for disciplinary action up to and including dismissal.

Eden II may require at its sole discretion evidence of illness in the form of a doctor's note. In all cases where unplanned time off is taken adjacent to a vacation or holiday, employees should anticipate that such a doctor's note will be required. Failure to provide such documentation may result in non-payment for the day, disciplinary action, or

dismissal. Employees in an academic schedule position who are absent a combined 3 work days or more prior to and/or after a school/program break without approval from their director will not be paid for the break. (Director approval can occur through prior approval of requested and available PTO days, or, in some cases, through provision of acceptable medical documentation AND return to work with no more than 5 days absence adjacent to the holiday).

PTO must always be accrued before any time can be charged to PTO. In the event that an employee takes more time away from work than has been accrued, he/she will not be paid for their time away from work. Exceptions to this will occur in accordance with state and federal law only (i.e., exempt employees taking less than one full day). In addition:

- The agency is not legally required to pay an employee for a week where no work is performed or a program is closed. While the agency at its sole discretion may elect to do so, employees who do not return to employment with Eden II following such program closures will not be paid for this time. Exceptions to this policy can occur only if approved in advance, in writing, by the Executive Director.
- When a teacher or exempt employee in another position is absent for a full day or more for personal reasons, sickness, or accident of the employee, he or she will not be paid for the day if they have exhausted available PTO.
- Pursuant to the Family and Medical Leave Act (FMLA) employees who have exhausted paid leave time but require additional time off under FMLA may be permitted to take such additional time without pay (even if in less than full day increments).

Recording Paid Time Off:

Eden II has instituted the use of a PTO tracking system to keep a record of your account balance and the amount of time taken off each pay period. This system requires requests to be made electronically through the Workforce Management system (Dayforce). Employees with access to the automated time-keeping system are required to make these requests electronically. It is your obligation to complete such requests accurately and in a timely manner, in accordance with agency policies.

The amount of leave time accrued, used, and available will be visible to you in the Dayforce system, and/or be available for review by appointment with your supervisor. Any observed discrepancies should be brought to the immediate attention of your supervisor.

Holidays, Minimal Leave Time, and Program Closures:Holidays:

Exempt staff from programs which do not operate on a 24-hour basis are expected to take no less than 15 PTO days (120 hours) per year, comprised of, at a minimum, the following 10 holidays plus an additional 5 holidays, religious observance days, or other PTO days of your choosing:

New Year's Day	Thanksgiving Day
Martin Luther King Day	Day After Thanksgiving
Memorial Day	Day Before Christmas
Independence Day	Christmas Day
Labor Day	Day Before New Year's

- Main office sites will be closed on the above holidays, and as such, PTO will be automatically deducted for each of the above days for non-residential employees (unless a legitimate business purpose, so approved by your supervisor, calls you to work on the above days).
- PTO days will not be deducted for the above holidays if they fall on a day in which you are typically not scheduled to work (e.g., a weekend day for administrative staff).
- Program needs may not allow all of the above holidays to be taken as PTO in residential settings. However, staff of residential programs, exempt or non-exempt, are also required to take a minimum of 120 hours PTO per year (12 days for 10 hour scheduled employees, 15 days for 8 hour scheduled employees), and should schedule planned leave time as far in advance as possible to allow adequate shift coverage.
- The 10 holidays listed above are also paid at time and ½ rate for non-exempt employees working in residential settings or other non-exempt employees called in to perform essential duties direct care or support duties in other departments during holidays. This time and a half rate applies only to non-exempt employees who work on this holiday (Please note that working the holiday does not lead to additional accrual time; rather the employee would accrue the ordinary amount of PTO for that pay period, but no obviously no PTO would be deducted if the holiday was worked).
- The ten holidays listed above are incorporated in the academic schedule calendar (PTO days will not be deducted for academic schedule employees for the days above, or for other holidays already built into the academic calendar, because they will not otherwise be scheduled to work on those days.)
- Employees who take PTO before and/or after a scheduled school break will be paid for the break if the PTO was approved. Employees who are absent without prior approval for a total of 3 or more days immediately before or after a break will NOT be paid for the school break. *(E.g., an employee who misses one day due to illness prior to the spring break from an academic schedule, and returns to their usual position after the break, will be generally be paid for the break if the agency elects to pay other employees for the break. However, an employee who is absent without prior approval of PTO two days immediately before the break,*

and one day immediately after, will NOT receive payment for the school break unless approved by the director. Director approval may occur in some cases through provision of acceptable medical documentation AND return to work with no more than 5 days absence adjacent to the holiday).

Minimum Leave Time:

To support employees in the need for rest and relaxation, you must use 15 days (120 hours) for exempt and non-exempt employees (prorated for part employees working less than 40 hours per week) and 2 days for academic schedule employees. If you have not used the minimum leave time in a given fiscal year, the balance of any minimum leave time not taken will be automatically rolled into your sick reserve bank if not used by the final (June) pay period of the year (this time will not be paid out). If your job responsibilities and organizational need preclude using this minimum, the department supervisor must notify the executive director, the human resource director, and the payroll department in writing of the rationale no less than two weeks prior to the end of the fiscal year. The determination of the executive director following review by these parties will be final.

Severe Weather, Closed Programs, and Cancelled Shifts:

In the event that a closure of a department or site is necessary due to inclement weather or other events, the agency will evaluate if your support is needed in another work area / department (or if you will need to “make up” the day at another time).

If it is not necessary that you work that day (or make up the day), or if conditions do not permit you to arrive to work, PTO may be requested, or you may use time away without pay. (Generally, if you have available PTO, your supervisor will automatically cover the day from your PTO account unless you request otherwise).

For program closures due to inclement weather (“snow days”), academic schedule staff of the adult program may be reassigned to another program/facility (e.g., residence) or may be required to work an additional day later in the year. Academic schedule staff of school-age programs will need to make up the day by working an additional school day later in the school year.

If administrative and support staff do not need to come in to direct or assist with agency operations, they may take the day as PTO, take unpaid leave, or, at their supervisor’s discretion, make up the day by working an alternative day within a one week period.

Special Circumstances:

Transition Provisions (for Staff Hired Prior to July 1, 2013):

Most employees hired prior to July 1, 2013 transitioned to the new PTO policy with a balance of accrued PTO hours from prior years of service with the agency. Prior PTO

policies allowed a higher balance of PTO hours to be accrued and “banked” by employees than the current policy. Employees who were within 10 years of eligible retirement age of 59 ½ on June 30th, 2013 were permitted to maintain higher PTO bank balances than set by the current policy cap through the remainder of their careers with the agency. However, PTO accruals beyond either their PTO bank balance on June 30th, 2013, or the new policy cap, whichever is HIGHER, will not be permitted.

Transitioning employees who, on June 30th, 2013, had bank balances above the new policy caps, and were not within 10 years of retirement age (59 ½) on July 1, 2013 have until June 30th, 2016 to reduce their PTO bank balances to the caps set under the current policy. (Any time in excess of caps set by the current policy at that point in time will automatically be rolled into a sick reserve bank, up to a maximum of 60 reserve days).

The prior policy’s “Long Term Bank” provision has been replaced by a “Sick Reserve Bank” provision as described above. Please note that hours banked in the Sick Reserve will NOT be paid out at retirement or other departure from service, and will be forfeited at that time if not used. Employees transitioning to the new policy who had LTB hours were able to elect to transfer these to the new Sick Reserve Bank or transfer them to their PTO bank on June 30th, 2013.

Administrative Suspensions:

Employees who are dismissed following an administrative and/or investigative suspension will not accumulate leave time during suspended days. Suspensions may be paid, unpaid, or covered through PTO, depending on the specific circumstances and findings.

Preventing PTO Abuses:

- Departmental directors may not, under any circumstances, approve their own PTO or other leave time, and should consult with their supervisor regarding how to obtain approval for their time. Provisions for leave time review/ approval for the Executive Director will be determined by the Board of Directors.
- Program directors may deny requested leave time if necessary due to needs of department. Employees who are denied leave time but nonetheless do not report to work may be subject to disciplinary action.
- Excessive unplanned absences (>6/year) may result in progressive corrective/disciplinary action unless special approvals are in place (e.g., intermittent FMLA leave, ADA accommodation).
- Trends reflected in denial of requested time off in any given program will require review and possible administrative and/or corrective action.

- Department directors are responsible for ensuring that these policies are strictly adhered to for all staff within their department.
- If an emergency or unexpected work requirement causes you to forego scheduled and approved PTO, the policy provides for methods of resolution through the Human Resources Department. Decisions of the Human Resources Department will be final with regard to PTO use.
- In some cases, employees who have requested, and had approved, PTO may have changes of plans and wish to cancel or change their PTO request. Requests to cancel or change prior PTO request submissions must be made in a timely manner, and it will be at the discretion of the authorized supervisor whether to approve this change or not.

II: OTHER TYPES OF TIME AWAY FROM WORK

A. NYC Paid Sick Leave (NYCPSL):

In April of 2014, NYC passed an Earned Sick Time Act, requiring employers of employees working in NYC to provide paid sick leave for employees.

Most of Eden II's NYC employees have PTO accruals far beyond the minimal requirements of this law, and will continue to accrue PTO in accordance with the policy provision described previously (no additional allocation of time relating to this new law will occur, as current policies far exceed requirements). However, effective 4/1/14, employees working in Eden II sites in NYC who are hourly/part time (and not eligible for participation in PTO accruals) will accrue 1 hour of sick leave for every 30 hours worked, up to a maximum of 40 hours of sick leave per year.

NYCPSL is available ONLY for employee or family member illness/medical care, or when a public health emergency necessitates closure of Eden II or a child care provider/school of a child in the employee's care.

Part time/hourly NYC requesting paid sick leave should request such time as far in advance as is practical (in accordance with general standards of our Time Away From Work policy).

Paid sick leave will be paid at the employee's home department rate. Should an employee eligible for NYCPSL not use all accrued hours in a given year, up to 40 hours of paid sick leave may be carried over to the next year.

Employees who are eligible for NYCPSL begin accruing PSL upon starting work, but can not use accrued time until 90 days after hire. No payout of PSL occurs upon departure from the agency.

Eden II may require documentation from a licensed health care provider if NYCPSL eligible employees use more than 3 consecutive work days as sick leave.

Employees can not be retaliated against for requesting and using sick leave, filing a complaint for alleged violations of the paid sick leave law, communicating with another person about any violation of the law, participating in a proceeding regarding an alleged violation of the law, or informing another person of their potential rights in this area.

Employees and supervisors are encouraged to consult with HR regarding any issues that come up relating to the administration of this new law and related requirements.

B. Jury Duty:

When notified of jury duty obligation, employees should inform their supervisor as soon as possible, and must submit proof of service to the agency upon their return to work. PTO will not be deducted for time served on jury duty when appropriate notification and proof of service is provided to the agency.

C. Worker's Compensation:

Employees who are injured on the job must notify their supervisor on the day of injury, and complete an incident report form. This report will need signatures of the injured employee, witnesses, and the Program Director or designee. Agency central administration (HR, Finance, QA) should be notified as soon as possible, and kept informed of the on-going status of the employee and likely date of return to work. Please check with your immediate supervisor regarding these circumstances. Employees will be paid for their regular shift if they need to leave to seek medical attention on the day of the injury. Serious injuries sustained on the job will be processed by our Worker's Compensation carrier. Employees paid through our worker's compensation carrier will NOT be paid by Eden II, and will NOT accrue additional PTO during these days. Employees whose absence due to an injury is less than required for coverage through worker's compensation WILL be able to use their PTO accrual to cover their time away from work.

D. Short Term Disability

Please speak to an HR representative if you need information on our agency's Short Term Disability Benefit.

If you wish, you can use PTO or sick reserve leave in lieu of short term disability if you have sufficient time. In all cases you must use 7 days of available PTO (or unpaid days if you do not have a bank balance) before accepting short term disability. PTO payment is not permitted while you are receiving Short Term Disability payments from the insurance carrier, nor is PTO accrued during this time.

Employees with Sick Reserve Bank balances who elect to be paid through this method in lieu of short term disability will not accrue additional PTO time during this leave.

Employees must exhaust their PTO bank to a bank balance of no more than two work weeks prior to using time from their Sick Reserve Bank

E. Long Term Disability

Please speak to an HR representative if you need information on our agency's Long Term Disability Benefit. Both PTO accrual and payment are not permitted during periods when an employee is on Long Term Disability.

F. Maternity Leave

Maternity leave is provided pursuant to the Family and Medical Leave Act and as described in the Family and Medical Leave policy (described below). Compensation during the portion of a maternity leave, when the woman is disabled, is administered through the Short-Term Disability Insurance Plan in the same manner as any other medical disability.

Eden II adheres to the practice of the Pregnancy Discrimination Act of 1978 wherein the rights of pregnant women to be hired, promoted or to remain on the job are based solely on the employee's ability to perform the job. Eden II retains the right to request medical clearance from an employee's physician during or after an employee's pregnancy in connection with leave due to the pregnancy in accordance with our practices of requesting medical clearance from employees on any other kind of leave.

Contact Human Resources for information about maternity leave, family and medical leave, and short-term disability.

G. Military Leave

Military leaves are available to eligible employees who enter the Uniformed Services of the United States, including the National Guard and the Commissioned Corps of the Public Health Service, or the state military forces, or the reserve components of the same, to participate in active or inactive duty or training. Time off is also permitted for an examination to determine one's fitness for duty in any of the federal military forces. Such leave will be granted in accordance with the applicable state and federal laws, provided all legal requirements are satisfied and the employee returns to work or applies for reemployment within the time prescribed by law. The employee must provide advance notice of the need for leave whenever possible. The employee should give his or her supervisor as much advance notice as possible to allow Eden II to make arrangements to cover his or her position.

Employees on federal military leave may be entitled to continue health insurance benefits, at the employee's expense, for up to 24 months. Employees on military leave retain their seniority during their absence and must be reinstated to a job providing generally equivalent or higher status upon return.

To obtain further information about military leaves, please contact the Human Resources Department.

H. Personal Leave of Absence

If you are a regular, full time employee (80% or more of a Full Time Equivalent (FTE) and you have completed one year of service with Eden II, you may be granted a personal leave of absence of up to one month.

A personal leave of absence may be granted for reasons not covered by FMLA.

Leaves are not automatically granted. Your supervisor will consider the amount of time you are requesting and the dates requested, along with the operational needs of the department as well as your overall attendance and performance. You must submit a written request for a personal leave of absence to your manager four weeks prior to the requested leave date. Preapproved PTO shall not be considered as part of the required notice time except in cases of emergency. Your manager will respond to your request in writing within five business days after receiving your written request. Please note that no personal leaves of absence can be approved without executive level review.

If you need an extension to your initial leave, you must submit a written request to your manager no later than five workdays prior to the expiration of your initial leave. Executive level review is required for approval of any extensions on a personal leave of absence.

With the exception of up to two work weeks of accrued PTO you may elect to retain, you must use all of your available PTO during a Personal Leave of Absence. You will be considered to be on leave with pay until you have exhausted your PTO days (or elected to move to unpaid leave with 2 work weeks or fewer PTO days remaining). If your reason for a personal leave of absence is an allowable use of sick reserve days, and you have a sick reserve bank balance, you may also request to use sick reserve time to cover any remaining part of this leave. If you are unable to return from leave at the time you have exhausted your PTO and sick reserve bank balances you will be considered on leave without pay.

All health benefits you had prior to taking a Personal Leave will continue while you are on PTO, and regular payroll deductions for your coverage will continue during this period. You may continue your health benefits while on unpaid leave, by paying the full cost of the premiums as governed by Federal COBRA laws.

I. Leave Time for Educational and Professional Development

Eden II supports and encourages the educational development of its employees. As such, additional leave time of up to 3 hours per week (prorated for employees working less than full time) may be granted at the discretion of the program director, in accordance with program needs.

Requests for additional educational leave time should be submitted in writing, with accompanying documentation required. Employees must submit proof of class schedule, on-going participation, relevance of curriculum to agency needs, and clear

rationale for why additional leave time is indicated. Program directors retain sole discretion to approve or deny requested educational leave time, based upon the needs of the department.

Additional leave time for educational purposes (beyond 3 hours per week), if approved by the program director, must be taken as PTO (if available) or unpaid leave (if no PTO is available). (Full breaks in service for educational purposes, if not covered through PTO, must be requested and approved through the personal leave of absence policy provisions).

Generally, employees whose educational schedules conflict considerably with their job role/hours should be encouraged to consider other opportunities for employment within the agency that better matches their availability. Time limited (e.g., one semester) exceptions to this (if in accordance with other policy requirements) may be approved by the program director when making such an exception would not significantly interfere with service provision or other organizational objectives.

Sabbaticals (extended time away from work ranging from one to two months) for professional development, research, and/or personal growth, may be supported by PTO when each of the following conditions are met:

- a. The sabbatical is requested in writing at least one year in advance, with appropriate documentation of plans, goals, and specific use of time.
- b. The individual requesting a sabbatical has been employed satisfactorily for 10 or more years.
- c. The sabbatical is approved by the Executive Director, who deems it to be in accordance with the development needs of both the individual and the agency.
- d. The individual has accumulated sufficient PTO to support the entire sabbatical.
- e. The needs of department /agency can continue to be met during sabbatical, and appropriate coverage can be arranged without undue hardship to the agency.

I. Family and Medical Leave

Eligible employees may request a leave of absence under the federal Family and Medical Leave Act ("FMLA") for the purposes, and subject to the terms and conditions, described below. Where state or local leave laws offer greater protections or benefits to employees, the protections and benefits provided by such laws shall govern. To the extent permitted by law, such leaves shall run concurrently with an employee's federal leave rights under the FMLA.

Eligibility Requirements

Employees are eligible for FMLA leave if they have worked for Eden II for at least twelve months (not necessarily consecutive), have worked at least 1,250 hours during the 12 months immediately prior to the requested leave of absence, and are employed at a worksite where there are 50 or more employees within 75 miles.

Leave Entitlement

Eden II provides up to 12 workweeks of unpaid, job-protected leave during the rolling 12-month period measured backward from the date an employee uses any family and medical leave to eligible employees for the following reasons:

- a. The birth of an employee's son or daughter or the placement of a son or daughter with the employee for foster care or adoption, so long as the leave is completed within 12 months of the birth or placement of the son or daughter;
- b. To care for the employee's spouse, son, daughter, or parent who has a "serious health condition" (defined below);
- c. For a "serious health condition" that renders the employee unable to work or in need of medical treatment; or
- d. Because of any "qualifying exigency" (defined below) arising out of the fact that the employee's spouse, son, daughter or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces of the United States.

Eden II also provides up to 26 workweeks of unpaid, job-protected leave in the 12 month period that begins on the first date the employee uses any military caregiver leave (the "single 12 month period") to eligible employees to care for a "covered service member" (defined below) with a serious illness or injury ("military caregiver leave"). During the single 12 month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave for all reasons specified above. In other words, any family and medical leave taken during the single 12 month period for reasons specified above (e.g., to care for the employee's spouse who has a "serious health condition") will be counted towards the total 26-week entitlement permitted for military caregiver leave.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, 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 daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Definition of Qualifying Exigency

A qualifying exigency is provided to an eligible employee when the employee's spouse, parent, son, or daughter is on covered active duty or on call to covered active duty status, resulting in the need for the employee to take time off work to address issues related to short notice deployment, make arrangements for child care, attend certain school activities, handle certain financial or legal arrangements, attend certain counseling sessions, attend military ceremonies or informational briefings, to spend short periods of time for rest and recuperation leave during the period of deployment,

or participate in certain post-deployment activities.

Definition of Covered Servicemember

A covered service member means (A) a current member of the Armed Forces of the United States (including a member of the National Guard or Reserves) who is the employee's spouse, son, daughter, parent, or next of kin and is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (B) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces of the United States (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Use of Leave

Intermittent or reduced schedule leave is available, if medically necessary. Employees must make a reasonable effort to schedule planned medical treatments so as not to unduly disrupt business operations. For planned absences that are intermittent or on a reduced schedule, Eden II may require the employee to temporarily transfer to an alternative position for which the employee is qualified, with equivalent pay and benefits, that better accommodates the recurring periods of leave than the employee's regular position. Leave taken due to qualifying exigencies also may be taken on an intermittent basis.

Employee Request For and Notice of Leave

Employees should use Eden II's leave form to request a family and medical leave. Alternatively, employees must provide sufficient information so Eden II can determine whether the request for time off qualifies as family and medical leave, as well as the timing and duration of the leave. The request form is available on the agency's employee benefits website (www.eden2employeebenefits.org) or from Human Resources.

When the need for family and medical leave is foreseeable, such as due to a planned medical procedure, an employee must provide 30 days advance notice. When 30 days notice is not practicable because the employee just learned of the need for leave or there is a change in circumstances or a medical emergency, then the employee must provide notice as soon as practicable (generally the same day or the day following the day the employee became aware of the need for leave). When the need for leave is sudden, the employee must notify his/her program director or the Human Resources Department as soon as possible – either before leaving work or not later than the start of the employee's next regular workday. The employee must follow Eden II's standard call in procedures for unscheduled absences. The employee must inform Eden II when taking time off for a reason for which family and medical leave was previously taken or certified. Failure to comply with the request and notice procedures may delay the start of a leave.

Medical Certification

When leave is requested for the employee's or a family member's medical reasons, the

employee must submit a medical certification from the health care provider of the patient that establishes the employee is eligible for family and medical leave. Human Resources will provide the appropriate certification form. A complete and sufficient certification must be provided as soon as is reasonably practical, and not later than the date leave begins or within 15 days of Eden II's request, whichever is later.

Eden II will notify the employee if the certification is incomplete or insufficient and provide the employee 7 calendar days to correct the deficiency. Eden II reserves the right to contact the health care provider to seek authentication or clarification of information in the certification, as needed, and may require recertification, as appropriate.

Before returning to work at the conclusion of a leave due to the employee's own serious health condition, the employee is required to provide a certification from his or her health care provider regarding the employee's fitness for duty. The employee must provide the required medical certification to Eden II in a timely manner to avoid a delay or denial of leave. Obtain appropriate forms from Human Resources.

Certification of Qualifying Exigency

When leave is requested for a qualifying exigency, the employee must submit a completed certification to establish the employee's eligibility for this leave. Human Resources will provide the appropriate certification form. A complete and sufficient certification must be provided as soon as is reasonably practical, and within 15 days of Eden II's request.

Pay and Benefits

Eden II requires that an employee must use accrued paid leave (PTO or sick reserve time) to cover FMLA leave when such time is available. Use of paid leave is subject to the terms and conditions of the applicable paid leave policies. Employees may elect to reserve a PTO balance of two work weeks before transitioning to sick reserve or unpaid FMLA leave. PTO will not accrue during unpaid portions of FMLA leave. School breaks or holidays that occur during a leave of absence for FMLA will not be paid (unless through PTO deduction in the case of non-academic schedule staff).

During a family and medical leave, group health benefits will be maintained as if the employee was continuously employed; however, the employee must continue to pay his or her share of premiums for the employee and covered dependents, if any, during the leave. Under certain circumstances, if the employee fails to return to work at the conclusion of the approved leave, Eden II may recover its share of the premiums paid during the leave, unless the inability to return is due to a continuation of the medical condition which necessitated the leave and the employee provides the required certification, is due to circumstances beyond the employee's control, or is otherwise excused.

An employee on an approved family and medical leave will not lose any benefits accrued before the leave began.

Reinstatement

Employees who return to work immediately after the end of an approved family and medical leave will normally be reinstated to the same or equivalent position, and will receive pay and benefits equivalent to those the employee received prior to the leave, as required by law. However, employees are not entitled to any greater rights than the employee would have had if the employee had been continuously employed during the leave period.

If the employee does not return to work on the first workday following the expiration of an approved family and medical leave, the employee will be deemed to have voluntarily resigned from employment.

Employer Responsibilities

Eden II shall inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice shall specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, Eden II shall provide a reason for the ineligibility.

Eden II must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's FMLA leave entitlement. If Eden II determines that the leave is not FMLA-protected, it shall notify the employee.

Unlawful Acts by Employers

The FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under the FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

If you have any questions concerning this policy, or would like to submit a request for a family and medical leave of absence, please contact Human Resources.

Eden II retains the right to revise the above Time Away from Work policies and procedures, and all of its policies and practices, at any time, and will inform employees of any such revisions on their occurrence.

4.0 RESPONSIBILITIES AND CONDUCT OF EMPLOYEES

4.1. Introduction

Eden II will endeavor to promote proper conduct of its employees and volunteers in their professional capacities by means of training, modeling, and by maintaining high standards of professional behavior.

In addition to the specific responsibilities of each position within the agency as set forth in each job description, the following responsibilities and expectations regarding conduct are shared by EVERY employee within the agency:

- Employees and volunteers shall not engage in any activity that constitutes abuse of individuals served as defined in the regulation of the commissioner of OPWWD.
- There shall be no use of corporal punishment upon individuals served.
- There shall be no discriminatory activity against individuals served or others for any reason, including race, creed, color, national origin, sex, age, disability, marital status, sexual orientation or citizenship status.
- Employees and volunteers shall not distribute, sell, possess, purchase or consume illegal substances or alcohol while at the work place or while performing in a work related capacity. However, the consumption of alcohol on special occasions shall be permitted with the prior written permission of the Executive Director.
- Employees and volunteers are not to come to work, or work if their ability to perform their job is impaired due to the use of alcohol, a controlled substance, an illegal substance, or a prescribed medication. If such is the case, an employee will be sent home, and if appropriate, disciplined accordingly.
- Individuals served by the agency shall not carry out the duties of employees unless such tasks are described in the person's plan of services by the individual's program planning team for the purpose of increasing their life skills.
- Employees and volunteers shall not subject individuals served or staff members of Eden II to inappropriate exposure to firearms or other weapons in or on the grounds of the facility or during any Eden II activity off Eden II grounds.
- There shall be no personal financial transactions between employees, volunteers, or family care providers and individuals served, which may be

construed as exploitation or result in greater benefit to the employee or volunteer than the individual served.

- Employees and volunteers shall not model inappropriate or unacceptable behavior to individuals served.
- Employees and volunteers shall treat all information about individuals served and their families as confidential and utilize such information in a professional manner at all times.

Eden II will take appropriate action in the event that misconduct occurs. Such action may include progressive discipline or immediate dismissal, at the sole discretion of the agency. The following additional behaviors and/or conduct are likewise prohibited and may result in disciplinary action up to and including dismissal:

- abuse, neglect or mistreatment of individuals served in any manner
- obtaining employment on the basis of false or misleading information
- misappropriation or misuse of agency funds, equipment or supplies
- fraudulent billing, false reporting of hours, or forgery
- theft in any form
- intoxication or substance abuse while on duty
- excessive absenteeism or tardiness
- incompetence or inefficiency
- insubordination
- sexual or other forms of harassment
- violation of Eden II policies, procedures or practices

The Eden II Progressive Discipline Guidelines contains further examples of prohibited conduct. Please note that any employee conduct that is illegal, inconsistent with the maintenance of a safe and respectful treatment environment, or involves misuse of Eden II resources will be considered grounds for disciplinary action up to and including dismissal.

4.2. **Ethical Practices**

All employees are expected to adhere to the ethical codes of conduct of their profession while performing their day to day job duties in the employ of Eden II.

Eden II requires that all employees conduct work-related activities and communications in a legal, ethical, and honest manner. Employees must demonstrate respect for the individual served, their families, colleagues, and other people with whom they come in contact, while carrying out their job responsibilities.

Employees should report and disclose to their supervisor any potential concerns about possible dual relationships so that they can be provided assistance in navigating the situation in an ethical manner. Dual relationships may include an inappropriate personal relationship with an individual served or their family member, marketing and/or selling outside services and/or supplies to Eden II individuals served or their families, or deriving personal benefit from a business relationship initiated through the employee's role at Eden II.

Any employee who does not behave fairly, honestly, or ethically when performing duties for Eden II, is subject to discipline, up to and including dismissal.

Employees who witness illegal, unethical, or dishonest actions by another employee must immediately report such information to their program director or the Human Resources Director. If an employee believes that they have been instructed by their supervisor to engage in any unethical conduct, they are to immediately report the situation to the Human Resources Director.

In the event that an employee has knowledge that unethical practices are being carried out, tolerated, or condoned by senior agency administration, the employee has the right to report any such unethical practices to In-Touch at 1-877-767-7781.

Professionals are also required to report any unethical conduct in accordance with the requirements of their professional certification/licensing bodies.

4.3. **Confidentiality**

Employees of Eden II may work with, or have access to, information that must be kept confidential. Failing to protect the privacy of this information represents a breach of trust to the people Eden II is committed to serving, and exposes Eden II to potential adverse action.

Eden II is committed to protecting the confidentiality of information relating to the people it serves. The confidentiality of these individuals is protected by applicable laws (HIPAA, FERPA), which must be strictly adhered to in your conduct as an employee.

Information pertaining to the individual served shall not be disclosed to co-workers without a need to know or to persons outside the workplace. Likewise, employees will make all appropriate efforts to ensure that confidential information pertaining to individuals served or their families is not discussed in situations or locations in which confidentiality can not be assured (e.g., hallways).

An employee's obligation to protect the security of confidential information requires adherence to the strictest standard of privacy with regard to maintenance of individuals served records and information. No such files should leave the facility without prior written permission of the individual served and/or the parent or guardian of the individual served. The confidentiality requirement is extended to the protection of all computer files of the individual served, and HIPAA regulations regarding the protection of any such information will be adhered to wherever applicable.

Any use of photographs and other representations of individuals served shall not occur without prior approval of the parent or guardian of the individual served. Employees are also prohibited from the use of photographs and videotapes of individuals served in any way, unless they have written authorization to do so from the HIPAA Privacy Officer.

Employees who become aware of a potential violation of the confidentiality of any individual served and/or family shall bring this matter to the immediate attention of their supervisor or the Training Director who also currently serves as the Eden II HIPAA Privacy Officer

Eden II has several written policies pertaining to the protection of the privacy of the individual served, and employees will receive training in these policies.

Questions about employee responsibilities in regard to the confidentiality of information pertaining to individuals served should be directed to the employee's program director, the HIPAA Privacy Officer, or the Director of Quality Assurance.

4.4. **Workplace Atmosphere**

As a provider of educational and other treatment services, Eden II expects that its employees will strive to maintain a workplace atmosphere consistent with that mission. As such, no unnecessary or disturbing noises will be permitted (e.g., loud talking, radios, television, etc.), and employees who become aware of circumstances which interfere with a pleasant and productive work environment are asked to correct the situation and/or bring it to the attention of a supervisor or manager.

In accordance with our agency's commitment to a safe and healthy workplace for all employees, and compliance with applicable laws, smoking is expressly prohibited in all agency facilities, their grounds (unless a specific location has been designated by Eden II) and vehicles. Smoking while on duty, in the presence of individuals served is likewise prohibited.

4.5. **Training**

Eden II recognizes the importance of training its employees and volunteers. As such, Eden II offers a comprehensive and specialized program of employee training which is targeted at the employee's specific responsibilities, and where applicable, the

characteristics of the specific individual served. All employees receive intensive training and whenever possible, will be provided with on-going opportunities to attend conferences, workshops, and trainings.

Introductory Agency-Wide Training

The Eden II Training Department provides introductory, competency-based training in the following areas:

- Autism (Principles of human growth and development; characteristics of individuals served)
- Protection of Individuals served
 - Laws, regulations, and procedures governing the protection of individuals served from abuse
 - Safety of individuals served
 - Confidentiality of individuals served
 - Community safety
 - Vehicle use
 - HIPAA Privacy and Security policies
- Speech and Language
- Teaching Strategies
- Reinforcement
- Decreasing Maladaptive Behavior
- First Aid & Universal Precautions
- Professionalism

In addition, as part of the introductory training series for new hires, employees receive an overview of the agency, its mission, and personnel policies.

Employees who will have regular contact with individuals served are required to attend all of the above-listed trainings within three months of starting employment.

Employees who work in administrative positions and who will not be involved in the provision of direct services are required, within the first three months of their employment, to attend training in the following topics:

- Autism
- Protection of individuals served
- Professionalism
- First aid/universal precautions

Individuals serving temporary assignments at the agency as volunteers or interns will be required to attend, at a minimum, the autism and protection of individual served trainings. No employee, intern, or volunteer shall be permitted to work in an unsupervised capacity prior to receiving training in protections of individuals served

Department Specific Training

Program directors/department heads provide new employees with orientation and additional training in the following areas:

- site specific emergency procedures
- site specific security procedures
- responsibilities and requirements of their position
- department supervision structure
- procedures for reporting time and attendance
- policies, procedures, and practices of the department
- specific needs of individuals served, and specialized training is particular skills necessary to meet those needs

Certain positions require participation and satisfactory completion and/or certification in some, or all, of the following areas. Employees whose positions require any of the following must maintain current certifications, and it is the employee's responsibility to pay the associated professional fees where necessary,.

- SCIP-R
- First Aid
- CPR
- Medication Administration (AMAP)
- Defensive Driving
- Child Abuse

- School Violence Prevention

Continuing Education

Eden II values the continued professional development of its employees.

The following opportunities are provided within the agency each year. Employee attendance at any of the following specific trainings may be required by their supervisor:

- annual conference
- on-going colloquium series
- annual training for supervisors
- individual departmental trainings/meetings

All salaried employees working within departments providing direct services are expected to obtain 40 hours of continuing education per year, in addition to any trainings and/or certifications required by the position held (e.g, SCIP-R, First Aid/CPR, AMAP, etc). Central Administration employees are required to obtain 20 hours of continuing education per year.

Employees may also obtain additional training (which can go toward meeting required continuing education hours) through external conferences, trainings, and other opportunities with the approval of their supervisor.

4.6. **Dress Code**

Employees are expected to dress in an appropriate manner when working for or representing Eden II.

Further, in order to maintain a safe and professional work environment, Eden II expects all staff to adhere to the following guidelines:

- no articles of clothing and/or tattoos depicting/advertising drugs, tobacco, alcohol, profanity or nudity
- no articles of clothing that expose midriffs or undergarments, or are otherwise sexually suggestive (e.g., short shorts, mini-skirts, halters, see-through items)
- no hats or head coverings worn indoors (unless for safety, hygiene, or religious reasons)

- no cutoffs, ripped or torn clothing or any other attire deemed unprofessional
- no large and/or dangling jewelry (earrings, necklaces, etc.) that could present a safety risk (for example, if torn/pulled by an individual served)
- no shoes that could impede safe job performance (e.g., flip flops)
- no body piercing, except pierced ears, may be exposed

Eden II respects the employee's right to wear clothing and accoutrements reflecting one's individuality and culture, as long as the appearance is professional, within our stated guidelines, and does not interfere with workplace goals or infringe on the rights of others.

In general, an employee's appearance should not be a distraction and/or disruptive to the educational environment of Eden II individuals served and personnel. To this end, all employees are required to use good judgment in choosing attire, strictly in adherence to the restrictions above.

Please note that certain attire may be considered appropriate in specific circumstances (e.g., wearing of a sweat suit during training in physical intervention procedures).

Employees should always consult with their supervisor regarding any questions as to the appropriateness and acceptability of their dress.

Failure to adhere to these guidelines may result in disciplinary action. Any further questions should be referred to the employee's program director or the Human Resources Department.

4.7. **Use of Eden II Property**

Personal use of Eden II property, including use of phones, computers, e-mail, faxes, vehicles, printers, etc., is prohibited unless explicit permission is granted by a program director.

Inappropriate use of Eden II property is strictly prohibited and includes accessing, copying, saving, storing, transmitted, displaying, downloading, printing or distributing messages, text, images, or other data that are harassing, derogatory, defamatory, obscene, offensive, or unprofessional. This includes material that is sexually explicit or disparaging of others based on their race, national origin, sex, disability, sexual orientation, age, religion, or political beliefs.

Eden II property may not be used to create materials to be used for personal solicitations, commercial ventures, religious or political causes, outside organizations, or other non-job-related activities.

Employees are prohibited from sending out mass mailings (spam) or chain letters through the Eden II email system. If any messages of this type are received, employees must

notify techsupport@eden2.org immediately. Refer also to Attachment B, Internet Policy, in this manual for additional guidance about appropriate internet and email business uses.

Employees must not share the intellectual property of Eden II (e.g., policies, forms, and other materials), without prior authorization from the executive director or designee. Please note that any forms, systems, documents, or other materials created by an employee for agency use are considered to be the intellectual property of Eden II.

No personal software may be loaded onto an Eden II computer unless authorized by the Information Technology Department.

Eden II reserves the right to monitor employee's use of its property at any time it deems appropriate. Monitoring may take place on a regular or random basis and may be performed through observation, or through mechanical, electronic, or other means. There can be no expectation that an employee's personal information stored on Eden II computers, or in Eden II facilities, will be private or confidential.

4.8. **E-Mail and Internet Policy**

Eden II has established a policy with regard to access and disclosure of electronic mail messages created, sent or received by Eden II employees using Eden II's electronic mail system.

Eden II intends to honor the policies set forth below, but reserves the right to change them at any time as may be required under the circumstances.

Electronic mail system (E-Mail)

- E-Mail is provided by Eden II to assist in the conduct of business within Eden II. This electronic mail system and its contents remains the property of Eden II at all times.
- E-Mail may not be used to solicit commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations that are not in violation of the NLRB which allows employees the right to organize and discuss those issues freely.
- E-Mail is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, disability or any other category protected from discrimination under federal, state or local law.
- E-Mail shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization from the program director or department head.

- Eden II reserves and intends to exercise the right to review, audit, access, and disclose to legal authorities all messages created, received or sent over the electronic mail system for any legitimate business purpose.
- The contents of E-Mail properly obtained for legitimate business purposes may be disclosed within Eden II without the permission of the employee.
- The confidentiality of any message, even if marked “private” or “confidential,” should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. There is no expectation of privacy in any E-Mails sent or received on Eden II’s E-Mail system. Further, the use of passwords for security does not guarantee confidentiality
- Notwithstanding Eden II’s right to retrieve and read any E-Mail messages, such messages should 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. Any exception to this policy must receive prior approval by Eden II.
- Employees should not attempt to gain access to another employee’s messages without the latter’s permission.
- Any employee who discovers a violation of this policy shall notify their program director or department head. Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to disciplinary action, up to and including discharge.

Internet Use

- Employees may be provided with access to the Internet to assist them in performing their jobs. The Internet can be a valuable source of information and research. In addition, E-Mail can provide excellent means of communicating with other employees, our customers and individuals served, outside vendors, and other businesses. Use of the Internet, however, must be tempered with common sense and good judgment.
- Use of the Internet is governed by this policy and the E-Mail policy.
- *Disclaimer of liability for use of the Internet:* Eden II is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address

on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

- Duty not to waste computer resources: Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, playing games, or engaging in online chat groups.
- No expectation of privacy: The computers and computer accounts given to employees are to assist them in performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to Eden II and may only be used for business purposes.
- Monitoring computer usage: Eden II has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users.
- Blocking of inappropriate content: Eden II may use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by Eden II networks. In the event you nonetheless encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site, regardless of whether the site was subject to Eden II blocking software.
- Prohibited activities: Material that is fraudulent, harassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, are disability, or other characteristic protected by law), or that violate Eden II's equal employment opportunity policy and its policies against sexual or other harassment, apply fully to the use of the Internet and any violation of those policies is grounds for discipline up to and including discharge.
- Games and software: Employees may not use Eden II's Internet connection to download games or entertainment software, including wallpaper and screen savers, or to play games over the Internet.
- Illegal copying: Employees may not illegally copy material protected under copyright law or make that material available to others for copying. Employees are responsible for complying with copyright law and applicable licenses that may apply to software, files graphics, documents messages, and other material you wish to download or copy.
- Virus detection: Files obtained from sources outside Eden II, 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 Eden II's computer network. Employees should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-Eden II sources, without first scanning the material with Eden II-approved virus-checking software. If you suspect that a virus has been introduced into Eden II's network, notify the IT Department immediately.

- Amendments and revisions: 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 but not limited to termination of employment, and civil and criminal liability. Use of the Internet via Eden II's computer system constitutes consent by the user to all of the terms and conditions of this policy.

Employees should not have an expectation of privacy in anything they create, store, send, or receive in Social Media outlets including, but not limited to Facebook, Twitter, and various blogs. Eden II has the right, but not the duty, to monitor the various Social Media outlets of its employees and volunteers.

4.9. **Use of telephone and electronic devices in the workplace**

The use of a phone while at work may present a distraction to users and also to colleagues and individuals served. Further, certain uses of modern electronic devices may violate the privacy and confidentiality of individuals served.

The following outlines of appropriate and acceptable uses of the telephone and other modern electronic devices in the workplace.

Use of Personal Cell Phones While Working

- During work hours, employees may not make or receive personal phone calls or texts except when on a scheduled break
- Eden II employees are strictly prohibited from using phones and other hand-held devices for personal reasons while they are responsible for the direct supervision of individuals served
- Cell phone ringers must be turned off or on vibrate mode when employees are working with individuals served
- Eden II will not be liable for the loss or damage of any personal communication devices.

- In compliance with New York State law, Eden II prohibits the use of hand-held cell phones/other hand-held devices for phone calls or texting while driving agency vehicles or while driving individuals served. Hands-free devices may be used for emergency phone calls only.

- Personal cell phones must not be used to take or distribute images, including but not limited to pictures and/or videos of Eden II individuals served (see additional information below about privacy of Eden II individuals served).

Inappropriate use of Eden II property is strictly prohibited and includes accessing, storing, transmitting, displaying, downloading, printing or distributing messages, text, images, or other data that are harassing, derogatory, defamatory, obscene, offensive, or unprofessional. Eden II reserves the right to monitor employee's use of its property at any time it deems appropriate. Monitoring may take place on a regular or random basis and may be performed through observation, or through mechanical, electronic, or other means. There can be no expectation that information stored on in Eden II facilities, will be private or confidential.

Use of Eden II Land-Line Telephones

Eden II telephone systems are for business purposes and are not for personal use. In the event that an employee has to make or receive an urgent personal call from an Eden II landline phone, the call must be kept very brief (i.e. less than 2 minutes) and should be conducted on a scheduled break whenever possible. Employees are not permitted to make long-distance calls from an Eden II phone.

Cell Phones/Other Handheld Devices and the Privacy of Eden II Individuals Served

On occasion, employees, in the course of their duties will be required to record images of individuals served. Recordings can only be made on Agency-owned equipment with the proper consents in place.

The use of personal cameras, audio or video recording devices is a breach of the privacy and confidentiality of the individual served. Therefore, the use of personal video/audio-capable recording devices by Eden II employees to record images of individuals served in ANY setting at any time is strictly prohibited. However, there will be times when an individual served sustains an injury in a non center based program that requires immediate documentation by an employee. During this time, personal devices will be allow as long as the photo does not include body parts that can identify the individual served (i.e. face).

If an employee receives an image of a individual served(s) he/she must immediately report it to their supervisor. The supervisor will then notify the HIPAA Officer and appropriate action will be taken.

Violations of this policy could result in disciplinary action up to and including dismissal.

4.10. **Media and Public Contacts**

Employees may not communicate with the media regarding the individual served by Eden II, their families, and/or colleagues.

Employees who are approached by members of the media should direct all inquiries to the Executive Director.

4.11. **Keeping Records Up-To-Date**

Eden II requires a completed personnel file at the onset of employment to help us ensure a safe environment for our individuals served and to administer benefits in an accurate and timely manner. Employees are required to submit all necessary information according to the timelines conveyed to them by the Human Resources Department, and failure to do so can jeopardize their continued employment.

Employees are required to report to their supervisor and the Human Resources department any changes in their name, address, marital status, telephone number, number of dependents, and/or emergency contact information.

4.12. **Drug Free Workplace**

While drug-use in any work environment poses a threat to the safety and/or welfare of the employee and coworkers, given the vulnerability of the individual served by Eden II, unlawful use of controlled substances presents especially serious risks.

Eden II is committed to providing its employees with a safe and productive work environment, and therefore maintains a strict policy against the use of alcohol and the unlawful use of drugs in the workplace. Consequently, no employee may consume or possess alcohol, or use, possess, sell, purchase or transfer illegal drugs at any time while on Eden II premises or while using Eden II vehicles or equipment, or at any location during work time. No employee may report to work with illegal drugs (or their metabolites) or alcohol in his or her bodily system. "Illegal drug" means any drug that is not legally obtainable or that is legally obtainable but has not been legally obtained. It includes prescription drugs not being used for prescribed purposes or by the person to whom it is prescribed or in prescribed amounts. It also includes any substance a person holds out to another as an illegal drug.

Any violation of this policy will result in disciplinary action, up to and including immediate termination of employment.

Employees are expected to cooperate with Eden II's investigation of possible violations

of this substance abuse policy. As part of this cooperation, employees must report to their supervisor, the Human Resources Department, or other management personnel, any known or suspected violations of this policy. An employee's refusal to cooperate with an investigation conducted under this policy will result in disciplinary action, up to and including termination.

Eden II will make reasonable efforts to assist and encourage any employee seeking treatment for alcohol and/or chemical dependency. No employee with an alcohol or chemical dependency problem will be terminated or demoted for seeking professional counseling and/or treatment to recover from such dependency, provided the employee seeks assistance before any misconduct occurs or is discovered by Eden II.

If the employee refuses to seek treatment, or treatment is unsuccessful, Eden II will handle the situation like any other which adversely affects job performance and business operations.

4.13. **Special Eden II Events**

In the course of employment at Eden II, employees may have opportunities to attend various events, some of which may be sponsored, in part, by Eden II and/or affiliated parties (e.g. Parent Teacher Organization). These events may include trainings and/or workshops, conferences, professional meetings, holiday parties, or other events.

Eden II employees are expected to act in accordance with applicable laws (e.g., no drinking and driving, employees under 21 should not drink alcoholic beverages, etc.), and are expected to conduct themselves in a responsible and professional manner at all such events. Failure to do so may be considered cause for disciplinary action and/or dismissal. Consumption of alcohol by agency employees while responsible for the care/supervision of program participants is strictly prohibited, and will be grounds for disciplinary action/dismissal.

4.14. **Workplace Violence**

Eden II has a policy of zero tolerance for physical violence. Employees who engage in any form of violence in the workplace, or who threaten violence in the workplace face disciplinary action up to and including termination.

"Violence" includes but is not limited to physically harming another individual, shoving, pushing, kicking, harassing, intimidating or coercing behavior, physical "horseplay" (regardless of intent), brandishing a weapon (or anything that could be used as one), etc. Threats of violence include, but are not limited to, threatening, intimidating or coercive language or talking of engaging in those activities defined as "violence" or other conduct that is perceived as potentially harmful. Joking about violence will not be tolerated.

It is the intent of this policy to ensure that employees never feel threatened by another employee's actions or conduct. Employees also have a right not to be exposed to violent,

intimidating, or threatening behavior from families of individuals served, other providers, vendors, consultants, or other visitors.

All actual or threatened violence, both direct and indirect, including threats by employees, individuals served, vendors, solicitors, or other members of the public that occur during work, or that may affect work, should be reported as soon as possible to the employee's immediate supervisor or any other member of management. When reporting a threat of violence, employees should be as specific and detailed as possible.

Eden II specifically prohibits the possession of weapons by any employee while on Eden II property, or maintaining a weapon in a vehicle in any Eden II parking area, whether public or private. Employees are also prohibited from carrying a weapon while working or functioning in a work-related capacity. Weapons include guns, knives, explosives, and other items with the potential to inflict harm. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

Employees must report all concerns about known or suspected workplace violence to a supervisor or other senior administrator immediately. Eden II will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. Such reports will be treated as confidentially as possible and Eden II will take immediate action to evaluate and address the situation. In order to maintain workplace safety and the integrity of its investigation, Eden II may suspend employees, either with or without pay, pending investigation. Eden II will not discipline or otherwise retaliate against any employees who raise a concern about actual or threatened workplace violence.

4.15. **Good Faith Participation in Workplace Investigations**

Eden II is committed to the thorough and timely investigation of all incidents, allegations of abuse of an individual served, and reports of employee misconduct, violence, and harassment.

Employees may be required to provide testimony and a written statement to an Eden II administrator or an Eden II investigator. In such cases the employee must cooperate fully and provide accurate and factual information. Employees must not withhold information which may be pertinent to the investigation.

If, in relation to an investigation, it is discovered that an employee provided false information or knowingly withheld pertinent information related to an investigation, disciplinary action will be implemented, up to and including termination of employment.

4.16. **False Information and Employment**

Both applicants for employment and current employees must provide truthful, accurate information regarding their background, education, work experience, and criminal

convictions, etc.

If Eden II discovers that an applicant or current employee has provided false information at any time during the course of their work application or employment, or has failed to provide information pertinent to their employment at Eden II, disciplinary action will be implemented, up to and including termination of employment.

4.17. **Misconduct and Progressive Discipline**

Employees are expected to conduct themselves in a professional manner while working for or representing Eden II.

The purpose of the Eden II progressive discipline guidelines is not to restrict employee's rights, but rather to help employees work together harmoniously in an optimal work environment. To this end, the following are examples of employee misconduct that will be addressed through progressive discipline with varying degrees of penalties depending on the seriousness of the offense:

Group 1: Offenses include:

- knowingly filling out time sheet or punching time card of another employee
- having one's sheet filled out or one's time card punched by another employee, or unauthorized altering of a time sheet / time card
- being tardy habitually without reasonable cause
- being absent without notification or excuse
- excessive tardiness or absenteeism (>6/year), with or without reason/excuse, unless specifically approved under FMLA or protected under ADA
- leaving your job or your regular working place during working hours for any reason without authorization from your supervisor, except for scheduled breaks, rest periods and going to the restrooms
- leaving work before end of shift or not being ready to go to work at the start of shift
- interfering with the work of other employees
- inefficiency or lack of application of effort on the job
- contributing to unsanitary conditions or poor housekeeping
- malicious gossip and/or the spreading of rumors
- failing to comply with individual treatment plan (skill training, diet, behavior)

reduction, etc)

- failing to perform basic daily job duties (data collection, occurrence reporting, etc.)
- other violations of company policies outlined in sections of the policies and procedures manual or other program/department directed practices not specifically described above or listed in group 2 offenses.

Group 2: Offenses include

- abuse/neglect/mistreatment of an individual served including failing to fulfill requirements to report abuse/neglect/mistreatment
- violation of confidentiality policies
- threatening or engaging in acts of violence against another employee
- gambling on company property
- possession of narcotics/alcohol/firearms, or consuming narcotics/alcohol on company property
- reporting for work in an intoxicated condition
- giving false or misleading statements in an investigation (or refusing to meaningfully contribute to an investigation despite direction from a supervisor / agency management)
- willful destruction of company property
- insubordination (refusal to perform assigned work duties or refusal to obey any reasonable order given by an employee's supervisor or by management.)
- misrepresentation of physical condition or other important facts in seeking employment
- absence for two consecutive working days without notification to the company or without acceptable excuse
- theft
- possession of firearms, fireworks or explosives on company property
- disorderly conduct on company property or while assigned to the care of individuals served
- immoral conduct or indecency on company property
- violation of another employee's rights to a safe and respectful workplace (including

harassment based on sex, race, age, etc.)

Detailed Progressive Discipline Guidelines are available in Human Resources. Supervisors, however, are not limited by a set standard regarding the number of verbal or written warnings that must be given before proceeding to termination. In addition, Eden II may skip steps in the disciplinary process after investigation and analysis of the total situation.

Nothing in the Progressive Discipline Guidelines shall be construed as altering the at-will nature of the employment relationship.

4.18. **Employee Disclosure of Circumstances Putting Individuals served and/or Staff at Risk**

Occasionally, sensitive, unintended personal situations may arise that have the potential for jeopardizing the safety of the individual served or staff of Eden II, and/or damaging the agency's reputation/public image. These include, but are not limited to, employees being personally charged with a crime, existence and/or re-emergence of a medical, psychiatric, or addiction condition that is reasonably expected to interfere with safe job performance (e.g., operating a motor vehicle), serious contagious illness which can be spread through routine workplace contact, involvement in an allegation of child abuse and/or neglect outside the workplace, or having personal threats made against an individual by an outside party (e.g., abusive and/or threatening spouse for whom a restraining order has been issued).

Employees who become involved in any situation which presents a reasonable threat of disruption, harm, and/or illness within the workplace (for themselves, their colleagues, or the individual served) are encouraged to disclose such events in a confidential manner to the Human Resources Department. When employees voluntarily disclose such potential dangers, Eden II will make every effort to work out a sensible, sensitive solution to such situations whenever possible, protecting the privacy of the information disclosed to the highest degree practical.

Disclosing such personal situations can be extremely difficult. However, given the vulnerability of the individual served by Eden II, and the importance of maintaining a safe work environment, employees are requested to bring any such situations to the Human Resource Department's attention so that appropriate safeguards can be put in place. Employees should of course feel free to discuss the matter with their physician, attorney, or an Employee Assistance (EAP) counselor if they need help in determining whether a particular situation warrants notification of Eden II as their employer.

Please note that employees have a right to the privacy of their personal and health-related conditions. However, employees who knowingly fail to disclose a personal situation that puts the individuals served, their colleagues, or the agency at significant risk may be subject to disciplinary action, up to and including dismissal.

5.0 Employee Acknowledgement

Please sign and return this form to the Human Resources Department upon your review of the Eden II Human Resources Policies and Procedures Manual.

I received a copy of the Human Resources Policies and Procedures Manual on _____.

I understand it is my responsibility to familiarize myself with Eden II's expectations regarding my conduct as an employee, and the general workplace practices defined within this manual. I also understand and agree to consult with my supervisor, program director, or the Human Resources Department if I have any questions or am unclear about these policies or my responsibilities as an employee of Eden II.

Signed: _____

Date: _____

Print Name: _____