

SOUTH CENTRAL CHILD DEVELOPMENT, INC.

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SOUTH CENTRAL CHILD DEVELOPMENT, INC.
PERSONNEL POLICIES and PROCEDURES MANUAL

PREFACE

The corporation shall have the following objects, purposes and powers:

1. To enhance the present and future quality of life for families within a multi-county service area in South Central South Dakota.
2. To provide a comprehensive and interdisciplinary approach to the delivery of services and resources which will bring about a greater degree of social competence in pre-school age children.
3. To provide information and technical assistance concerning pre-school education, early child development and family relations.

MISSION STATEMENT

South Central Child Development, Inc. is committed to the development of children and families using an integrated approach of comprehensive early childhood education, family support, and community involvement.

SOUTH CENTRAL CHILD DEVELOPMENT PERSONNEL
POLICIES AND PROCEDURES

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I.

DISCLAIMERS

A. **References**

These Personnel Policies and Procedures shall hereafter be referred to as the “**Manual**”. South Central Child Development, Inc. shall hereafter be referred to as the “**Agency**”.

B. **Employment at Will**

No employee of the Agency is employed for any definite period of time unless specifically stated in a written agreement with the employee. This manual does not create a contract of employment between the Agency and employee. Each employee is free to terminate his or her employment with the Agency at the employee’s will, without cause, and the Agency is equally free to terminate the employment of any employee at will, without cause. Nothing in this manual, or any letter, employment offering, or other document or statement, whether oral or written, shall change or affect this employment at will relationship.

C. **Changes to Personnel Policies and Procedures**

The Agency reserves the right to modify, revoke, suspend, terminate or change any or all of the policies, procedures and benefits outlined in this manual, in whole or in part, at any time with or without notice. This policies and procedures manual is not intended to create, nor is it to be construed to create, a contract between the Agency and any one or all of its employees.

II.

BASIC EMPLOYMENT POLICIES

- A. If the policies contained herein conflict with the directives of national or regional offices of Head Start, then those directives shall control when used in reference to Head Start program employees.
- B. This Agency is committed to the principal of recruiting and selecting employees on the basis of demonstrated and potential ability to perform the functions of the position available with the highest degree of skill and judgment. The Agency will not discriminate in the recruitment, selection or advancement of employees on the basis of race, gender (including pregnancy), color, national origin, creed, age, religion, disability, genetic information or on other basis prohibited by law.
- C. Whenever an applicant from within this Agency and application from outside the Agency are equally qualified, preference shall be given to the Agency employee.
- D. Agency Reduction in Force Policy: The goal of any reduction in force plan shall be to maximize, to the fullest extent possible, the delivery of services to eligible clients. If reduction in force is necessary, the Executive Director shall prepare a reduction in force plan and present it to the Agency's Board of Directors and (Policy Council when involving Head Start personnel) for their

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approval. When filling positions it shall be the policy of the Agency to give employees, who have left the Agency due to a reduction in force, preference to applicants who are equally qualified from outside the Agency.

III. **HIRING PROCEDURES**

- A. **Job Descriptions.** All positions must have job descriptions. The job descriptions may be reviewed by the appropriate supervisor for accuracy and compliance at least every three (3) years or if needed upon position vacancy. Job descriptions are reviewed by the employee at each annual performance review and signed off that the description still accurately reflects the job duties performed by the employee. The Head Start program director and Agency's executive director shall have the authority with the approval of the Head Start Policy Council (when involving Head Start employees) and corporate board, to reorganize or reclassify job positions. A new position created by reorganization or reclassification will be subject to the same hiring procedures as are outlined in this manual.
- B. Whenever a position becomes available, applications to fill the position may be invited from within the Agency and then from outside the Agency in the absence of suitable in-house applications. For non-professional positions such as teacher assistants, applications will first be invited from within the local parent group and then from outside the Agency in the absence of suitable parent applications. (For Head Start vacancies current and former Head Start and Early Head Start parents must receive preference for employment vacancies for which they are qualified.)
- C. **Authorization to Hire:**
1. Notices and Recruitment Forms: The Executive Director or his/her designate will cause to be prepared job opportunity notices which will include a description or example of the duties, the necessary qualifications, salary and other pertinent information.
 2. **Specific Hiring:**
 - a. **Hiring of Key staff:** The federal granting Agency must approve the hiring of key personnel when such persons are specified in the grant award to include the Head Start director and where salaries are covered by more than 50% by the Head Start grant, the Executive Director, Head Start Director, Human Resource Manager and the Financial Officer/Manager as key personnel in the Head Start grant award. Grantees are expected to notify the regional office prior to making a job offer to any staff identified as key personnel. The notification should include the name of the person being recommended to be hired, the process used to recruit for the position and why this candidate was determined to be the most qualified.

- b. **Head Start Program Director:** The Executive Director of the Agency will establish a search/interview committee that will interview applicants for the Head Start Program Director position. Recommendations by this Committee shall be made to the Agency's Governing Board and Head Start Policy Council for approval with the ultimate hiring responsibility resting with the Executive Director of the Agency. (Also reference Head Start Program succession plan)
 - c. **Program staff:** The Agency's Board of Directors invests in the Executive Director and Program Director of Head Start the authority and responsibility for the selection of all other Head Start personnel, who in turn may delegate this authority and responsibility as required. The Head Start Policy Council must concur in the selection of Head Start Program staff.
3. **Standard Procedures for Recruitment and Hiring:** The Agency's staff recruitment and selection process of the Agency is designed to promote career development opportunities for existing employees and in the absence of qualified in-house career development candidates to encourage qualified persons from outside the Agency on an equal opportunity basis to apply for positions. A special effort shall be put forth to encourage members of minority groups and qualified disabled persons to seek employment with the Agency. The following procedures apply in filling all full-year full-time and part-time positions:
- a. The Executive Director shall determine in what level a position shall be advertised for filling. Consideration will be given to promotion opportunities, staff qualification, and the lowest salary level at which the position can be filled and still maintain the integrity of the position.
 - b. An in-house career development job opportunity notice will be posted in the central administrative office with each Supervisor responsible for notifying those under his/her supervision of the job opportunity.
 - c. Non-career development job opportunity notices (other than in house) will be sent by the Executive Director to minority employment projects and local community agencies and organizations within the service area of the Agency. All non-career development job openings which will be of more than twelve (12) weeks' duration will be advertised publicly, once per week for two (2) consecutive weeks in newspapers in the service area.
 - d. All non-career development opportunities for the position of Executive Director and other management positions, shall also be carried in daily newspapers in South Dakota at a minimum of once per week for two (2) consecutive weeks and shall be noticed with other State agencies as the Committee in charge of that hiring deems appropriate.

- e. A recruitment file shall be established at the time a job opportunity notice is issued and shall contain copies of the vacancy notices; applications received, stamped with date of receipt; names and addresses of those who inquired about the position by phone, and to whom a copy of the notice and application form has been mailed; record of reference letters requested and received; and copies of any correspondence between the Agency and the applicants.
- f. At the close of the announcement period, all applications will be screened by the Executive Director and appropriate Program Supervisor to determine basic qualifications and fitness for the position. The relevancy and extent of the applicant's previous experience; employment history; education and training; and verification of personal and employment references will be utilized in making this determination. All applicants not chosen for an interview will be notified in writing by the Executive Director or appropriate Supervisor.
- g. Upon completion of the screening process, interviews will be conducted with the top-ranking applicants for purposes of determining the most qualified of the applicants by the appropriate Supervisor and the appropriate Head Start Parent Representative or their designate when interviewing for Head Start positions.

In selecting a candidate to fill a job vacancy, consideration will be given to present qualified staff; those qualified former employees who have been laid off due to lack of funds, or reorganizations resulting in a reduction in force; qualified minority and disabled persons; however, the chief concerns will be to select the best qualified applicant to fill the position.

In choosing a candidate, efforts shall be made to fill vacancies in the following order of preference:

- (1) Present employee applicants who are qualified to fill the vacancy.
- (2) Employees whose current position is being discontinued or someone subject to recall after a reduction in force where the employee is equally qualified to the most qualified applicant from outside the Agency.
- (3) Employees applying for reinstatement from other approved leaves of absence; such as employees applying for reinstatement from approved military leave of absence must be offered re-employment under the law.
- (4) Current and former Early Head Start and Head Start parents who are qualified for Head Start employment vacancies.
- (5) Applicants from outside the Agency who are qualified.

- h. Background Checks- Before a person is hired, directly or through contract, including transportation staff and contractors, the program must conduct an interview, verify references, and conduct a complete background check in accordance with subsection 1302.90 (b) of the Head Start Performance Standards. Any Staff member or applicant for employment shall be ineligible for employment if:
- (1) refuses to consent to the criminal background check described in subsection (b);
 - (2) knowingly makes a materially false statement in connection with such criminal background check;
 - (3) is registered, or is required to be registered, on a State sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.) or;
 - (4) has been convicted of a felony consisting of –
 - (a) murder, as described in section 1111 of title 18;
 - (b) child abuse or neglect;
 - (c) a crime against children, including child pornography;
 - (d) spousal abuse;
 - (e) a crime involving rape or sexual assault;
 - (f) kidnapping;
 - (g) arson;
 - (h) physical assault or battery; or
 - (i) subject to subsection (e)(4), a drug-related offense committed during the preceding 5 years; or
 - (5) Has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or of a misdemeanor involving child pornography.
- i. Once the candidate has been selected for appointment by the appropriate interview committee with approval of the Executive Director and Agency's Board and has accepted the position, all other applicants shall be notified in writing by the Executive Director of the Agency or appropriate supervisor. All applications will be kept on file for a period of one (1) year. All Head Start staff hires must be approved by the Head Start Policy Council.
- j. The Executive Director of the Agency and assigned office staff will then complete a personnel file for the new employee and furnish the new employee with a copy of the Personnel Policies and Procedures Manual, including the job description and all administrative policies and procedures.

k. Orientation of new employees:

Initial orientation will be conducted the first working day of employment by the Supervisor in preparation for the new hire evaluation report. Both the Supervisor and the new employee should have read and thoroughly understood the following:

- (1) Personnel Policies and Procedures Manual;
- (2) New employee's Job Description; and
- (3) Any applicable job-related orientation material.

If there exists any question about any of the above-listed materials, it should be discussed and clarified at the beginning of employment. The Supervisor must be thoroughly satisfied that the employee has a working knowledge of such materials.

- D. **New Hire Evaluation Periods:** Evaluation periods for new employees and/or job duty transfer shall be ninety (90) calendar days in length and are intended to be a working test period that is an integral part of the examination process. It shall be utilized for the purpose of closely observing an employee's work in determining suitability and qualification for the position. During this period the Supervisor shall observe the employee's ability to perform the various duties and requirements of the position and make verbal comments/recommendations. At the end of the ninety (90) day period, a written performance evaluation must be completed. The Supervisor, with concurrence from the Executive Director, may remove an employee at any time during the evaluation period when the Supervisor becomes convinced that the employee is unable or unwilling to perform the required job duties in a satisfactory manner, or that the employee's work habits and work dependability do not merit continued employment.

Although benefits will accrue during the evaluation period, the employee may not use benefits such as sick leave, annual leave, personal leave or other leave options.

All employees are terminable at will, including new hires and employees who have completed the evaluation period.

E. **Duty Station of Employees:**

1. An employee's duty station is determined by the Administration and Board of Directors based on factors which will ensure that the employee's duty station does not interfere with effective and efficient execution of assigned duties and responsibilities.
2. Home Base Teachers will be allowed to have an established home duty station within 25 miles of their closest home visit location.

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3. Relationship of duty station and assignment of project vehicles will be determined by the need for office and clerical related support and required time in a central office. This will be evaluated by the Administration on an individual basis at the discretion of the Executive Director. Example: if it is apparent that an employee is required to or spends a majority of their time in the central office, the duty station then would be the same as that office.

IV. COMPENSATION

- A. The hiring salary scale for the Agency and Head Start program shall be determined by the Executive Director and the Agency's Governing Board upon the recommendations of the Program Director of the Head Start Program. The hiring salary scale will be reviewed annually by those individuals. The Agency's Board may at its discretion approve compensation or benefits that are in addition to the hiring salary schedule. The hiring salary scale shall not exceed levels that would not be in compliance with section 653 of the Head Start Act and not exceed level II of the Federal Executive salary schedule. There will be no use of any federal funds including Head Start funds to pay any part of the compensation of any individual employed by the Head Start agency if that individual's compensation exceeds the rate allowable.
- B. The salary increases shall only be by the approval of the Agency's Governing Board upon the recommendations of the Executive Director. It shall be the practice of these individuals to review personnel performance annually in order to determine eligibility for a salary increase. No employee shall be eligible for more than two (2) increases in salary during any twelve-month employment period.
- C. It is the policy of the Agency and the programs it sponsors that all work shall be accomplished within a normal work week. Only those individuals who are paid on a weekly hourly wage shall be eligible for overtime. The rate of compensation for the overtime work shall be in compliance with controlling Federal or State laws, respectively. Overtime work shall be defined as the work which is done by that employee after the employee has worked forty (40) hours during the week in which the overtime work is performed. (Work Week 12:01AM Sunday through 11:59 PM Saturday)
- D. **Payroll Procedure:**
 1. There shall be twelve (12) pay periods annually for full-time full-year employees. All contract employees will be paid as agreed under contract.
 2. In accordance with Time & Effort reporting of 2CFR 230(A-122) all employees shall submit a description of hours worked and it shall be submitted to their Supervisor for review/approval at the end of each pay period. Paychecks will not be issued for the current

pay period until an employee's time and attendance records for the pay period have been reviewed and approved by the employee's supervisor and received by the Fiscal Manager. All pay will be issued electronically or by check within three (3) working days of each pay period to allow proper accounting of payroll and leave.

3. Under no circumstances will pay be issued for an employee in advance of the established pay date for a given pay period, including advanced vacation pay.
4. The following deductions will be made from the paycheck of all employees for taxes: Federal Income Withholding Tax and Federal Social Security (FICA). Deductions for health insurance will also be made from employees' paychecks according to their benefit level determined by their classification. The remaining percentage cost of the health insurance will be paid at the Board approved rate from the appropriate program funds. Further deductions may be made at the discretion of the employee for such programs as payroll savings, bonds and Individual Retirement Accounts. The Agency may from time to time choose to participate with employees in these programs.

V.

CONDUCT OF EMPLOYEES/OUTSIDE EMPLOYMENT

- A. Employees shall not engage in any outside employment activity or enterprise or voluntarily offer their services for purposes deemed to be inconsistent with, incompatible with, or in conflict with employment by the Agency or the programs it sponsors or to have the effect of reducing working efficiency. **Any employee wishing to undertake outside employment or voluntary services shall fully discuss the matter with the Executive Director beforehand.** Further, it is the intent of this provision to assure that through outside employment or voluntary services, no employee of the Agency places himself or herself in direct competition with the goals, objectives and programs of the Agency.
- B. All employees are expected to comply with the Head Start Standards of Conduct and the Personnel Policies and Procedures contained herein and to perform their work satisfactorily.
- C. The image of the Agency and the Programs it sponsors is influenced by the conduct and appearance of its employees, therefore: All employees are expected and required to dress suitable for the type of work they will be engaging in and to be well groomed, neat and clean.
Administrative/Management and Office Personnel: Blue jeans, T-shirts, and sweat suits or athletic workout clothing, and shorts are too casual and not acceptable.

All Personnel: When attending professional meetings, workshops, In-services – No shorts anytime(**regular working or in-service**), blue jeans, sweat suits or athletic workout clothing or T-shirts.

VI.

PERFORMANCE EVALUATIONS

- A. All full-year employees shall be evaluated by their immediate Supervisor on their job performance using a prescribed evaluation form.
1. (For new employees) - one verbal evaluation is to be given one and one-half (1-1/2) months 45 calendar days after employee begins work; written evaluation is made in three (3) months 90 calendar days, which is normally the end of the new hire evaluation period.
 2. Administrative - management and classified employees shall have performance evaluations completed by the employee's supervisor annually.
 3. Contract employees shall have regular performance evaluations completed by the employee's supervisor annually. These evaluations will be completed between January 1st and the third week of April.
 4. Special evaluation may be completed at any time by the employee's immediate supervisor if the situation warrants formal evaluation.
- B. Each evaluation report should be prepared by the employee's immediate supervisor and shall be related specifically to written or oral standards for the position.
- C. The supervisor shall discuss performance and specific problems with the employee during the evaluation and review the current job description with the employee for accuracy of job duties. The employee receiving an unsatisfactory evaluation shall be advised what specific improvement is needed and/or recommendations.
- D. Each written evaluation report shall be discussed with the employee. The supervisor should then obtain the employee's signature acknowledging the discussion and review of the report and written comments, if any, before forwarding it through the Executive Director to the employee's personnel record.
- E. All evaluation statements shall be made a part of the permanent record in the Agency's individual employee personnel file. This information will be protected against review or use by unauthorized personnel. Only the Executive Director, employee's supervisor and the Executive Committee of the Board of Directors shall have access to those files.

VII. **DISCIPLINARY ACTIONS AND TERMINATION**

A. To assure orderly operations and provide the best possible work environment, the Agency expects employees to follow rules of conduct that will protect the interest and safety of all employees. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are non-exclusive examples of infractions of these rules of conduct that may result in disciplinary action, including suspension or termination of employment:

1. Persistent absenteeism;
2. Tardiness;
3. Extended rest periods;
4. Excessive visiting;
5. Quitting ahead of time;
6. Starting work late even when checked in on time;
7. Using office time, materials and facilities to carry out personal business;
8. Immoral conduct;
9. Abuse and improper treatment of other employees or the public;
10. Gross insubordination, deliberate disobedience of a proper and reasonable order of a substantial or important nature;
11. Theft or destruction of Agency or Program property;
12. Acceptance of money or other valuable consideration given with the intent of influencing the employee in the performance of their official duties;
13. Improper use of official position or authority for personal profit or advantage;
14. Falsification of records, including the willful falsification of important information on an employment application, intentional violations of Federal and Agency Head Start eligibility determination regulations, policies and procedures, inclusive of enrolling families and children who have not been documented by staff as being eligible to participate in the program;
15. Reporting to work under the influence of alcohol or other illegal drugs or possessing either at the workplace;
16. Gambling/gaming activities during working hours inclusive of any time that the employee is in control of Agency property or is responsible to the Agency as a representative of the Agency and it's programs;
17. Sexual or other unlawful harassment;
18. Violation of or not following the Head Start Standards of Conduct;
19. Violation of any personnel policies.

This list does not limit the right to discipline for any cause, whether listed or not. In addition, as stated earlier, employment with the Agency is at the mutual consent of the employer and the employee, and either party may terminate this relationship at any time, with or without cause, and with or without advance notice.

VIII.

COMPLAINT RESOLUTION PROCEDURE

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation persist that you believe is detrimental to you or to the Agency, you should follow the procedure described here for bringing your complaint to management's attention.

Step One

Discussion of the problem with your immediate supervisor is encouraged as a first step. If, however, you don't believe a discussion with your supervisor is appropriate, you may precede directly to Step Two.

Step Two

If your problem is not resolved after discussion with your supervisor or if you feel discussion with your supervisor is inappropriate, you are encouraged to request a meeting with the Agency's Executive Director. In an effort to resolve the problem, the Executive Director will consider the facts and conduct an investigation. You will normally receive a response regarding your problem within ten working days of meeting with the Executive Director.

Step Three

If you are not satisfied with the Executive Director's decision and wish to pursue the problem or complaint further, you may prepare a written summary of your concerns and request that the matter be reviewed by the Executive Committee of the Agency's Board of Directors.

The Executive Committee, after a full examination of the facts (which may include a review of the written summary of your statement, discussions with all individuals concerned, and a further investigation if necessary), will normally advise you of its decision within twenty working days. The decision of the committee shall be final.

The Agency does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, however, as preventing, limiting, or delaying the Agency from taking disciplinary action against any individual, up to and including termination, in circumstances (such as those involving problems of overall performance, conduct, attitude, or demeanor) where the Agency deems disciplinary action appropriate.

It is not considered proper use of this procedure if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises merit less disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the Agency to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure.

Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are officially stated as Agency policy. When appropriate, the decisions will be retroactive to the date of the employee's original dispute notification.

Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.

The Agency may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy. Further, this policy does not alter the employment-at-will relationship in any way.

IX. **GENERAL BENEFITS**

A. Employee Classifications:

1. An administrative employee is one who has been hired without a predetermined terminal point of employment who works a minimum of 2,080 hours per year. Administrative employees are eligible for employee benefits as outlined in the Manual. Positions included, but not limited to, are: Executive Director and Fiscal Manager.
2. A management employee is one who has been hired with or without a predetermined terminal point of employment and who works 1840 hours per year or for an active period of not less than ten (10) months or at a rate designated by the Executive Director commensurate with need. Management employees are eligible for employee benefits as outlined in this Manual. Positions included, but not limited to, are: coordinating personnel/Area Manager positions of the Head Start Program as well as other Management Level Positions of Projects sponsored by the Agency.
3. A professional employee is one who has been hired with a predetermined work period as outlined in the individual employee contracts/personnel agreements and are eligible for employee benefits as outlined in this Manual. Positions included, but not limited to, are: Head Start teachers.
4. A classified employee is one who may have a predetermined terminal point of employment. These positions would not require special training or degree of higher education and shall be paid at a rate no lower than the minimum hourly rate established by the Fair Labor Standards Act, as revised. Employees of this classification are eligible for employee benefits as outlined in this Manual. Positions included, but not limited to, are: clerical personnel, family services workers, teacher assistants and tutors.

- B. **Training and Career Development:** The Agency is committed to providing and supporting employee training and career development within the limits of its resources. From time to time the Agency will hold training programs for its employees or approve payment for attendance at outside training programs or continuing education. All applicable Head Start training activities will be prioritized and approved by the Head Start Program's Career Development Committee. Continuing Education release time from work must be approved by the Executive Director and must be for study directly related to the Employee's Position within the Agency.
- C. **Retirement Plan:** The Agency has adopted a profit sharing retirement plan. Before an employee becomes a participant in the plan, there are certain eligibility and participation rules which must be met. (Reference Summary Plan Description for more details).
- D. **Health Insurance:** The employer will pay a maximum monthly contribution as set by the Agency's Board of Directors towards the premium of health insurance coverage of eligible administrative, management, professional and classified personnel as described in the Agency's group insurance plan (Summary Plan Description).

The employee will be responsible for the balance of any selected coverage premiums over the Board approved monthly payment made by the Agency.

An employee who leaves the Agency may remain on the group plan at their expense for the period of time allowed by current COBRA legislation and will be notified by the employer of this option. Any COBRA premiums are at the sole expense of the employee.

An employee may choose to cancel coverage at any time by written notice to the Executive Director and completion of a group coverage decision form which is furnished to the Insurance Company.

- E. **Leave Benefits:** Leave is normally time off with pay and is to be considered an employee benefit. Policy statements regarding the nature and management of the leave program as well as an explanation of leave without pay are noted below.

1. **Official Holidays:**

- a. For **administrative, full-time clerical and family service workers**, the regular holidays shall be as follows: New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Monday following Easter, Memorial Day, Independence Day, Labor Day, Native American Day, Veterans' Day, Thanksgiving Day and the day following Thanksgiving Day and Christmas Day.
- b. For **management employees**, the following holidays shall be observed as days of discontinuance: New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Monday following Easter, Memorial Day, Independence Day, Labor Day,

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Native American Day, Veterans' Day, Thanksgiving Day and the day following Thanksgiving Day and Christmas Day. The Agency's Board may at its discretion require additional periods of non-work during the summer break (Head Start).

- c. **Professional employees, (including teacher assistants and tutors)** will observe the following holidays as days of discontinuance: Martin Luther King Day, Presidents' Day, Good Friday, Monday following Easter, Labor Day, Native American Day, Veterans' Day, Thanksgiving Day and the day following Thanksgiving. These employees shall also observe a Winter Break as a recess from work activities which includes Christmas Day and New Year's Day. The Duration of the Winter Break will be noted on Individual or Personnel Agreement Forms.
 - d. If official Holidays observed fall on a **Saturday** or **Sunday**, the Holiday will be observed the day proceeding or following the Holiday.
2. **Annual Leave:** Annual leave will be accrued at the rate of seven (7) hours per calendar month for the first five (5) years of employment and ten (10) hours per calendar month after five (5) years for administrative, management, family services workers and classified employees who are employed in full-time clerical positions. Annual leave may be taken all at once or in parts of not less than four (4) hours, unless approved by the Executive Director for periods less than four (4) hours. Earned annual leave will be posted to the employees leave balance at the close of each pay period and will be available for use the following pay period.

Employees requesting annual leave are to be granted it when in the opinion of the immediate Supervisor they can be spared from their duties. Normally, annual leave shall be requested and approved in advance, with a period of notice equal to the duration of leave required. The Executive Director shall have final approval authority. The approval or disapproval of annual leave shall not be used as a means of disciplinary action, or withheld without cause.

Annual leave may not exceed one hundred twenty (120) hours of accrued leave at the end of any month (Pay Period). Employees will not be given monetary compensation for accrued and unused annual leave time except in the case of termination, which shall be known as terminal leave. Terminal leave may be taken as annual leave or in a lump-sum payment. The maximum amount of annual leave which can transfer from one fiscal year to the next shall be forty (40) hours.

3. **Personal Leave:** Personal leave will be granted to Head Start Program professional employees, teacher assistants and tutors who are employed 50% (20 hours/week) of the time or more. Personal leave days per school year are granted or credited at the beginning of the school year according to the following schedule:

Professional staff:	3 days
Teacher Assistants and Tutors:	1 day (working 20 hours or more per week)

Employees requesting personal leave are to be granted it when in the opinion of the immediate Supervisor they can be spared from their duties. Normally, personal leave shall be requested and approved in advance, with a period of notice equal to the duration of leave required. The Executive Director shall have final approving authority. The approval or disapproval of personal leave shall not be used as a means of disciplinary action, or withheld without cause.

Payment for unused personal leave will be made to an employee at the completion of each school term in May.

4. **Sick Leave:**

a. Sick leave may be granted in the following circumstances:

When incapacitated from duty by sickness, injury or confinement for medical, dental or optical examination or treatment.

When member of the immediate family or household of an employee is afflicted with a contagious disease or other major illness and requires the care and attendance of the employee. (Member of immediate family or household would be a spouse and/or minor children in that household under the employee's care, dependent children who are students away from home, or immediate family member (parent) who is dependent on the employee's care). When, through exposure to a contagious disease, the presence of the employee at their post of duty would jeopardize the health of others. "Contagious Disease" is defined as a disease subject to quarantine or requiring isolation of the patient by health authorities having jurisdiction. (See Employee Communicable Disease Policy.)

b. **Accrual of sick leave:** Sick leave shall be accrued as follows: (Part-time employees - working less than 40 hours per week inclusive of family service workers - shall accrue sick leave in proportion to the hours they work based on their classification). It shall be the prerogative of the Executive Director to set policy for the accrual of sick leave for all employees hired on a temporary basis.

Full-time administrative, full-time management, full time family service workers and full-time clerical: will accrue one (1) day per month which will be posted to the employees leave balance at the close of the pay period and is available for use the following pay period. The maximum accrual amount will be thirty (30) days at the end of any given month (pay period).

Professional employees and full time Teacher Assistants and Tutors: shall have sick leave credited to an employee's account in August at the beginning of each school year. With a maximum nine (9) days per school year. Maximum accrual amount will be twenty-seven (27) days at the close of any given pay period inclusive of the month of August and is available for use the following pay period.

- c. **Approval of sick leave:** The immediate supervisor shall approve all sick leave. Sick leave is to be approved in all bona fide cases in which the employee has leave to their credit. Sick leave for medical, dental or optical appointments shall be requested in advance. In all other situations, the employee shall notify the Supervisor as early as practicable on the first day of absence. Failure to give such notice without good cause may result in the employee being absent without pay. An absence in excess of three (3) working days must be supported by a medical certificate, if requested by the Executive Director or supervisor.
 - d. **Substitution of sick for annual or personal leave:** When sickness occurs during the time an employee is on annual leave or personal leave, sick leave may be granted to cover the period of illness and the charge against annual or personal leave shall be reduced accordingly. Application for substitution must be made immediately upon returning to duty and must be supported by a medical certificate or other acceptable evidence, the acceptability of which is determined by the supervisor or the executive director.
 - e. **Conversion of maximum sick leave:** Non-contract employees (full-time administrative, management, family service worker and clerical) who have reached the maximum number of hours (240) of sick leave may then convert to annual leave, one-half of each month's accumulated hours as follows: 8 hours divided by 2 = 4 hours annual leave.
 - f. **Death in the immediate family** or (a loved one - in which leave will be granted at the discretion of the executive director). Sick leave will be granted - two (2) days maximum for the local area and three (3) days maximum for out-of-state. Any leave beyond two or three days will be charged to available annual or personal leave.
5. **Jury Duty or Court Subpoena:** Any employee who serves on a jury or is under subpoena may be granted paid leave for that period of time he or she is actually required to be away from their employment. The amount paid shall be the difference between his or her jury duty salary and his or her regular salary. Such time shall not be counted against annual leave and the employee shall be entitled to all benefits. It shall be the employee's responsibility to notify their immediate Supervisor of jury duty selection. To be eligible to receive the compensation described in this policy, the employee shall submit to the Agency

evidence of the amount received for jury duty. When an employee's presence for jury duty is not officially required during regular working hours, the employee shall return to work.

6. **Leave for Military Training:** Any full-time employee engaged in obligatory military training as a member of the National Guard, or a branch of the armed forces reserve, shall be for this purpose granted up to fifteen (15) calendar days leave with pay in any calendar year. Pay for military leave shall be that amount equal to the difference between the compensation received for the military duty and the employee's regular salary. A period of 15 days military leave shall be counted as full service with the Agency for the purpose of assessing annual and sick leave accrual rates. **Note:** Leave needed beyond the fifteen (15) calendar days will be granted without pay and will not accrue annual leave or sick leave benefits.

7. **Unpaid Leave of Absence:**

- a. **Medical:** An unpaid personal leave of absence for an employee's serious health condition or to care for a member of the employee's immediate family with a serious health condition may be granted at the Agency's sole discretion. An employee's immediate family members include the employee's spouse, son, daughter, or parent. Employees are eligible to apply for an unpaid personal leave of absence after completing one year of employment. No personal leave of absence may be taken under this policy without written approval of the Agency's Executive Director.

Except as required by applicable law, the Agency's payment of health insurance premiums may be discontinued during the time an employee is on any unpaid personal leave of absence. It is the employee's sole responsibility to arrange for timely payment of insurance premiums in order to maintain health insurance coverage during an unpaid personal leave of absence.

Requests for a personal leave of absence or any extension of a leave ordinarily should be submitted in writing to the employee's supervisor at least thirty days before the start of the leave or extension period. When the need for leave or an extension is not foreseeable, employees should give as much notice as is possible. The supervisor will forward the request to the Agency's Executive Director, recommending approval or denial. The final decision concerning the request will be made by the Agency's Executive Director. All employees on approved leave are expected to report to the Agency's Executive Director any change of status in their need for a leave or in their intention to return to work.

Employees who are on an approved personal leave of absence may not perform work for any other employer during that leave. Employees on a personal leave of absence will be required to use all available accrued paid leave prior to taking an unpaid

personal leave of absence. Paid leave benefits (such as paid annual leave, personal leave, sick leave, and holidays) do not accrue during periods of unpaid leave.

Except as required by applicable law, the Agency cannot guarantee that an employee's position will remain open when the employee returns from an unpaid personal leave of absence. If an employee fails to return to work at the conclusion of an approved personal leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

- b. **Non-Medical:** Leave of absence without pay for purposes other than an employee's serious health condition to care for an employee's immediate family member with a serious health condition may be authorized only by the Executive Director of the Agency. Such requests shall be evaluated carefully due to the potential staffing difficulties. An unpaid leave can only be granted after other available leave has been exhausted.

Employees will not accrue any paid leave benefits during an unpaid leave of absence.

There will be no accrual of sick leave or annual leave during the leave of absence. Except as required by applicable law medical insurance premiums for the employee may be discontinued during the time an employee is on any unpaid leave of absence. It is the employee's responsibility to arrange for timely payment of insurance premiums in order to maintain all insurance coverages during this leave of absence.

- 8. **Administrative Leave:** Administrative leave is leave which is not chargeable to Sick, Annual or Personal leave. Administrative leave shall be evaluated carefully due to potential staffing difficulties and may be granted at the discretion of the Executive Director with approval of the Board.

- 9. **Weather Related Closure of Employees Duty Station**
Administrative, Management, Family Service Workers and Clerical personnel may be granted up to (3) three days, paid leave, per calendar year.

Home Base, Combination and Center Teachers may be granted up to (3) three days per school year, the employee must notify their supervisor of the use of such leave. (Home Base, Combination & Center closings will generally follow those of the local school district.)

Note: Home Base, Combination and Center Teachers have the option to use weather related cancellations as a prep day at home (home base) or at the center (center and combination base) and reschedule classes or home visits to minimize the loss of services to families and loss of time worked for Teacher Assistants and Tutors.

X.
OFFICE ROUTINES AND POLICIES

- A. **Office Hours:** The regular work week of the Agency comprises five (5) days, Monday through Friday. The regular office hours are from 8:00 a.m. to 5:00 p.m. Employees may be requested to provide services after or before the regular hours of duty, or on Saturday, Sunday or a holiday. Variations in regular office hours such as flex hours, time shall be set by the Executive Director with approval of the Agency Board of Directors.
- B. **News Releases:** Any news releases that are in reference to or may reflect Agency business, shall not be released to any of the news media without prior approval of the Executive Director.
- C. **Travel and Travel Expenses:** Reasonable expense records must be maintained in order to verify travel and subsistence expenses. Any employee who is required to travel by air shall be authorized to travel only on tourist or third class accommodations. However, if these accommodations are not available and it is important that the employee travel at that time, he or she shall be allowed to accept those accommodations which are available. All advance travel requests shall be submitted at least three (3) weeks prior to any travel and approved by the Executive Director or his or her designee. Travel will include reimbursement for mileage, air fare, cab fare, meals lodging, car rental and registration fees, at actual cost or based on the maximum per diem in travel allowances as determined by the Executive Director and the Agency Board's Executive Committee.

All travel policy will follow those of the State of South Dakota unless specifically addressed herein or by appropriate action of the Executive Director and the Executive Committee of the Board.

- D. **Daily Travel:** That it is the responsibility of the administrative and management personnel to call the central office on days when traveling away from the office. This will ensure that said personnel will receive all messages on a timely basis.
- E. **Transportation:**
1. **Program owned vehicles** are to be used for official program use only and not used for personal travel or to transport the employee's family members. **Personal vehicles** mileage will be paid for approved business travel at a rate per mile authorized by the Board of Directors. Fuel purchases or other vehicle maintenance costs cannot be charged to the Agency.
 2. All safety practices and policies must be followed including the use of seat belts (Vehicle Safety Restraint Policy) when traveling on Agency business – using program owned vehicles or privately owned vehicles.
 3. **The assignment** and use of Agency owned vehicles may be terminated or reassigned at any time at the discretion of the executive director.

The termination of use of an Agency vehicle due to, failure to follow transportation operational practices set by the Agency will result in allowable mileage rates being reduced to that rate established by the board of directors for travel when using a personal vehicle when an Agency vehicle is available.

- Oil & filter changed every 3,000 miles.
- Tires rotated every 6,000 miles.
- Keep the vehicle in safe mechanical/driving condition.
- Emergency first aide kit and fire extinguisher up-to-date.
- Keep vehicle clean.
- Keep vehicle logbook/form (daily) and submit with all signed charge tickets to the office on the last working day of the month to be received no later than the 3rd working day of month.
- No smoking or alcohol beverages in the vehicle.
- No use of cell phone or electronic communication devices by the driver/operator unless the vehicle is parked out of traffic.

F. **Smoke/Tobacco Free Environment:** To establish, as required by Federal mandate, a smoke and tobacco free environment that will eliminate exposure of children, staff and parents in the Head Start Program and other programs sponsored by the Agency to tobacco and second-hand tobacco smoke. It is the goal that smoke/tobacco free environment will increasingly be recognized as a basic safety and health benefit.

Policy: That the use of tobacco products is prohibited at all times in all spaces used by the Head Start Program and sponsoring Agency. This shall include:

Classrooms	Staff Offices
Kitchens	Restrooms
Hallways	Outdoor Play Areas
Meeting Rooms	Agency Vehicles
Privately owned vehicles used when transporting Head Start children.	

That any designated smoking areas shall be outdoors away from exposure to children and non-smokers/tobacco users.

Shared Space: When space is shared by the Agency and other occupants of a building, steps shall be taken to reduce the exposure of children to smoke/tobacco use.

- Modify ventilation
- Altering traffic patterns
- Establish a “Smoke-Free” zone

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XI.
CONFLICT OF INTEREST AND NEPOTISM

- A. No person who serves as a voting member of the governing body of the Agency or any other advisory body may be employed by the Agency.
- B. No Governing Board or Policy Council member shall be eligible for appointment to a position with this Agency or a delegate Agency until they have resigned from the Board or Council.
- C. No person whose employment is supported by Head Start funds or by cash contributions to the non-Federal share shall hold any positions over which any member of his/her immediate family or household has authority or responsibility, either as a member of the Policy Council, Governing Board, or as an employee of the Agency or the Head Start Program to order or recommend personnel agreements, to include policy setting and pay establishment.
- D. A member of an **immediate family** shall include any of the following persons:
- | | | | |
|------------|---------------|----------------|-----------------|
| Husband | Daughter | Brother-in-law | Father |
| Wife | Sister-in-law | Mother | Grandmother |
| Son-in-law | Brother | Father-in-law | Daughter-in-law |
| Sister | Mother-in-law | Grandfather | Son |
- E. No person shall be employed as a reward for the support or defeat of any political party or candidate for political office.
- F. Outside employment is any paid employment performed by an employee in addition to the employee's duties with the Agency. Such employment shall not interfere with the efficient performance of the employee's duties. Such employment shall not involve a conflict of interest or conflict with the employee's duties. Such employment shall not involve the performance of duties which the employee should perform as part of his employment with the Agency. Such employment shall not occur during employee's regular assigned working hours, unless the employee during the entire day on which said employment occurs in on either annual or personal leave.
- G. Employees of the Agency are prohibited from accepting gifts, money, and/or gratuities from persons receiving benefits or services under the Agency, performing services under contract, or otherwise in a position to benefit from an employee action.

XII.

POLITICAL ACTIVITIES

The involvement of the individual in political activity is an inherent right of all persons living in a free society. Employees of the Agency and the Head Start Program are subject to 45 CFR 73.735.602 (Political Activities of Employees) as well as the Hatch Act: Most political activities are permitted to cover employees on their own time.

A. Permitted activities **while off duty** include:

1. Employees may engage in political activity in connection with any questions not specifically identified with a national or State political party. They also may engage in political activity in connection with an election, if none of the candidates represents a party any of whose candidates for presidential elector received votes at the last preceding election at which presidential electors were selected.
2. An exception relates to political campaigns within, or in communities adjacent to, the District of Columbia, or in communities the majority of whose voters are employees of the Federal government.
3. Register and vote in any election;
4. Express his or her opinion as an individual citizen privately and publicly on political subjects and candidates.
5. Display a political picture, sticker, badge or button;
6. Participate in nonpartisan activities of a civic, community, social, labor or professional organization, or of a similar organization;
7. Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;
8. Attend a political convention, rally, fund raising function; or other political gathering;
9. Sign a political petition as an individual citizen;
10. Make a financial contribution to a political party organization;
11. Take an active part, as an independent candidate, or support of an independent candidate, in a partisan election in localities identified as permissible for such activities by the Office of Personnel Management;

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12. Take an active part, as a candidate or in support of a candidate, in a nonpartisan election;
13. Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;
14. Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State of local law; and
15. Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise his or her efficiency or integrity as an employee or the neutrality, efficiency or integrity of his or her Agency.

XIII.

SPECIAL POLICY AND PROCEDURE PROVISIONS

In addition to the policies and procedures as outlined in this Manual, the Agency and the programs it sponsors will adhere to the following special provisions of recruiting and employment.

- A. The attainment of a high level of educational qualifications, unless required by the program Funding Source, state or local law, shall not be made a requirement for employment or advancement in either professional or non-professional capacities if a candidate has the ability to perform the duties of the position.
- B. Prior Convictions.
 1. This Agency is expected to employ persons who can perform their duties with competence and integrity. In the case of administrative, management and professional personnel, recent conviction of a serious crime shall be considered strong evidence of lack of fitness for the job. Before the Agency employs in any such capacity a person who has been convicted of a serious crime, its Board shall conduct an investigation in accordance with fair standards and procedures.
 2. No individual may be employed who has been convicted by a federal, state or local court of competent jurisdiction of any arrests or charges related to child abuse, neglect and/or child sexual abuse. All new staff must provide a declaration of the following prior to employment: (1) All pending and prior criminal arrests and charges and their disposition related to child abuse, neglect and/or child sexual abuse; and (2) All felony convictions and current criminal charges. A state and national criminal record check may be made as

required by state law or administrative requirement. (A conviction of a felony or current criminal charges will not be an absolute bar to employment). (3) Child abuse/neglect/criminal background checks will be completed upon employment and every 5-year through the Department of Social Services.

C. Employee Physicals.

All newly hired employees are required to have a physical/medical & TB examination completed which will be paid by the employer. Physical/medical & TB examinations will also be required at other times during employment when appropriate to ensure the safety of and health of the employee, other employees, and others in contact with the employee.

D. Special Orientation.

All new employees and volunteers must be informed that sexual activity with children is illegal and the proper procedures for reporting known or suspected cases of child abuse or sexual abuse of children, either inside or outside of the programs sponsored by the Agency.

E. **Employee Conduct and Harassment Policy**

The Agency is committed to providing a working environment free of unlawful harassment based on an individual's race, color, religion, creed, ancestry, gender (including pregnancy), national origin, disability, age, genetic information, military/veteran status, or other basis prohibited by law.

It shall be a violation of this policy for an employee to harass another through conduct or communication of a sexual nature or communication disparaging a person's race, color, religion, creed, ancestry, gender (including pregnancy), national origin, disability, age, genetic information, military/veteran status, or other basis protected by law.

The Agency will investigate all complaints of harassment and will discipline or take appropriate action against any employee who is found to have violated this policy.

1. **Definitions**

HARASSMENT: Harassment consists of physical or verbal conduct, related to a person's race, color, religion, creed, ancestry, gender (including pregnancy), national origin, age, disability, genetic information, military/veteran status, or other basis prohibited by law, when the conduct:

(i) has the purpose or affect of creating an intimidating, hostile or offensive working environment;

- (ii) has the purpose or effect of substantially or unreasonably interfering with an individual's work performance; or
- (iii) otherwise adversely affects an individual's employment opportunities.

SEXUAL HARASSMENT: Sexual harassment is any unwelcome sexual advance(s), request(s) for sexual favors and/or other verbal, physical and/or visual contact(s) of a sexual nature, or communication of a sexual nature when:

- Submission to such conduct or communication is made either explicitly or implicitly a term of a person's initial employment;
- Submission to or rejection of such conduct or communication by an individual is used as the basis for employment decisions affecting the individual; or
- Such conduct or communication has the purpose or effect of interfering with an individual's work creating an intimidating, hostile or offensive working environment.

Sexual Harassment may include but is not limited to:

- (i) unwelcome verbal harassment or abuse based upon gender;
- (ii) unwelcome pressure for sexual activity;
- (iii) unwelcome, gender motivated or inappropriate patting, pinching, or physical contact;
- (iv) unwelcome behavior or words, based upon gender, including demands for sexual favors, accompanied by implied or overt threats concerning the individual's employment status;
- (v) unwelcome behavior or words, based upon gender, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment status; or
- (vi) unwelcome behavior or words directed at an individual because of gender.

2. **Reporting Incidents of Harassment:** Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, visitors or customers, is urged to bring the matter to the attention of Agency officials so that the Agency may investigate and deal with the problem. Complaints of harassment should be made orally or in writing to a supervisor. If the complaint involves someone in a direct supervisory position with respect to the employee, or if the employee is uncomfortable discussing the matter with his or her direct supervisor, the employee is urged to go to another supervisor, the Executive Director, or to the President/Chairperson of the Agency's Board of Directors with the complaint.
3. **Investigation:** Upon receipt of a report alleging harassment, the Agency shall conduct an investigation. In determining whether alleged conduct constitutes harassment, the Agency will consider the surrounding circumstances, the nature of the advances, relationships between the parties involved and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator(s).

4. **Prohibition Against Retaliation:** The Agency will discipline any individual who retaliates against any person who reports alleged harassment or who retaliates against any person who testifies, assists or participates in any investigation, proceeding or hearing related to a harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Retaliation is itself a violation of federal and state laws prohibiting discrimination and may lead to separate disciplinary action against an individual.
5. **Discipline:** The Agency will take such disciplinary action it deems necessary and appropriate to end harassment and prevent its recurrence, including but not limited to warning, suspension or immediate discharge.

“The Agency will conduct annual training/meetings to help educate employees and to provide a work environment free of unlawful harassment.”

F. **Employee Assistance Program**

POLICY: The Agency recognizes that problems such as alcohol and drug abuse, marital, family legal, financial, mental health, psychological and others can be treated successfully. While the Agency has no intention of interfering in an employee's private life, it is the policy of the Agency to become involved and endeavor to help when an employee's job performance is affected on a continuing basis or when an employee requests help. The Employee Assistance Program has been established to provide help for the troubled employee. Employee referral to and participation in this program shall be treated in a confidential manner, and associated information shall neither appear in the employee's personnel records nor be released to anyone without the written approval of the employee.

PURPOSE OF THE PROGRAM: The Agency recognizes the need for an Employee Assistance Program to help employees and their dependents deal with personal problems which affect their job performance. The purpose of the program is to provide the employee or family member a diagnostic resource for evaluation and referral.

THE UNDERLYING CONCEPT OF THIS EMPLOYEE ASSISTANCE PROGRAM IS THAT HERE AT SOUTH CENTRAL CHILD DEVELOPMENT, INC. WE CARE ABOUT YOU, OUR EMPLOYEE, AS AN INDIVIDUAL AS WELL AS A WORKER.

The Agency assures employees that voluntary use of the program will be on a **confidential basis** and will not affect the employment status of the employee. Referral for evaluation may be made by the Agency, or

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may be made directly by the employee requiring assistance.

The Agency. recognizes that a wide range of problems not directly associated with one's job can have an adverse effect on an employee's job performance; therefore, it is the Agency's policy to offer employees and Assistance Program to those who are experiencing such problems.

Some of the problems that may be addressed by the Employee Assistance Program are: alcohol and drug abuse, marital, family legal, financial, mental health, psychological, and other problems which have a potential adverse effect on job performance. In the administration of the Employee Assistance Program, it shall be the policy of the Agency. that:

1. Management's concern is strictly limited to the employee's **on-the-job** performance. It is not concerned with making moral judgments or diagnosis of employee's personal problems.
2. It shall be the responsibility of all supervisors to implement the Agency's policy and to follow the procedures assuring that no employee shall be discriminated against, nor will job security or promotional opportunities be effected in any way as result of a request for assistance.
3. Supervisors do not have the qualifications or responsibility for making diagnostic judgments. Supervisors shall assure that employees are aware of the Employee Assistance Program and supervisors shall limit their involvement to dealing strictly with employee performance.
4. Employees who feel they are experiencing personal problems which may be affecting their lives, are encouraged to voluntarily seek confidential counseling and referral information by contacting the designated program personnel.
5. The confidential nature of employee's diagnostic records shall be preserved in the same manner as their medical records.
6. Implementation of the Agency's Employee Assistance Program Policy shall not require, nor result in any special regulations, privileges or exemptions from the existing administrative practices applicable to employee job performance requirements.

G. **DRUG-FREE WORKPLACE**

The Agency. has a vital interest in maintaining safe, healthful and efficient working conditions for all of its associates. Being under the influence of a controlled substance or alcohol on the job poses serious safety and health risks, not only to the user, but to all those who work with, or otherwise come into contact with, the user. The possession, use, or sale of a controlled substance or alcohol on the job also may pose unacceptable risks for safety, health and efficient operations.

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The Drug-Free Workplace Act of 1988 requires federal contractors and recipients of federal grants to publish and implement a drug-free workplace program. Accordingly, it is this Agency's right, obligation, and intent to maintain a safe, healthful and efficient working environment for all of its associates and to protect the Agency's property, equipment and operations from the risks associated with controlled substance and alcohol use in the workplace.

1. Drug-Free Awareness Program. The Drug-Free Workplace Act of 1988 requires covered employers to establish a drug-free awareness program to inform its staff about the dangers of controlled substance abuse in the workplace, as well as any available drug counseling, rehabilitation, and Employee Assistance Program. In conformity with this legislation, the Agency will inform its employees about: (a) the dangers of controlled substance and alcohol use in the workplace; (b) the Agency's Drug-Free Workplace Program; (c) the availability of treatment and counseling for employees seeking such assistance; (d) those penalties the Agency will impose for violations of its Drug-Free Workplace Program.
2. Available Treatment and Counseling. In its effort to assist employees in overcoming controlled substance or alcohol dependency, the Agency will refer interested employees to counseling and treatment for chemical dependency through the Agency's Employee Assistance Program ("EAP"). These referrals will be confidential except when disclosure is required by law or upon a "need to know" basis for employment-related reasons. The staff member may submit claims to the Agency's insurance administrator for payment according to the coverage afforded for a required treatment. The Agency will not pay for any cost of treatment that is not covered by its insurance plan. Employees may also use accrued sick leave or vacation, if any is available, commencing at the time of hospitalization for inpatient treatment. Employees will be provided with informational literature regarding the dangers of controlled substance and alcohol use in the workplace, and the Agency will conduct periodic meetings designed to educate employees on this important subject. While the Agency strongly encourages voluntary referrals for controlled substance and alcohol counseling and treatment, voluntary requests for assistance will not prevent disciplinary action for violations of the Agency's Drug-Free Workplace Program. In addition, employees who undergo voluntary counseling or treatment must continue to meet all established standards of conduct and job performance.
3. Prohibited Conduct. The Agency prohibits the following conduct: (a) Using, being under the influence of, or possessing a controlled substance or alcohol while performing Agency business or while in or about an Agency facility or work site (inclusive of Agency vehicles) will subject the offending employee to disciplinary action, up to and including discharge; (b) Using or being under the influence of a legal drug (such as "over-the-counter" and prescription drugs) while performing Agency business, or while in or about an Agency facility or work site, is prohibited to the extent such use may affect the safety of yourself and others. Use common sense and, when in doubt about the effects of a certain drug, consult your physician and let the Agency know about any adverse side effects; (c)

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The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by any associate is strictly prohibited while performing Agency business, or while in or about an Agency facility or work site (including Agency owned vehicles).

4. **Reporting Requirements.** Employees must notify the Agency within five days of any criminal drug conviction for violations occurring in the workplace. The Agency is required by law to report all such convictions to any Federal contracting Agency.
5. **Policy Violations.** Employees found to be in violation of these prohibitions will be subject to immediate termination, even for a first offense, at the Agency's sole discretion. While the Agency strongly endorses counseling and treatment for chemical dependency, it normally will not honor requests for counseling or treatment when used solely as a means to avoid disciplinary action for violations of the Agency's Drug-Free Workplace Program. However, the Agency may, in its sole discretion, choose to refer an associate to its EAP for counseling and referral to a treatment program for chemical dependency in lieu of discharge.

H. **ADA POLICY STATEMENT**

Any and all questions, concerns, complaints or requests for additional information regarding ADA may be forwarded to the Agency's Executive Director who is designated as the ADA Compliance Coordinator.

The Agency is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity for employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Reasonable accommodation is available to all applicants and employees.