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SECTION I: GENERAL STATEMENT OF PURPOSE AND POLICIES

East Missouri Action Agency, Inc. (EMAA) is a 501(c)3 Missouri corporation established in 1965 as a non-profit community agency under the Economic Opportunity Act.

EMAA's agency mission is to cultivate communities of opportunity and support people in reaching their highest potential.

Employment at East Missouri Action Agency is "at will." That is, either the employee or the Agency may terminate the employment relationship at any time, with or without cause.

This manual does not constitute a contract for employment with East Missouri Action Agency, either express or implied, and EMAA reserves the right at any time to change, delete or add to any of the provisions as its sole discretion. Furthermore, the provisions of this manual are not all inclusive and exceptions may be made from time to time based on particular circumstances.

It is not EMAA's intent to create a contractual right of employment based on any specific period. Moreover, no agreement to the contrary shall be enforceable, unless it is in writing and signed by the Executive Director and the employee.

A copy of the Agency Personnel Manual shall be placed in each worksite/office of the Agency to make it readily available to all employees.

Amendments to the Personnel Manual shall be inserted in each manual upon issuance and an additional copy of the issuance shall be posted on the worksite bulletin board for sixty calendar days to ensure that each employee has knowledge of the amendment.

An individual will be designated at each worksite to ensure that amendments are inserted in a timely manner and that all outdated policies are removed from the manual destroyed.

Each new employee shall be given an opportunity to read the Personnel Manual by the Human Resource Coordinator during the employee's Agency orientation and shall acknowledge her/his responsibility to read and become familiar with the manual by signing the orientation form which shall become a part of the employee's personnel file. This manual is Agency property and must remain on Agency premises.

SECTION II: PRODUCTIVE WORK ENVIRONMENT

- 1. POLICY STATEMENT:** It is the policy of East Missouri Action Agency to design and implement fair, effective and impartial Personnel Policies and to require all staff members, volunteers and members of EMAA of governing or advisory bodies to adhere to those policies. Further, it is the policy at EMAA that any employee, volunteer or member of any EMAA governing or advisory body whose conduct harasses, disrupts, or interferes with another employee's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated.
- 2. EMAA'S GOALS FOR ITS EMPLOYEES:** East Missouri Action Agency is committed to providing each employee with:
 - A.** Equal employment opportunity and treatment regardless of race, religion, color, gender, age, national origin, disability, Vietnam era veteran or any other status protected by federal, state or local law.
 - B.** Compensation and benefits commensurate with the work performed.
 - C.** Reasonable hours of work based on the Agency's production and service requirements.
 - D.** The Assurance that applicable Federal, State and local regulations concerning employee safety will be monitored and compliance will be attained.
 - E.** Training and education opportunities which will enable personnel to meet program requirements or to complete college level courses which will benefit the employee's current position.
 - F.** The opportunity to contribute constructive suggestions which relate to the job, working conditions or Agency policies.

G. The appropriate means for employees to discuss matters of interest or concern with their immediate supervisor or Program Director.

3. EMAA'S EXPECTATIONS OF ITS EMPLOYEES: East Missouri Action Agency anticipates that each employee will approach her/his assigned position with a positive attitude allowing him/her:

A. To interact with customers, vendors, the general public and other employees in a professional and helpful manner that will allow the employee to work towards achieving EMAA's vision and mission.

B. To perform assigned tasks in an efficient manner.

C. To be punctual

D. To avoid abusing leave time.

E. To demonstrate a positive, considerate, friendly and constructive attitude toward other staff members, and to promote team management concepts.

F. To maintain good attendance as defined elsewhere in these policies.

4. FREEDOM FROM HARASSMENT:

A. While all forms of harassment are forbidden, it is the Agency's policy to emphasize that sexual harassment is specifically prohibited. Each supervisor has a responsibility to maintain the work place free of any form of sexual harassment. No supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. In addition, no supervisor is to favor in any way any applicant or employee because that person has performed or shown a willingness to perform sexual favors for the supervisor.

- B.** Other sexually harassing conduct in the work place, whether committed by supervisors or non-supervisory personnel, is also prohibited. Such conduct includes:
- 1)** Sexual flirtations, touching, advances or propositions
 - 2)** Verbal abuse of sexual nature
 - 3)** Graphic or suggestive comments about an individual's dress or body
- C.** Any employee who believes that the actions or words of a supervisor or fellow employee constitute unwelcome harassment is expected to report or complain as soon as possible to the appropriate supervisor, or the Executive Director, if the complaint involves the Program Director.
- D.** All complaints of harassment will be investigated promptly and in an impartial manner and in as confidential a manner as possible by the supervisor, Human Resource Coordinator, or another staff person designated by the Executive Director. If an employee is not satisfied with the handling of a complaint or the action taken, then the employee may bring the complaint to the Executive Director or to the Board of Directors if the Executive Director does not act promptly or is personally involved. In all cases, the employee is to be advised of the findings and conclusions of the staff member completing the investigation. If, after investigation, EMAA determines that an employee has provided false information regarding the harassment complaint, disciplinary action, up to and including involuntary termination or removal from governing/advisory body will be taken against the employee who furnished the false information.
- E.** Any employee, volunteer, Board member or Policy Council member who is found, after appropriate investigation, to have engaged in harassment of an EMAA employee will be subject to appropriate disciplinary action,

depending on the circumstances, up to and including involuntary termination or removal from governing/advisory body.

- F.** EMAA forbids retaliation against any employee who has reported harassment or discrimination, assisted in making a harassment or discrimination complaint, or cooperated in an investigation. Retaliation in violation of this provision will result in appropriate disciplinary action, up to and including involuntary termination or removal from governing/advisory body.

SECTION III: THE POSITION DESCRIPTION

1. POLICY STATEMENT:

It is the policy of the Board that for each position in the Agency, a position description shall be developed, maintained and kept up-to-date.

2. The position description shall contain, at a minimum:

- A.** Title
- B.** Salary grade
- C.** Work duties
- D.** Work responsibilities
- E.** Job qualifications
- F.** Title of immediate supervisor
- G.** Classification of employee's job status as exempt or non-exempt under the Fair Labor Standards Act
- H.** Performance standards
- I.** Required prior educational and/or work experience, where applicable
- J.** Information on positions the employee supervises
- K.** A statement that, included in the job responsibilities, is the requirement to maintain good attendance.

3. Each employee shall be given a copy of his/her position description upon hire. A signed copy shall be placed in the employee's personnel file.

4. The position description shall be reviewed every three to five years to ensure that it remains consistent with the employee's duties and will be revised as deemed appropriate by employee and supervisor.

5. Employees shall be advised immediately of any change in the position description and shall be given copies of amended descriptions.

- 6.** All new and revised position descriptions shall be rated by the Mark I Job Rating Committee to determine Grade on the EMAA Salary Scale and then will be approved by the Board of Directors.

SECTION IV: PERSONNEL SELECTION

1. GENERAL POLICY STATEMENTS

- A.** The Executive Director is accountable to the Board for hiring, performance evaluations and termination actions involving EMAA employees. The specific approval of the Board of Directors shall be obtained for such actions related to Program Directors and other senior personnel who report to the Executive Director. (In the case of the Head Start Director, the approval of the Policy Council, as well as the Board of Directors, shall be obtained.) She/he shall assure that all supervisory employees of the Agency discharge their responsibilities relating to employee hiring, performance evaluations and terminations in an acceptable manner. The Executive Director shall keep the Board apprised of her/his activities in this regard.
- B.** It is the policy of the Board to provide employment opportunities for program-eligible participants and other area residents.
- C.** It is the policy of the Board to prohibit employment discrimination against any qualified individual because of disability, race, color, creed, age, sex, national origin or ancestry, political affiliation or beliefs, Vietnam veteran status or any other status protected by federal, state or local law.
- D.** It is the policy of the Board that the Agency shall use sound management procedures in the recruitment, selection, evaluation, promotion, and termination of all employees.
- E.** It is the policy of the Board that no person shall be denied the right to file an application for employment.

- 2. RECRUITMENT:** It is the policy of the Board that recruitment of potential employees is conducted in a manner that ensures an adequate number of

applicants are secured in order to assure the selection of competent and qualified employees.

A. Announcement of Job Opportunities:

The announcement of job opportunities will be made through the office of the Executive Director or designee.

1) The Program Director or designee shall prepare and submit to the Executive Director for approval the following forms:

a. Notice of Job Opening

b. Request for Media Coverage of Job Opening

i. For AGENCY dissemination, a copy of the announcement will be distributed to all worksites, with the exception of Head Start Centers. A copy will be transmitted to the Head Start office for distribution to Head Start staff. No one other than current Agency staff will be notified when a job opening announcement is “In-Agency” only.

ii. For PUBLIC distribution, the current Job Announcement (Form 18) will be completed. The newspapers in which the classified ad is to be placed should be indicated on that form by placing a mark in the space provided for each publication.

a) Exact copy will be prepared on a separate sheet

b) Information provided will include dates of publication and contact person and other information as needed.

- 2) Upon approval of the Executive Director, or designee, job opening notifications will be distributed as approved and as described in part 2 (a-b) above. Additionally, the Agency will:
 - a. Publicize the PUBLIC announcement in appropriate media outlets.
 - b. Register PUBLIC announcements with the area employment offices.
- 3) Each position opening announcement must include:
 - a. Description of nature and location of work.
 - b. Required levels of education and work experience, if applicable
 - c. Starting salary
 - d. Closing date and time for applications
 - e. When, where and how to apply
 - f. The requirement, if any, for reliable transportation
 - g. Equal Opportunity Employer statement
- 4) Employees, who have terminated, either voluntarily or involuntarily, will not receive formal notification of a position opening.

B. Application for Position

- 1) All applicants for positions with EMAA shall complete a standard employment application form. A resume may be submitted in addition to or along with the standard employment application.
- 2) Any current employee applying for a different position within the Agency must fill out a new job application.

C. Screening

- 1) At the program level, the Program Director or designee will screen applications to determine those to be interviewed.
- 2) The Executive Director, or a senior level staff member designated by the Executive Director, shall screen applications for senior level staff openings.

D. Interviewing and Testing

- 1) Testing for consideration for employment will be limited to specific skills required by the position description.
Reasonable accommodation will be provided to candidates as determined on a case-by-case basis.
- 2) All candidates will be asked the same general (non-position specific) interview questions from an approved written list.
- 3) Qualifications and experience will be the only determining factors in the screening process.

E. Reference Checks

- 1) Supervisors or Program Directors responsible for recommending the employment of EMAA staff will check a minimum of three (3) references prior to recommending employment of an applicant. Of the three (3), two (2) must be past employers. No more than one (1) personal reference will be counted toward the required three reference checks.
- 2) Written documentation of reference checks will be kept in the employee's permanent personnel file.

F. Selection:

All successful candidates must be approved by the Executive Director.

- 1) Following the interview process, rating forms will be evaluated and the successful candidate recommended.

- 2) The Program Director will meet with the Executive Director to review the results of the selection process. The review will include documentation such as applications and interview reports.
- 3) The successful candidate will be notified by telephone or in writing of her/his selection, as well as when and where to report to work.
- 4) The designee will ensure that applicants interviewed but not chosen are notified in writing that the position has been filled. In the case of Senior Staff positions, all applicants will be notified in writing, whether they are interviewed or not.

G. Rehires:

If a former employee is rehired, her/his previous salary may be taken into consideration when establishing starting pay; otherwise, she/he may be hired at the starting salary for the new position or at a higher salary based on job skills and qualifications. A standard employment application form must be submitted. The standard trial period will be observed, unless the employee has been rehired within a two-year period, as detailed in Section VII.

H. Recall of Furloughed Employees:

Seasonal employees (e.g. Energy Assistance or Summer Food Service Programs) may be recalled under the same conditions as furloughed employees, provided prior performance has been satisfactory.

- 1) Simultaneous recall of all furloughed employees:
 - a. Furloughed employees will be recalled to the same position held prior to furlough.

b. Reassignment of positions may be made at this time if it is in the best interest of the Agency.

c. A position not filled by recall will become an open position to be filled in the normal manner.

2) Recall of some furloughed employees:

a. Recall will be by position occupied prior to furlough, based on performance ratings.

b. Tenure will be the priority consideration when all other factors are equal.

c. Any position not filled by recall shall be filled in the normal manner.

d. There will be no promotions, demotions or changes in position status during recall process.

I. Application File:

All job applications will be kept for one year. Such applications will be available for review for emergency hires; emergency hires may be drawn from the application file without outside advertising.

J. Interview and Relocation Expenses:

It is Board policy that no Agency funds may be expended to pay for interview or relocation expenses.

K. Filling of Entry Position by Trainees:

1) It is the policy of EMAA to conduct or support training programs intended to help disadvantaged persons prepare for and obtain gainful employment. As part of the Agency's commitment to this policy, it will make available on-the-job training opportunities for persons participating in training programs operated by EMAA or by other organizations with which EMAA has written agreements.

- 2)** Persons who participate satisfactorily in such on-the-job training programs and are assigned to EMAA for such training may, upon conclusion of the training, be hired into entry-level positions without the necessity of participating in a competitive process. In order for an applicant to be hired in this manner, the following conditions must be met:
- a.** The training program is a recognized one that seeks to prepare low-income or other disadvantaged persons for gainful employment through on-the-job training or work experience assignments.
 - b.** The EMAA department involved has a written agreement with the organization responsible for the training program outlining the terms and conditions under which the training assignment is conducted.
 - c.** The applicant has demonstrated knowledge, skills and ability needed in the vacant position through satisfactory participation in an on-the-job training assignment of not less than three (3) consecutive month.

SECTION V: STANDARDS OF EMPLOYMENT

1. POLICY STATEMENT: It is the policy of the Board that the statements listed in this section is applied to the recruitment, selection, and work functions of each EMAA employee and to Board members, Policy Council members and volunteers, as appropriate.

2. PROHIBITIONS IN PERSONNEL SELECTION:

A. Governing Board and Policy Council Members

- 1)** No current Board or Policy Council Community member shall be an EMAA employee.
- 2)** For a period of six months following resignation or termination as a Board of Directors or Head Start Policy Council Community member, a former Board member or Policy Council member may not apply for a job with EMAA. Policy Council Parent Representatives may apply at any time and will resign immediately if hired.
- 3)** If the applicant is not hired by EMAA, she/he may not resume her/his position on the Board or Council, but may seek re-election or re-nomination at the end of that term.
- 4)** No employee of East Missouri Action Agency can serve on the Board of Directors of the agency for a period of one year following resignation or termination.

B. Nepotism

- 1)** No person may be hired for a position or promoted to a new position while a member of her/his family serves on the Board of Directors/Policy Council or on a committee of the grantee or delegate agency responsible for selecting or having personnel authority over his or her position.

- 2)** No person may be hired for or promoted to a position over which a member of her/his immediate family exercises supervisory authority. No person may be hired, promoted or transferred to an Agency position a member of her/his immediate family is her/his immediate supervisor. Employees who marry or become members of the same household may continue employment as long as there is not:

 - a)** A direct or indirect supervisor/subordinate relationship between such employees; or
 - b)** A conflict of interest
 - c)** No relative or household member of an Agency employee shall derive any direct benefit from doing business with EMAA
 - d)** A statement will be placed annually in every employee's file describing any personal interest or gain – whether direct or indirect – the employee may have in any program.
- 3)** Should one of the above situations occur and the Agency has a job opening in another department, the affected employees will be considered for transfer, if qualified. If neither of the employees' qualifications is sufficient for the opening, the employees will be permitted to determine which of them will resign. (Trainees who are not classified as employees, i.e. Work Experience Program trainees, are not affected by this rule.)
- 4)** A member of an immediate family includes any of the following persons: husband, wife, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, son, son-in-law, daughter, daughter-in-law, nephew, niece, step children, step parents, step brother or sister, step nephew, step niece, aunt, uncle,

aunt-in-law, uncle-in-law, grandparents, grandparents-in-law, first cousin, first cousin-in-law, or any other member of employee's household.

3. PRE-EMPLOYMENT CHECKS OF CHILD ABUSE AND CRIMINAL RECORDS

A. The East Missouri Action Agency, as a provider of childcare and other direct services to clients, will arrange for background checks of child abuse and criminal records systems as a condition of employment in all EMAA positions. The Agency requires all persons to be employed by it to authorize the Agency to request a child abuse record check by the Missouri Division of Family Services and a Criminal Record

All East Missouri Action Agency employees, prior to being hired, directly or through contract, including transportation staff and contractors, a program must conduct an interview, verify references, conduct sex offender registry check and obtain one of the following:

- State or tribal criminal history records, including fingerprint checks;
- or,
- Federal Bureau of Investigation criminal history records, including fingerprint checks.

After employed with East Missouri Action Agency, FBI fingerprinting will be completed every 5 year of employment

A program has 90 days after an employee is hired to complete the background check process by obtaining

- whichever check listed in paragraph (b) (1) of this section was not obtained prior to the date of hire; and
- child abuse and neglect state registry check, if available.

B. Immediately after final approval of decision to offer employment to an individual, the Human Resources Coordinator shall generate applications

to the respective agencies for a check of criminal and child abuse records. Should employment begin before the record checks are completed, the individual shall be required to sign an acknowledgement that the Agency may terminate her/his employment immediately should the record checks contain disqualifying information. Employment may also be denied under these same circumstances. Employment will not begin on Head Start employees until record checks are complete.

- C.** The responsibility to obtain these record checks and to assure the appropriate entries are made in personnel records is assigned to the Human Resources Coordinator.

4. POLITICAL PARTISANSHIP

Employment shall not be offered as a consideration or as a reward for political support of any political party or candidate for political office.

5. OUTSIDE EMPLOYMENT

“Outside Employment” means any paid or volunteer employment performed by an employee in addition to his/her job with the Agency. Such work may be performed under the following conditions:

- A.** Employee must fill out a form with all applicable information of outside employment and receive approval by their Program Director. Form will be submitted to Executive Director for approval and will be filed in the employee’s personnel file.
- B.** Such employment shall not interfere with the efficient performance of the employee’s duties in EMAA program.
- C.** Such employment shall not involve a conflict of interest or conflict with duties in the EMAA programs.
- D.** An employee may serve for pay as a consultant or advisor to an outside agency in relation to the duties performed for EMAA under specific

conditions, provided permission has been received from the Program Director and the Executive Director. The Agency will contract with the requesting organization.

- 1) The employee will utilize Agency Earned Time Off with pay.
- 2) The Agency will pay all expenses involved with the activity.
- 3) The Agency will bill the contracting organization and finalize all monetary arrangements.
- 4) The employee will provide the Administration Department with the appropriate travel forms.

- E.** Outside employment shall not occur during the employee's regular or assigned EMAA work hours unless the employee uses Earned Time Off (ETO).

6. ORGANIZATIONAL CHARTS

A general positions only organizational chart of the agency with shall be included as an attachment to the personnel manual. These organizational charts shall describe the lines of authority and inter-relations between job positions.

Organizational charts will be reviewed and updated quarterly.

7. PERFORMANCE EVALUATIONS

Each employee will receive written evaluations on their job performance from her/his immediate supervisor.

- A.** A performance evaluation shall be performed at least annually. Evaluation of part-year Head Start staff will be completed no later than May 31st of each year.
- B.** Sub-standard performance documented through evaluation may be grounds for personnel actions (see procedure below):
- 1) The performance evaluation shall be made in writing utilizing the current standard Agency form.

- 2)** Procedures outlined in Section X, Discipline, shall be adhered to in documentation and follow-up of substandard performance evaluation.
- C.** Annual performance ratings for Program Directors and other personnel who report directly to the Executive Director shall be completed as follows:
- 1)** A performance evaluation shall be performed at least annually. Evaluation of part-year Head Start staff will be completed no later than May 31st of each year. The Executive Director will prepare a performance rating for each person reporting directly to him/her and shall discuss the rating with the employee involved. If the employee finds the rating acceptable, he/she shall sign an acknowledgement to that affect. If the employee considers the rating unacceptable, he/she shall request that the Executive Director will report the matter to the Personnel Committee and to the Board of Directors in Executive Session.
 - 2)** In the case of the Head Start Program Director, the Executive Director will review the proposed performance rating with the Policy Council. Should any issues arise as a result of the review that is not resolved between the Executive Director and the Policy Council; those issues will be reported to the board of Directors by the Executive Director.
 - 3)** Prior to the next regularly scheduled board meeting, the Executive Director will review performance ratings of staff members reporting directly to him/her with the Personnel Committee of the Board. At the Board meeting, the performance ratings will be reported to the full Board in Executive Session.

- 4) Following the Board meeting, the Executive Director will inform each employee of any developments during the Board's discussion of the performance ratings and shall assure that a copy of the final performance rating is placed in each employee's official personnel file.

D. Annual Performance Rating for the Executive Director

The Executive Committee of EMAA Board of Directors will review the performance and compensation of the EMAA Executive Director and shall in Executive Session, inform the full Board of the rating given and the results of the discussion with the Executive Director regarding his/her performance and compensation.

E. Special Performance Ratings (Example: Merit Increase)

Special performance evaluations may be conducted at any time during the year as a determined necessary by the employee's supervisor.

8. CHAIN OF COMMAND

All employees will follow the appropriate Chain of Command as described in their position descriptions and the organizational chart of the Agency.

9. STANDARDS GOVERNING CONDUCT OF EMPLOYEES

A. An employee is expected to conduct him/herself while on duty in a manner befitting his/her status as an employee of the Agency. Conduct should be such that would not jeopardize the health, welfare or safety of any program participant or any employee, or which would tend to create a negative or unfavorable image of the Agency or programs, or employees or authorized representatives thereof.

B. Employees may be reprimanded, receive an admonition or be penalized by probation, suspension or involuntary termination depending on the frequency or the seriousness of the offenses. In general, disciplinary action

will apply as follows:

1) Infractions of a Minor Nature.

An employee committing any of the offenses listed below is open to: (first offense) verbal warning; (second offense) written reprimand or admonition; (third offense) probation, suspension or involuntary termination

- a)** Absence without notification or reason.
- b)** Habitual tardiness.
- c)** Loafing, sleeping on the job, neglect or failure to perform assigned duties.
- d)** Improper use of agency property.
- e)** Failing to report to the program director upon returning to work after a sickness or accident.
- f)** Violation of safety rules of a minor nature.
- g)** Improper accounting of work time.
- h)** Leaving the job before quitting time.
- i)** Doing personal work on agency time.
- j)** Failure to wear seat belts while performing official Agency duties in Agency or privately owned vehicle.
- k)** Use of foul language.

2) Infractions of a Major Nature.

- a)** Any employee committing any of the offenses listed below is open to immediate termination.
- b)** Habitual absenteeism.
- c)** Insubordination (willful disobedience of authority).
- d)** Unauthorized removal or appropriation of property belonging to the Agency or to another employee.

- e) Revealing confidential Agency, staff or participant information in any manner (See Fraud and Abuse Policy, Section XV.)
- f) Committing any act of violence, fighting, brawling, improper or immoral conduct.
- g) Being on Agency premises while under the influence of alcohol or narcotics. (See Drug Free Work Policy; Section XIV.)
- h) Bringing, having or consuming intoxicating beverages or narcotics on Agency premises.
- i) Willful damage to Agency property or to the property of others.
- j) Harassment of any kind.
- k) Job abandonment.
- l) Violation of safety rules of a major nature.
- m) Violations of Fraud & Abuse Policy or any sort of malfeasance.
- n) Excessive use of Leave Without Pay.
- o) Any other violation of policy not herein specified or any action deemed detrimental to the Agency, its staff, volunteers, or customers.

C. Employee discipline is outlined more fully in Section IX.

10. WORKPLACE VIOLENCE POLICY

It is the policy of EMAA to promote a safe environment for its employees. EMAA will not tolerate any acts or threats of workplace violence including, but not limited to, physical attacks, threats, offensive acts or remarks, harassment, intimidation, coercion, menacing or aggressive behavior, or disruptive behavior by any employee, former employee, or any other person against anyone in or about the premises. Further, EMAA will not tolerate any acts or threats of violence against it

employees, EMAA guests, vendors, or any other visitor on the EMAA's premises or against anyone while engaged in business with or on behalf of EMAA, both on or off EMAA property.

No person should possess any firearm or other weapon or explosive device on EMAA property, in an EMAA owned or leased vehicle, or in a personal vehicle while on EMAA business. Individuals who engage in such behavior may be removed from EMAA premises, and may be subject to appropriate disciplinary action, up to and including the termination of the employee's employment.

A. Guidelines:

- 1.** Employees must report incidents or threats or acts of physical violence to EMAA. Threats or assaults which require immediate medical or law enforcement attention should first be reported to 911.
- 2.** EMAA will investigate and take prompt action, up to and including immediate termination, against any employee who engages in any threatening behavior, act of violence, threatening language, gestures or other conduct prohibited by this policy. In addition, jokes or offensive comments regarding violent events will be taken seriously and will not be tolerated.
- 3.** EMAA will also, where possible, take action against any person who is not an employee of EMAA who engages in behavior in violation of this policy, and will, where appropriate, notify the police or other law enforcement agency and will seek prosecution of violators of this policy.

11. MINIMUM WAGE

No less than the Federal or State minimum wage shall be paid to any employee of EMAA unless otherwise specified by the provisions of the Fair Labor Standards Act

as amended. Trainees under an Agency program may be paid at a lesser rate if so specified by the funding source.

12. BONDING

Bonding shall be required for all employees who by the nature of their job description have duties dealing with the finances of the agency, i.e., check signing, receiving or disbursing funds, bookkeeping, purchasing, etc.

13. TRIAL PERIOD

All staff members - new, promoted or reassigned - shall serve a 90-calendar day trial period (excluding furloughs or other layoff periods).

A. It shall be the responsibility of the Human Resources Coordinator to notify the trial employee's supervisor in a timely manner (see B.) when the employee's trial period evaluation is due, and to supply the supervisor with the appropriate evaluation form(s).

B. At least two weeks prior to the end of the trial period, the trial employee's supervisor shall make a written evaluation of the employee's work performance and recommend to the Executive Director in writing whether the employee should be placed on regular status or terminated. The trial period may be extended for an additional 60 calendar days upon written request by the supervisor and authorization by the Executive Director. In any event, the total time of the initial Trial period may not exceed five (5) months.

- 1)** For new employees during the 90-day (or extended) trial period:
 - a.** No Earned Time Off (ETO) may be taken with pay;
 - b.** The employee will not be enrolled in nor benefit from the agency health and life insurance;
 - c.** Upon becoming a full- or part-time employee, Earned Time Off (ETO) leave benefits will accrue retroactive to the date of

employment. For those who qualify, health and life insurance benefits will become effective on the first day of the month immediately following the end of the employee's trial period.

d. Deposits to the employee's 403(b) retirement plan will not be made until the employee has signed the appropriate forms indicating where the funds should be deposited.

2) For promoted or reassigned employees, there will be no lapse of Agency fringe benefits during the trial period.

C. Completion of trial period

1) The employee's trial period shall be considered over when the evaluation process has been completed and discussed with the employee; the trial employee's supervisor has recommended that the employee's status be changed from trial to regular status; and the Executive Director has approved that recommendation.

2) A newly hired employee on trial period is not entitled to file a grievance or appeal.

14. ORIENTATION FOR NEW EMPLOYEES

A. EMAA's Human Resources Coordinator will be responsible for informing new employees of the organization's policies and the employee benefits it offers. The *Checklist for Intake and Orientation of New Employees* (Form 55) will be used to assure that appropriate information is provided to all new employees and that they sign all required documents. It will be the responsibility of the Program Director or supervisor to provide departmental training to all new employees.

B. All Agency personnel will complete a "Basic Training" course that will train the employee on all aspects of Agency programs and philosophy.

15. WORK SCHEDULE, HOURS, WORKSITE, ABSENTEEISM, TARDINESS

- A.** The Agency workweek is from 12:01 AM on Sunday until Midnight of the following Saturday. Under the compressed work week, normal work hours are from 7:30 AM to 5:00 PM from Monday until the following Thursday, but flextime may be implemented at the request of the employee and at the discretion of the Program Director and the Executive Director. The normal workweek is 36 hours for those working the compressed work week. Exceptions to this schedule must have prior approval by the Executive Director.
- B.** Each Employee will be assigned a worksite.
- C.** Each Employee is responsible for preparing a TimeSheet for the work period. For non-exempt employees, a TimeSheet will include: activities performed; dates and hours worked; dates and hours on leave. For exempt employees, the TimeSheet will include dates works; activities performed; dates and amount of leave utilized for normal workdays when no activities were performed; employee's signature.
- D.** Each employee is responsible for notifying his/her Program Director or designee promptly when unforeseen absences or tardiness occur (see procedures below).

 - A.** When it is apparent that tardiness will occur, the employee shall call the Central Office and notify the designated program receptionist and give an estimated time of arrival at the normal worksite.
 - B.** When an employee not on pre-approved leave will be absent from his/her worksite, the employee will notify the Central Office designated program receptionist by 8:30 AM. The employee will notify other staff members as required by the employee's specific department.

16. OVERTIME WORK

A. Exempt Employees

- 1)** Exempt employees may not, at any time, be compensated for overtime worked. Exempt employees are paid to do the job and their salary will not be adjusted for variations in quantity or quality of work performed, except as provided by the FLSA.
- 2)** Exempt employees, as provided for in the Fair Labor Standards Act, will not use vacation, sick, holiday time, etc. on a day when the exempt employee worked any time. The regulations of the Wage and Hour Division of the Department of Labor allow deductions from pay when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for work place conduct ruled infractions. Also, full pay is not required for the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial or full day deductions may be made.
- 3)** If you are an exempt employee and believe that an improper deduction has been made to your salary, you should immediately report this information to the Executive Director. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly

reimbursed for any improper deduction made.

- 4) Exempt employees are expected to do what is necessary to accomplish their assigned duties, including working extra time and being available at any time (i.e. in the evening for meetings, etc).

B. Non-Exempt employees

- 1) EMAA policy discourages the working of overtime hours for non-exempt employees. Work should be scheduled so that it may be accomplished within the normal workweek, involving no more than 40 hours in the established seven-consecutive-day work period.
- 2) It shall be the responsibility of each supervisor to insure all employees are not required or permitted to work overtime unless absolutely necessary and is fully justifiable as the most efficient and effective way to maintain operations.
- 3) Prior authorization for overtime work shall be granted by the appropriate Program Director and a memorandum summarizing the circumstance in which the overtime was approved shall be submitted to the Executive Director at the first opportunity and it shall be the Executive Director's responsibility to ensure that effective control is maintained within the Agency. Employees shall not work overtime without prior authorization, and any employee working overtime without prior authorization will be subject to disciplinary action up to and including involuntary termination.
- 4) In accordance with the Fair Labor Standards Act, non-exempt employees who are required/permitted to work more than 40 hours in any one work week will be compensated at a rate of one and one-half times their normal hourly rate. Non-exempt employees will be paid for any overtime worked at the end of the pay period in which

the overtime was accrued. Example, due to a holiday, an employee shows more than 40 hours in any workweek, the employee will be paid overtime only for hours over 40 that was actually worked.

- 5) Per FLSA guidelines, compensatory time may not be accrued in lieu of overtime compensation.

17. **CONFIDENTIALITY OF AGENCY INFORMATION**

The Executive Director is the official spokesperson for the Agency. Each department will have assigned a Custodian of Records, should a legal purpose arise.

- A. An employee may speak to outside organizations such as the press, clubs and other outside agencies as an official spokesperson for the Agency with prior approval from the Executive Director. All employees should exercise the utmost discretion concerning official business and records, including the identity of clients and confidential employee information. Any information that has been received on a confidential basis must be maintained as confidential within the Agency. Violation of this policy and/or revelation of confidential information given to an employee in confidence by an employee or a participant in Agency programs may be grounds for personnel action.
- B. Relationships between employees and policy-making groups, funding sources or the community at large must be of a positive and constructive nature.
- C. At no time may Agency client files be taken home or otherwise removed from the premises unless specifically required by program rules. The exceptions would be on a temporary basis for legal purposes (court appearances, etc.) or for Housing Department inspections. If files are removed for an off-site health clinic, the files must be kept in a fireproof,

locked box.

- D.** Response to requests for information concerning Agency employees, present or past, will only be made in writing. The response will be in the form of verifiable, factual information that confirms statements or information provided by the employee to the inquirer. Only staff members designated by the Executive Director will be authorized to respond to such requests.
- 1)** All such requests, written or oral, shall be referred to the Human Resources Coordinator or other such person as designated by the Executive Director.
 - 2)** The inquirer shall be informed that it is the practice of this Agency to respond only to written requests, on company letterhead, signed by the inquirer. The Social Security number of the subject must be included in the inquiry.
 - 3)** The Chairman of the Board of Directors or Chair of the Personnel Committee may access personnel records to ensure compliance with policy.
- E.** Nothing contained in this section of the Personnel Manual shall be construed as prohibiting employees from engaging in activity which is protected by the National Labor Relations Act.

18. OPERATION OF AGENCY VEHICLES

All EMAA employees operating an EMAA vehicle must have in their possession a valid Missouri license and will be subject to a MVR review at time of employment and every 5 years of employment with the Agency thereafter if operation of a vehicle is entailed in their position description. All employees must obey all traffic and motor vehicle laws, including wearing safety belts, when operation Agency vehicles. EMAA employees are prohibited from using cellular phones (unless

equipped with a hands-free device) for any purpose (phones calls, texting, internet, etc...) when operating Agency vehicles.

A. Reporting Automobile Accidents:

The following procedure will be followed on any accident involving an EMAA vehicle while it is in use on Agency business:

- 1) Immediately ascertain if physical injuries have occurred and take the appropriate action.
- 2) Notify the appropriate law enforcement agency. Ensure that the incident is documented on an official report.
- 3) Obtain names, addresses and phone numbers of witnesses, if possible.
- 4) The employee shall not make any oral or written statement admitting fault.
- 5) The employee will report the accident to his/her Program Director and the Administration Program Director.
- 6) On the next business day following the accident, the employee shall complete a Vehicle Accident Report form and transmit it to his/her Program Director who will then forward it to the Administration Program Director.
- 7) The Administration Program Director or designee will report the occurrence to the Agency insurance carrier within one business day of receipt of the Vehicle Accident Report form.

B. Use of Agency Vehicles

- 1) Only personnel authorized by both the appropriate Program Director and the Executive Director may drive Agency vehicles.
- 2) There will be no smoking in Agency vehicles.

- 3) Appropriate insurance must be carried by all individuals driving Agency vehicles. Proof of insurance form will be signed annually and kept in the employee's personnel file.

C. Non-moving violations – i.e. illegal parking

- 1) If a traffic citation or summons is issued for a non-moving violation involving an EMAA vehicle, the employee may receive a written warning and reprimand with consensus of immediate supervisor and Executive Director. Another similar infraction or traffic violation within a calendar year from the date of the reprimand may result in disciplinary probation.
- 2) A third infraction within a calendar year may result in termination.
- 3) The employee will be responsible for payment of any fine and court costs levied involving such violation(s).

D. Moving violations involving an Agency vehicle - i.e. speeding

- 1) If a traffic citation or summons is issued for a moving violation, specifically, speeding – the employee may be placed on disciplinary probation.
- 2) Another similar infraction or traffic violation within a calendar year from the initial date of disciplinary probation may result in termination.
- 3) The employee will be responsible for payment of any fines and/or any court costs involving such violations.

E. Reasons for immediate dismissal regarding operation of EMAA vehicles:

- 1) Operation of Agency vehicle while under the influence of alcohol or drugs that would have an adverse effect upon reflexes and/or coordination and judgment.

- 2) Operating an Agency vehicle for any reason other than authorized business.
- 3) Failure to report any violation will result in immediate dismissal.

19. CUSTODIAL RESPONSIBILITY

When an employee is assigned Agency-owned equipment and materials to be used in job performance, the employee assumes custodial responsibility for such equipment and materials.

- 1) Each employee is responsible for materials and equipment utilized in the function of his/her job.
- 2) Damage to or loss of equipment due to carelessness or neglect may result in disciplinary action.

20. POLITICAL ACTIVITIES

It is the policy of the Agency to permit employees to engage in certain political activities within the Federal Employee Political Activities Act of 1993. However, they may not run for partisan political office or engage in partisan political activities while on the job.

A. Employees may not:

- 1) Use their official position, authority, or influence with the Agency for the purpose of interfering with or affecting the result of an election or a nomination for a party or public office.
- 2) Directly or indirectly coerce, attempt to coerce, command or advise an employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.
- 3) Be a candidate for a public partisan elective office.
- 4) Permit the use of equipment or premises purchased or leased with program funds for any political purpose or to influence the outcome of any election for public or party office.

- 5) Discriminate, threaten or promise discrimination against or in favor of any employee or beneficiary of the program, or any potential employee or beneficiary, because of his/her political affiliation or beliefs, or require any applicant, employee or beneficiary to disclose his/her political affiliation.
- 6) Collect or deduct from the paycheck of any employee contributions for political activities.

B. An employee may, on his/her own time:

- 1) Be a nonpartisan candidate as defined in 5 U.C.S. 1503: "Being a candidate in any election if none of the candidates are to be nominated or elected at such election as representing a party any of whose candidates for Presidential electors were selected."
- 2) Manage political campaigns.
- 3) Raise funds for political purposes.
- 4) Hold positions in a political party.
- 5) Engage in any legal activity at the polls in any election.

C. Resignation Requirement:

- 1) An employee covered by this policy is not permitted to be a candidate for public elective office. Thus, no employee may run in a primary or general election for public office except under the provisions listed as permitted activities while off-duty. An employee planning to be a candidate for partisan public elective office must resign his/her position prior to announcement for candidacy or commencement of activity intending to promote said candidacy, whichever comes first.

21. Personal use of Agency facilities

- A.** Employees are strictly prohibited from using Agency facilities, supplies and equipment for personal use

- B.** Without exception, Agency vehicles or funds may never be used by an employee for personal use. Violation of this policy will subject the employee to immediate termination.

22. Communications

- A.** Email, fax, modem, telephone, the Internet and other means of communication should be used primarily for job-related purposes.
- B.** Employees have no expectation of privacy when any electronic communication is utilized.
- C.** Email, fax, modem, telephone, the Internet and other means of communication may be monitored or accessed by the Agency or its agents at any time.
- D.** Each employee must register all of his/her email address on the worksite computer with his/her Program Director or designee.
- E.** Cellular phones are provided for employees whose work requires them.
 - 1)** Employees must use a hands free device while driving
 - 2)** Employees will not initiate calls or texts while driving. If employee receives a cellular call while driving, the employee will pull off the road as soon as it is safe and practical to do so, and remain stopped as long as the conversation continues, unless hands free device is used.

23. Social Media Policy

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

This policy applies to all employees who work for EMAA. This policy is not intended and shall not be construed as restricting your right to engage in actions protected by the National Labor Relations Act.

GUIDELINES

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

The same principles and guidelines found in EMAA's policies and its basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved.

Know and follow the rules

Carefully read these guidelines, EMAA Confidentiality Policy and the Anti-Harassment and Anti-Discrimination Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful

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

Be honest and accurate

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

Post only appropriate and respectful content

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

do or subjects associated with EMAA, make it clear that you are not speaking on behalf of EMAA.

Using social media at work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related. Do not use EMAA email addresses to register on social networks, blogs or other online tools utilized for personal use.

Retaliation is prohibited

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

Media contacts

Employees should not speak to the media on EMAA's behalf without authorization.

24. USE OF PRIVATELY OWNED VEHICLES IN THE PERFORMANCE OF OFFICIAL AGENCY DUTIES

- A.** Any EMAA employee who receives compensation for travel on Agency business must be covered by insurance that specifically allows for "business travel".
 - (1)** The employee must confirm such coverage by completing the proper form from the administrative office, which shall become a part of the personnel file.
 - (2)** The employee is responsible for keeping the form current by notifying the administrative office of any change in policy or carrier.

- B. Volunteer drivers performing Agency functions must also provide proof of insurance
- C. All employees and volunteers must obey all traffic and motor vehicle laws, including wearing safety belts, when performing Agency functions.

25. GRATUITIES

Employees of the Agency are prohibited from accepting gifts, money, and gratuities from persons receiving benefits or services from the agency, or from persons performing service under contract and/or vendors to the agency or otherwise in a position to benefit from an employee's action.

26. STAFF MEETINGS

All departments and programs of EMAA shall conduct supervisory staff meetings on at least a monthly basis, if possible. Minutes of the meeting shall be maintained listing attendees, date of meeting, and topics discussed.

27. DRESS CODE

A. POLICY STATEMENT

- 1) East Missouri Action Agency considers it very important that employees are well groomed, neat, and dressed appropriately for their job function; a dress code must be followed that is appropriate to the work environment. EMAA has adopted a Casual Dress Code Policy.
- 2) Program Directors have the discretion to determine appropriateness in appearance. Supervisors should communicate their department's workplace attire and appearance guidelines to staff during the orientation and evaluation period. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor. East Missouri Action Agency reserves the right to amend this policy at any time.

B. GENERAL GUIDELINES

- 1) EMAA wishes to provide a work environment that is free of safety hazards, offensive behavior, and harassment of any kind. Therefore, the following clothing is NOT ACCEPTABLE: spandex; bare feet; shorts/skirts/skortis more than 3 inches above the knee, pants or skirts worn below the waistline; bare midriff; sexually provocative clothing; clothing with profanity, nude or semi-nude pictures; sexually suggestive slogans, cartoons, or drawings; the observable lack of undergarments; exposed undergarments; ripped, frayed or disheveled clothing; pants that are too long and drag the floor. Employees are expected at all times to present a professional image to clients, visitors, customers, and public.
- 2) Managers and Supervisors are responsible for ensuring that departmental personnel are in compliance with the Dress Code. Supervisors reserve the right to send any person who violates any part of the dress code home to change clothes. Hourly-paid employees must utilize leave time if they are sent home because of failure to comply with designated workplace attire standards. The time spent away from work for this reason will follow Attendance Policy guidelines.
- 3) In the event there are violations of this policy, the following actions may occur:

1 st Violation	Verbal Warning
2 nd Violation	Written Warning
3 rd Violation	Suspension

4 th Violation	Termination
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- 4) This list is provided for illustrative purposes only and not for the purpose of limitation. The list is based upon EMAA’s safety concerns and the desire to maintain an atmosphere which is free of harassment of any kind.

Appropriate	Inappropriate
Khakis or Corduroys, dress pants Jeans (must be clean, free of rips, tears, and fraying; must be uniform in color and may not be excessively tight or revealing) skorts/skirts/shorts no more than 3 inches above the knee, Capri’s, dresses, pantsuits	Sweatpants, leggings, exercise wear, spandex, Skorts/skirts/shorts more than 3 inches above the knee, low rise or hip hugger pants or jeans Bib overalls Halter dresses
Polo collar knit or golf shirts, Oxford shirts, Nicely kept T- shirts Agency logo wear Pullovers, Sports Coats, Sweaters Button up shirts Short-sleeve blouses or shirts	Unkempt T-shirts or sweat shirts Exercise wear Crop tops, Midriffs, spaghetti straps, tank tops Halter tops, Strapless shirts (anything with inappropriate bare skin showing)
Dress shoes, loafers Boating or deck shoes Casual, open back shoes, athletic shoes Open toe shoes, Sandals, Boots	Flip flops (rubber/ beach wear) Sandals with heels more than 4 inches

- 5) Employees may wear nicely kept tee shirts or sweatshirts with logos. The regular prohibition against pictures or wording that is suggestive or otherwise offensive in nature will still apply.
- 6) Staff conducting or attending meeting or seminars or who know they will come in contact with other business professionals, are expected to represent the Agency in a professional manner and dress appropriately in business casual for conducting such business.
- 7) Body piercing jewelry will only be worn on the ear. No other areas of the body should be visible with body piercing jewelry.
- 8) Tattoos must be appropriate in content, obscured as much as possible, and in keeping with a professional image.
- 9) In the event any employee requires an accommodation to EMAA's dress code policy due to religious beliefs, such request for an accommodation should be placed in writing and submitted to the Executive Director.

C. NON OFFICE PERSONNEL

The same guidelines apply to non-office personnel. Any employee who performs any work assignments in Construction, Maintenance or Restaurant should dress for safety. Shoes should be closed toe (preferably steel toe for construction or maintenance). All PPE (personal protective equipment) should be used to prevent serious injury.

D. PERSONAL HYGIENE

Good personal hygiene is a must. Violations of the policy would be offensive perfumes and body odor. If an employee's poor hygiene or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the employee in private and should point out the specific areas to be corrected.

If the problem persists, supervisors should follow the normal corrective action process.

28. HUMAN TRAFFICKING

- A. Definition:** Human Trafficking is the recruitment, transportation, transfer, harboring or receipt of person, by means of the threat or use of force or other forms of coercion of abduction of fraud, of deception, of the abuse of power or the position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.
- B. Policy:** All employees within the organization will report suspected Human Trafficking to their Program Director, Executive Director or Human Resources. Employees will not take matters into their own hands to deal with the possible trafficking and will cooperate fully with all federal, state, and local agencies. This policy is in response to the Trafficking Victims Protection Act of 2000: 22 U.S. Code 7104

SECTION VI: SALARIES AND WAGES

1. POLICY STATEMENT:

It is the policy of the Board that a salary schedule will be established and maintained which will classify the salary of each employee position by grade and step.

2. CLASSIFICATION OF POSITIONS:

All positions within the Agency will be classified under the following categories:

- A. Full-time:** Those positions requiring a regularly schedule work week of 30 hours or more.
- B. Part-time:** Position requiring less than full-time hours or weeks, but of an ongoing nature.
- C. Full-year:** Position working 52 weeks per year, either full or part time.
- D. Full-time Part-year:** Head Start Field Staff positions working an ongoing, annual planned schedule of less than 52 weeks per year. This position may be offered furlough status upon the end of school year with a set recall date along with unemployment compensations accompanied with a work search waiver. (effective 4/27/2015)
- E. Temporary:** Those positions requiring work for a period of up to 31 weeks. The time frame may be extended for up to an additional nine (9) weeks, for a total of up to forty (40) weeks with special permission from the Executive Director. The "Temporary Staff" designation will not be utilized to circumvent providing an employee with fringe benefits. The position will qualify for medical benefits only. No dental, vision or earned time off will be offered.

- F. Contract:** Those position under contract to the Agency to work specific times for specific amounts of money to perform unusual or irregular assignments. Any services contracted for must conform to IRS guidelines.
- G. Emergency Appointment:** In the event of a sudden vacating of a position, excluding the Executive Director, the Executive Director must approve an employee to fill the position for a period not to exceed two months until standard employment procedures can be implemented. In the case of an unexpected vacancy in the Executive Director's position, the Agency Board of Directors may appoint an interim Executive Director to serve until standard employment procedures can be implemented.
- H.** No part-time, temporary, or emergency appointment will exceed the time allowance stipulated above or transition to full-time employment without competing in the regular hiring process as outlined in Section IV.

3. RATING OF POSITIONS

- A.** Each position in the Agency, with the exception of Temporary and Contract will be rated by the Job Rating Committee. Any new positions created within the Agency must be rated prior to posting the position. Any major revision of a position description will require it to be reevaluated by the Job Rating Committee prior to any salary adjustment, if applicable.
- B.** An employee may apply for a lower classification position that has fewer responsibilities. The rate of pay will be based on the lower classification. This may result in a decrease in pay.

4. SALARY SCHEDULE

- A.** The Agency salary schedule will consist of grades, reflecting the value of positions and steps, indicating the range of salary with the grade. The Agency salary schedule shall be an addendum to the Agency Personnel

Manual. The Agency will maintain salary schedules to accommodate the compressed work week employee, the non-compressed work week employee and executive.

5. ASSIGNMENT OF POSITIONS TO THE SALARY SCHEDULE

- A.** Each position will be assigned to the salary schedule by grade and step. Assignment will be made as the result of rating by the Job Rating Committee, except as market demand, wage comparison or funding source may require.
- B.** When new employees are hired or when staff members are promoted or transferred internally, they will be placed at Step 1 of the pay grade. Written permission must be obtained from the Executive Director before a job candidate may be offered higher pay than the base starting pay for that grade, even if the job candidate involved has been previously employed by the Agency at a rate above Step 1 of the grade involved.

6. COST OF LIVING ADJUSTMENT

- A.** The agency shall administer COLA adjustments in a uniform manner among all employees and departments.
- B.** All COLA adjustments are granted annually as funding source and/or budgets allow at the Board's discretion.

7. MERIT INCREASE

- A.** When an employee has exhibited outstanding performance as reflected in performance evaluations or other documentation, the Program Director may recommend to the Executive Director, a merit step increase. The increase may either be one step (2.5%) or two steps (5%) on the salary schedule. All merit increases are subject to availability of funds.
- B.** Recommendations for merit increases will be made utilizing the current Personnel Action Form.

- C.** Documentation of exemplary performance must accompany the recommendation (i.e. performance evaluation)
- D.** Salary increase can only be granted to employees who successfully completed their trial period and no on disciplinary probation action.
- E.** No employee may receive merit increases in two successive Agency fiscal years unless additional role responsibilities had been added.

8. PAY PERIODS

- A.** Full-time and Part-time employees will be paid on a bi-weekly basis; all Personnel Activity Reports (PAR) must be submitted to the Agency election prior to 5pm Monday, following the end of the pay period.
- B.** Changes to this schedule may be necessary due to holidays, etc. Staff will be informed of any schedule adjustments ahead of time.
- C.** Personnel who do not turn in an electronic time-sheet according to the above schedule may not be paid until the following pay period.

9. DEDUCTIONS

- A.** The Agency will follow the mandatory regulations in deducting the following:
 - 1)** FICA
 - 2)** Federal Income Tax
 - 3)** State income Tax
 - 4)** Medicare
- B.** Employees requesting voluntary deductions must do so in writing.

10. GARNISHMENTS

- A.** The Agency will abide by the law as required.

11. SALARY ADVANCE

- A. Definition:**

For purposes of the policies, a salary advance is defined as money that has been “earned” but is not routinely payable at the time an employee request such an advance. The money has been “earned” if either the days of which pay is to be granted has been worked, or the employee has sufficient Earned Time off (ETO) to cover those days.

B. Situations in Which a Salary Advance is Permitted:

A salary advance will be approved only if the employee’s situation involves an illness of the employee or an immediate family member that will cause the employee to be unavailable on payday, or some other type of emergency generates an urgent need for early availability of the salary payment.

C. Procedure:

- 1) An employee requesting a salary advance shall complete the “Request for Salary Advance” form in duplicate and forward it to the Program Director. A completed Personnel Activity Report shall accompany the request.
- 2) The Program Director shall transmit the approved forms, including the Request for Leave for (if applicable) to the Executive Director.
- 3) The Executive Director will forward the approved forms to the Administration Department for processing. The duplicate of the Request for Salary Advance will be returned to the Program Director.
- 4) If it is approved, the salary advance will be issued to the employee on his/her last scheduled working day prior to being gone from the work site.
- 5) To ensure the ample processing time, two days’ lead-time should be allowed for the salary advance procedure whenever possible.

12. ADDITIONAL PAY

- A.** It is the policy of the Board that employees who hold certain positions may be eligible for special pay based upon allowable expenses in a program funding contract. The special pay must be approved in writing by the Executive Director.

SECTION VII: FRINGE BENEFITS

1. POLICY STATEMENT

- A.** It is the policy of the Board to provide fringe benefits for employees, including insurance, leave buy-back, and leave time, in an effort to keep employees performing in a satisfactory manner. Fringe benefits are subject to the availability of funds.
- B.** Except as noted below, employees are not eligible for fringe benefits until they have successfully completed the initial trial period (minimum 90 days). Employees may use one paid Personal Day during their trial period, if needed and approved by their supervisor. Current employees, who are hired into a new position at EMAA, provided they have already completed an initial 90-Day trial period in their current position, will remain eligible for fringe benefits during the trial period for their new position. In addition, time served by Emergency Hires and Temporary Hires will count toward their 90 introductory period if they are subsequently hired as a regular employee in the same position. Employees must work 30 hours per week to qualify for fringe benefits except Agency Life Insurance and Employee Assistance Program (EAP).

2. LEAVE TIME

A. Holidays

1) Agency Holidays

The following holidays shall be observed by Agency employees:

January: New Year's Day & Martin Luther King's Birthday (3rd Mon.)

February: President's Day (3rd Mon.)

March/April: Good Friday

May: Memorial Day

July: Independence Day

September: Labor Day

October: Columbus Day

November: Veteran's Day, Thanksgiving Day and Friday after

December: Christmas Eve, Christmas Day, 1/2 Day New Year's Eve

2) Observation of Holidays

Staff will observe all Agency holidays on the day they officially occur except as covered below. The Agency sites shall be officially closed.

a. For compressed work week employees, if a holiday occurs on Friday or Saturday, the holiday will not be observed. If the holiday occurs on Sunday, the following Monday will be observed. Please observe yearly Holiday schedule provided by Human Resources. For non-compressed work week employees, if a holiday occurs on a Saturday, the holiday will be observed on the preceding Friday.

b. On occasion, due to workload contingencies, it may be necessary for staff to work on an official holiday. When this occurs, they will have previous written authorization from the Executive Director who will then grant such employee(s) a day off at a later specified time.

- c. Employees who are on leave without pay for any portion of the day immediately preceding or following a holiday, shall not be paid for that holiday.
- d. Regular employees are eligible for holiday pay during the initial trial period.
- e. Temporary and Emergency employees will not be paid holiday pay.
- f. All compressed work week employees will receive a maximum of 8 hours holiday pay for each observed holiday. One hour of ETO will have to be taken to make up the remainder of your 9 hour day.

3) Part-time Employees and Half-Day Holidays

Part-time employees who plan to use ETO on a half-day holiday will only need to take ETO for ½ of the hours they are normally scheduled to work. The remaining hours will be considered holiday pay.

B. Earned Time Off (ETO) and Personal Leave

1) Supervisory Approval

It is the responsibility of the Program Director initially, and the Executive Director ultimately, to assure that use of ETO, Personal Days, Sick Leave, or personal leave by employees is in the best interest of the program and the Agency. When feasible, employees will have prior approval to use leave. See part (8) a in this Section regarding prior approval of leave.

- a. Paid leave (other than eligible holiday pay) may not be taken during the initial trial period or during a disciplinary probation. Absence will be considered leave without pay.
- b. No leave may be taken in advance of being accrued.

- c. No employee shall carry forward more than 320 hours of ETO into October of each year.
- d. Employees will have the option of selling back a portion of their accrued ETO in September of each year with the exception noted in e. below. The Agency will buy back ETO according to the following schedule:

Number of ETO Hours Accrued	Number of Hours Employee May Sell Back
72 - 143.99	20
144 - 215.99	40
216 - 287.99	60
288 - 359.99	80
360 or more	120

- e. Head Start employees with ETO will sell back on a one-to-one basis any available leave that is not used during the course of a school year.
- f. When an employee transfers from one Agency program to another, the accrued ETO or personal leave and covering funds will also be transferred to the hiring program.
- g. Employees who are laid off because of a reduction in force or work stoppage and are re-hired within two calendar years from their last paid working day will maintain their original anniversary date for the purpose of ETO accrual. No leave will accrue during the lay-off period. In addition, there will not be the standard 90-day introductory period before said employee can begin accruing and utilizing fringe benefits

again; such employees may begin utilizing fringe benefits immediately.

- h. Contract, temporary and emergency employees do not earn ETO.
- i. Leave "banked" as of October 1, 1996 may not be sold back to the Agency at any time. Banked leave may be used, with supervisory approval, at any time.
- j. All full-time, full-year employees are required to take the equivalent of four (4) consecutive working days away from work each fiscal year, at a time to be worked out with their supervisor. The four working day period may include Agency holidays.

2) Recording ETO

All leave will be taken in units no smaller than one-half hour increments. This information will be transcribed annually to the permanent personnel records

3) Rates of Accrual for Full-time Employees

- a. Full-time employees (at least 70 paid hours per pay period for 52 weeks per year) with less than 1 year of employment will accrue 80 hours of ETO per year (3.1 hours per pay period).
- b. Full-time employees with over 1 years but less than 5 years of employment will accrue 135 hours of ETO per year (5.2 hours per pay period).
- c. Full-time employees with over 5 years but less than 10 years of employment will accrue 176 hours of ETO per year (6.8 hours per pay period).

- d. Full-time employees with over 10 years but less than 15 years of employment will accrue 208 hours of ETO per year (8 hours per pay period).
- e. Full-time employees with over 15 years but less than 20 years of employment will accrue 223 hours of ETO per year (8.6 hours per pay period).
- f. Full-time employees with over 20 years of employment will accrue 239 hours of ETO per year (9.2 hours per pay period).

4) Accrual Rates for Part-time, Full-year Employees

- a. Employees who work the full year, but are less than full-time will accrue at a percentage rate based on what portion of a 40-hour week they work (e.g. an employee who works a 20-hour week will accrue at 50% of the rate of a full-time employee with the same length of service). Employees that work 16 hours a week and less, do not accrue ETO.
- b. A part-time, full-year employee who works more than his/her regular number of hours in a regular pay period will still accrue at his/her regular rate. Only when an employee's hours are officially changed will he/she be entitled to accrue at a different rate.

5) Rates of Accrual for Full-time, Part-year Employees

- a. Full-time part-year Head Start personnel will receive personal leave. Accrual will depend on seniority and the number of work hours scheduled per week, based on the following schedules:

40 hours per week:

<u>SENIORITY</u>	<u>LEAVE AVAILABLE</u>
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<u>(in years)</u>	<u>(each school year)</u>
<u>0-3 years</u>	<u>48 hours (6 days)</u>
<u>More than 3 through 5 years</u>	<u>64 hours (8 days)</u>
<u>More than 5 through 10 years</u>	<u>80 hours (10 days)</u>
<u>More than 10 through 20 years</u>	<u>96 hours (12 days)</u>
<u>More than 20 years</u>	<u>112 hours (14 days)</u>

32 hours per week:

<u>SENIORITY</u> <u>(in years)</u>	<u>LEAVE AVAILABLE</u> <u>(each school year)</u>
<u>0-3 years</u>	<u>40 hours (5 days)</u>
<u>More than 3 through 5 years</u>	<u>56 hours (7 days)</u>
<u>More than 5 through 10 years</u>	<u>72 hours (9 days)</u>
<u>More than 10 through 20 years</u>	<u>88 hours (11 days)</u>
<u>More than 20 years</u>	<u>104 hours (13 days)</u>

30 hours per week:

<u>SENIORITY</u> <u>(in years)</u>	<u>LEAVE AVAILABLE</u> <u>(each school year)</u>
<u>0-3 years</u>	<u>36 hours (6 days)</u>
<u>More than 3 through 5 years</u>	<u>48 hours (8 days)</u>
<u>More than 5 through 10 years</u>	<u>60 hours (10 days)</u>
<u>More than 10 through 20 years</u>	<u>72 hours (12 days)</u>
<u>More than 20 years</u>	<u>84 hours (14 days)</u>

24 hours per week:

<u>SENIORITY</u> <u>(in years)</u>	<u>LEAVE AVAILABLE</u> <u>(each school year)</u>
<u>0-3 years</u>	<u>30 hours (5 days)</u>
<u>More than 3 through 5 years</u>	<u>42 hours (7 days)</u>
<u>More than 5 through 10 years</u>	<u>54 hours (9 days)</u>
<u>More than 10 through 20 years</u>	<u>66 hours (11 days)</u>
<u>More than 20 years</u>	<u>78 hours (13 days)</u>

- b.** At the beginning of each school year, or on the date the employee returns to work in August for that school year, whichever is first, Full-time part-year Head Start personnel will receive personal leave in the amount detailed in the chart above.
- c.** Employees that voluntarily terminate will receive ETO back on a one-to-one basis as per the following chart:

Month of termination	% of ETO Received
August	0%
September	0%
October	30%
November	40%
December	50%
January	60%

February	70%
March	80%
April	90%
May	100%

- d. Employees hired during the school year will be awarded leave on a pro-rated basis once the trial period has been successfully completed.
- e. Changes in the amount of personal leave allocated each employee for each school year will be effective with the employee's anniversary date and will be pro-rated according to the amount of time left in the school year.
- f. At the end of the school year, or on the date on which the employee starts summer furlough whichever is later, the employee may sell back to EMAA, on a one-to-one basis, any personal leave not utilized during that school year. No personal leave may be carried over into another school year or into summer furlough.
- 6) Personnel using any leave without pay will not accrue Earned Time Off for that pay period.
- 7) Any change in the rate of accrual for employees will be effective at the beginning of the first pay period following the employee's anniversary date.
- 8) **Request for ETO**
 - a. An employee planning or anticipating absence from the worksite must apply for such leave by preparing and

submitting the appropriate "Request for Leave" for to his/her Supervisor at least three working days prior to the first date of leave.

9) Leave Other Than Prior Approved

When absence from a worksite could not be anticipated in time to obtain prior approval the following procedures will be followed:

- a. As soon as the employee finds he or she will be absent or tardy from the worksite, notify Central Office before 8:30 A.M. and reporting the situation. Staff calling long distance should use toll-free number 1-800-392-8663. The employee should also follow any specific Departmental procedures needed to notify her/his supervisor.
- b. When an employee has been absent without prior approval, she/he will prepare a "Request for Leave" form after returning to work and submit it to her/his supervisor.
- c. Each employee must have submitted all applicable "Request for Leave" forms to the supervisor prior to submission of the personnel activity report to the Administration Department. Paychecks may be held up until this procedure is complete.

C. Sick Leave

- (1) Full year staff will accumulate a total of 32 hours per fiscal year to use as sick leave. At no time during the duration of employment, will an employee be allowed to possess more than 20 days or 160 hours of sick leave. The hours will be awarded at the beginning of each fiscal year for all staff employed as of October 1 of that year.
- (2) Part year staff will receive three (3) days per fiscal year to use as sick leave. These will be awarded on October 1 of each year.

- (3) For full year staff who join EMAA during the year, the sick hours will be pro-rated at the rate of 8 hours per quarter of the fiscal year remaining and will accrue from the time the employee joins the Agency, and will be available for use after the employee has successfully completed the initial trial period. Part year staff will who join EMAA during the year will have their sick days pro-rated at one every quarter.
- (4) Sick days may be used for the employee's illness or for the illness of a household or family member.
- (5) For absences due to illness in excess of 3 days, a supervisor may require the employee to submit a doctor's note upon return to work.
- (6) Once all sick leave has been utilized, an employee may use ETO or Personal Days.
- (7) Sick leave days, should there be any remaining, may be carried over from one fiscal year into the next and may not be "sold back" at any time.
- (8) Sick leave can be used in half-day increments.
- (9) Employees who work less than full-time will receive Sick Days based on the normal number of hours they work each day. (E.g. An employee who normally works a six-hour day will receive Sick Days that are each six hours long.) A table is included in Part E (7) below.)

D. Bereavement Leave

Paid Bereavement Leave may be approved by the Executive Director for one to three working days, based on the employee's regularly scheduled work schedule, upon the deaths of persons having any of the following relationships

to EMAA employees, provided that the persons are also related by blood, marriage or adoption:

- (1) Spouse
- (2) Son; Daughter; Son- or Daughter-in-Law
- (3) Parent; Parent-in-Law
- (4) Sister; Brother; Sister- or Brother-in-Law
- (5) Grandparent/Grandchild; Grandparent-in-law
- (6) Other relationships that the Executive Director finds equivalent to the above.

E. Personal Days

Regular employees (no temporary or contract) will be allowed two (2) Personal Days per Agency fiscal year (October 1 through September 30).

- (1) Personal Days may be taken in full days only, not on an hourly basis. The only exception to this rule is when an employee would otherwise have to take leave without pay. In this situation, an hourly charge to Personal Days is allowable.
- (2) **A.** Employees serving a trial period may use one personal day and can use this in hourly increments.
B. Employees will be given hours for Personal Days that are equivalent to their regularly scheduled hours worked per day.
Any Personal Days that are not utilized during a fiscal year may be carried over into the next fiscal year. Only full Personal Days may be carried over, so if an employee has had to use hours from a full Personal Day (see (1) above), that Personal Day may not be carried over. The number of Personal Days that may be carried over is capped at six (6) 54 hours.
- (3) Personal Days may never be sold back to the Agency.

- (4)** The method for requesting use of a Personal Day is the same as for requesting ETO.
- (a)** The Personal Day should be requested in advance, if at all possible.
- (b)** If the Personal Day cannot be requested in advance, it must be called into the Central Office no later than 8:30 A.M. on the day the leave is to be used.
- (c)** As with all other EMAA leave time, the employee’s supervisor or Program Director has the right to deny the request for leave.
- (5)** At the beginning of each Agency fiscal year, all regular employees will receive credit for two (2) Personal Days. Eligible employees joining the Agency before April 1 of any year will receive two (2) Personal Days. Eligible employees joining the Agency after April 1 of any year will receive one (1) Personal Day for the balance of the fiscal year.
- (6)** Employees who work less than full-time will receive Personal Days based on the normal number of hours they work each day. (E.g. An employee who normally works a six-hour day will receive Personal Days that are each six hours long.) The schedule will be as follows for Sick and Personal Days, which will be awarded October 1 of each year:

Average Length of Work Day	Sick Hours	Personal Hours
6	18	12
6.5	19.5	13
7	21	14

7.5	22.5	15
8	24	16

F. Weather Leave

Weather leave is available for eligible Head Start center staff only.

- (1) On days when children are present, Head Start Site Managers will be responsible for decisions to close Head Start programs due to inclement weather. Head Start center- and home-base programs will not automatically be closed when the school districts within the area have canceled school, but, if transportation is provided; all routes must be taken into consideration. The Site Manager will notify the appropriate Area Coordinator or the Head Start Program Director prior to announcing the closing. The Site Manager will provide local radio stations with the cancellation information.
- (2) All missed classroom days will be made up at the end of the program year. Classes cannot be made up during Spring Break week. To count as a classroom day which does not have to be made up, children must be in attendance at the center for 2.5 hours. Staff will indicate days closed on timesheets as a “no work day.” Monday classes offered at the full-day sites will not have to be made up if canceled due to weather.
- (3) In order to remain open, a class must have three (3) staff people present, at least one of whom must be an education member (this includes center aides). If no education staff can be present, the center must close and this day will be made up at the end of the year. If the center is open, but a staff member is unable to attend due to inclement weather, ETO or Personal Days may be used for this

absence. If ETO and Personal Days are exhausted, Leave Without Pay will be utilized and policies regarding this leave will be followed.

G. Inclement Weather

- (1) A non-Head Start facility may be officially closed due to inclement weather or open with a “late start” only at the discretion of the Executive Director or designee.
- (2) Employees who arrive or leave at the officially designated late open or early closing time will not be charged for any ETO or other paid time off.
- (3) Employees who call in per agency policy (i.e. “As soon as the employee finds he or she will be absent or tardy from the worksite, notify Central Office by calling the receptionist before 8:30 A.M. and reporting the situation.”) prior to the early closing announcement will be charged for the full amount of ETO or other leave he or she requested for that day.

H. Other Types of Leave

- (1) Leave Without Pay (LWOP)
 - a. Request for Leave Without Pay must be made to the Program Director stating the reason for the request and the expected duration of such leave.
 - b. Leave without pay may not be taken until an employee has exhausted all other paid leave.
 - c. Personnel utilizing Leave Without Pay will not accrue any Earned Time Off or any other form of leave for the pay period in which the LWOP is taken.
 - d. Excessive use of Leave Without Pay is cause for discipline as outlined in Section IX.

(2) Military Leave

Military leave will be granted as Leave Without Pay (without prejudice) for participation in official military observed unit exercises. A copy of official orders shall be required prior to granting leave. Applicable state or federal laws may supersede this policy.

(3) Jury Duty

Employees must provide written verification of jury duty. Leave with full pay will be granted. Employee must reimburse Agency in full for all pay received for court duty.

(4) Time Off for Voting

In the event an employee's work schedule does not allow the employee three (3) successive hours in which to vote, an employee may request up to three (3) hours of leave during election hours. Any request for leave for purposes of voting must be made in writing, and must be made prior to the day of election. When special elections or referendum votes are being held in a particular jurisdiction in which the employee lives, supervisors may request confirmation that the election is being held (newspaper clippings or other documentation).

(5) Administrative leave should only be used for emergency circumstances and will be at the discretion of the Executive Director.

I. Family and Medical Leave (FMLA)

(1) The East Missouri Action Agency is required by law to allow eligible employees to take unpaid, job-protected leave for certain family medical events.

(2) The complete policy on FMLA is in Section XVIII of the Personnel Policy Manual.

3. INSURANCE BENEFITS

A. Worker's Compensation

All employees will be covered by Workers' Compensation insurance consistent with Missouri State Law.

- (1)** The employee is responsible for completing the necessary forms when filing a Workers' Compensation claim.
- (2)** If an employee chooses to file a Workers' Compensation claim, accrued ETO may be used for the first three (3) days following the incident.
- (3)** Current Missouri regulations regarding Workers' Compensation provide for the following:
 - a.** Workers' Compensation payments are 2/3 of the employee's average weekly pay for the previous 13 weeks.
 - b.** Payments are not made for the first three (3) days unless the employee is hospitalized or unable to work for more than 14 working days.
 - c.** If the employee is hospitalized or unable to work for more than 14 working days, Workers' Compensation will then pay for time off from the beginning day of the injury.
 - d.** If an employee utilizes ETO for any of the first three (3) working days, or for any of the time the employee is off work and for which Workers' Compensation is liable, the Workers' Compensation carrier may or may not reimburse the employee for days the employee was on leave with pay. Payment for those days will be decided on a case-by-case basis by the Workers' Compensation insurance carrier.

B. Social Security: Social Security contributions will be made as required by law.

- C. Unemployment Insurance: Unemployment Insurance contributions will be made as required by law.
- D. Health Insurance: Health insurance will be made available to all regular employees working at least 30 hours per week at the first of the month following sixty days.
 - (1) Employees may be required to pay a portion of the insurance premiums.
 - (2) Health/Accident insurance will not be provided for temporary, emergency or contract workers or otherwise prescribed by federal law.
- E. Life Insurance: Life Insurance is provided for all regular employees effective upon successful completion of the initial trial period.
- F. Short-Term Disability Insurance:

Definition: The employee is determined by a physician to be unable to work because of physical illness, injury or mental condition. The physician's determination shall be in writing and shall be renewed by the same or another physician not less than every two weeks. Should the employee be unable to ensure that this documentation is provided; the Human Resources Coordinator will obtain the required documentation. The EMAA Program Director or the Executive Director may require an examination by a physician selected by the Agency, if determined appropriate.

 - (1) There will be a ten (10) working day waiting period for each occurrence before coverage begins.
 - (2) The ten (10) working day waiting period may be any combination of types of leave except that Leave Without Pay may not be taken until an employee has exhausted all other paid leave. The entire

employee's available paid leave must be used before Short-Term Disability may be used.

- (3)** Coverage will continue for up to ten (10) weeks or until the employee returns to work, whichever occurs first.
- (4)** The ten-week coverage period will be on a "rolling" annual basis, as with Family Medical Leave. Ten (10) workweeks of Short-Term Disability is a twelve-month limit, not "per occurrence." A "rolling" twelve-month period is measured backward from the date an employee uses Short-Term Disability.
- (5)** Employees will be covered when they become eligible for Family Medical Leave, and under the same conditions.
- (6)** ETO will not accrue for the employee while the employee is on Short-Term Disability leave.
- (7)** The employee will continue to be covered by EMAA medical and life insurance while on Short-Term Disability leave; EMAA will continue to pay its portion of employee insurance premiums. Insurance premiums for the employee and, if necessary, the employee's dependents will be deducted from the Short-Term Disability Insurance payment before payment is forwarded to the employee.
- (8)** If the FMLA is for the employee, and the employee receives Short-Term Disability, the time during which Short-Term Disability benefits are received shall also count for FMLA purposes.
- (9)** Payment will be made according to the following schedule:
 - a.** Employees earning up to and including \$9,999.99 per year will receive a Short-Term Disability benefit of \$150.00 per week.

- b. Employees earning more than \$10,000.00 and up to \$19,999.99 per year will receive a Short-Term Disability benefit of \$200.00 per week.
- c. Employees earning more than \$20,000 and up to \$29,999.99 and per year will receive a Short-Term Disability benefit of \$250.00 per week.
- d. Employees earning \$30,000 or more per year will receive a Short-Term Disability benefit of \$300.00 per week.

4. MEMORIALS

- A. In the event of the death of a Board member, staff or family member, the Administration Department will be responsible for sending a \$35.00 memorial on behalf of the Board member, employee or family member based on information provided by the Program Director or Executive Director. Depending on the family's preference, these memorials will be in the form of:
 - (1) Cash contributions to the family; or
 - (2) Cash contributions to a charity; or
 - (3) Purchase of a flower or plant.
- B. Memorials will be made for the employees following the list provided in the bereavement policy of the manual.

5. RETIREMENT PLAN

POLICY: In order to provide for a more secure retirement for its employees, EMAA will offer a 403(b) (7) retirement plan that will include the following components:

- A. EMAA Contribution: Determined by EMAA annually.
- B. EMAA Employee Contribution: Determined by employee (20% of salary per person maximum allowable contribution).

- C. Administrative fees, to be determined annually, will be paid by deductions from the amounts credited to employees. Fees payable at the time of an employee's termination may be withheld from amount due employee.
- D. Income and Payroll Taxes: Income taxes will be deferred until employees draw the money out of the plan. Payroll taxes will be owed on any additional deposits employees choose to make in the plan.
- E. Withdrawal Stipulations: The following options are required by law:
 - (1) Arbitrary: withdrawal before age 59 1/2 - 10% tax penalty (federal law)
 - (2) Retirement: before age 59 1/2 - set up on an equal payment basis with no penalty (example \$500.00 per month). Income tax will apply.
 - (3) Retirement: after age 59 1/2 - several options, including lump sum. Income tax will apply.
- F. Roll-Over: The funds in an EMAA employee's retirement account may be rolled over to an individual IRA with no surrender charges when the employee leaves EMAA.
- G. Vesting Schedule: Determined annually.
- H. Method of Contribution: Payroll deduction.
- I. Agency contributions and employee contributions will begin after successful completion of the employee's introductory period.
- J. In the event any portion of this policy conflicts with language in any of the plan documents, the plan documents shall be controlling.

6. TRAINING AND EDUCATION OPPORTUNITIES

- A. Opportunities for training shall be provided to all staff members of EMAA. Documentation of all training received by staff shall be maintained in each individual's personnel file. (See procedure below.) Each employee is required to complete a minimum of 16 hours of training each year.

- (1) The current Training Report form shall be completed by each employee after each training event attended and shall be placed in the employee's personnel file.
 - (2) A log will be maintained of training opportunities provided, showing title and date of training and name(s) of employee(s) attending.
- B.** Employees may be reimbursed for college credit hours in courses that will benefit the employee's current position, up to six credit hours per semester, if the program budget allows. Employees may not be reimbursed for books or other incidental expenses.
- (1) Employees intending to request tuition reimbursement should apply to their Program Director in writing, prior to registration, naming the course to be taken and outlining the relevancy of the course to the employee's current position. The Program Director will approve or deny the request based upon the relevance of the class to the employee's current position, the employee's past record on completing education and training activities, and other relevant factors.
 - (2) When the employee has registered and paid for the semester's tuition, she/he will present the receipt per normal fiscal policies. At that time, the employee will be reimbursed for one-half of the semester's tuition, for up to six credit hours.
 - (3) Upon successful completion of the course(s), the employee will present a copy of the course grade or transcript and request, via normal fiscal procedures, reimbursement for the second half of the semester's tuition.
 - (4) Employees who receive less than a "C" grade in the course will not be reimbursed for the second half of the tuition. They will not be

required to reimburse the agency for the first half of the tuition paid to them.

- (5) Reimbursement will be only for courses that are directly related to the employee's current staff position (e.g., a Family Planning staff member would not be reimbursed for courses in computer drafting).
- (6) The Agency may recapture educational expenses paid to staff when they leave their employment with the Agency within a year after having received educational benefits. If the employee does not reimburse the Agency, EMAA may hold the last paycheck in order to retrieve the funds.

7. RECOGNITION OF EMPLOYEES WHO ACHIEVE CERTAIN EDUCATION MILESTONES

Employees who achieve the following educational milestones will be paid a lump-sum cash payment according to the ensuing schedule (no employee will be eligible for more than one award per fiscal year):

- A. Child Development Associate Certification; Building Performance Institute (BPI); Family Development Credentials (FDC): \$250.00
- B. Associates Degree: \$300.00
- C. Bachelors or Masters Degrees; Community Action Professional (CCAP) Certification; Quality Control Inspector (QCI): \$400.00
- D. Any award deemed by the appropriate Program Director and the Executive Director to be the equivalent of any of the above.

SECTION VIII: TRAVEL

1. POLICY STATEMENT

It is the policy of the Board that expenses for travel by Agency employees in the performance of Agency business are reimbursed under a standard procedure.

- A.** Reimbursable travel expenses are limited to those expenses authorized and essential to the transaction of official business pertaining to EMAA and the funding sources. Expenses incurred for the sole benefit of an employee or Agency official are not allowable. No hotel or travel

reservations will be made for non-agency personnel unless on Agency business.

- B.** Any employee or Agency official claiming reimbursement from EMAA for expenses is expected to exercise the same care in incurring expenses as a prudent person would exercise if traveling on personal business.
- C.** Travel expenses for employment candidates who are selected for an interview are not reimbursable, nor are employees moving expenses.
- D.** Departure times will be set to allow sufficient time for travel to the meeting site, but will not be excessive. This will be monitored closely by the supervisor approving the travel request and is subject to the Executive Director's review.

2. IN-AREA TRAVEL

In-area travel is defined as travel in EMAA's regular eight-county service area or in a county served by a specific EMAA program.

- A.** No employee will be reimbursed for mileage from his/her residence to or from his/her duty station.
- B.** Travelers on Agency business will leave for a site other than their normal worksite either from home or from their normal worksite, whichever is more economical for the Agency. The standard mileage chart applies.
- C.** A table of standard distance within EMAA's service area is printed on the back of all "in-area travel form". All employees, Board members and others authorized to claim travel reimbursement from EMAA will use this table in claiming mileage reimbursement for travel within the service area. Where additional business driving is required in and around a destination, the travel claim will reflect those miles by entries in the appropriate column.
- D.** No employee shall be reimbursed for meals or lodging within the Agency

service area unless:

- 1) Specifically allowed for by funding source in writing; or
 - 2) The employee travels more than 50 miles from the employee's usual workstation and training or other work-related duties on the last two (2) or more consecutive days.
- E.** Mileage for business travel will be reimbursed at the rate established by the Board and will never exceed the Federal mileage rate.
- F.** Miles will be rounded to the nearest mile per the electronic mileage tracking system.

3. OUT-OF-AREA TRAVEL

- A.** Before any reservations are made for airline travel or rental cars, prior written approval must be received from the Executive Director.
- 1) For meetings where air travel is required, every effort should be made to leave town the same evening that the meeting ends. Otherwise, an early morning flight the following day should be scheduled.
 - 2) Should an employee choose to do so, and receive prior approval for it, he or she may use ETO to cover an extended stay. The Agency will not advance or reimburse costs for any extended stay: i.e. room costs, meals, parking, etc.
- B.** The steps listed below must be followed in this order to obtain approval of travel from the Executive Director.
- 1) All travel requests, along with appropriate documentation and supervisor's approval, will be submitted to the Administration Department at least eight (8) working days prior to the anticipated travel.
 - 2) If the travel advance is approved, the Administration Department

will issue a check. The travel advance check will be given to the employee with one copy of the travel request for which the employee is to complete and submit as the follow-up report of travel and detail of actual expenses.

- 3)** No travel advance check may be picked up in the Administration Department prior to five (5) business days before travel. If a check is needed prior to the five (5) day limit, a written request, approved by the Executive Director is required. The request must include the reason the travel advance check is needed early. In order to be able to pick up the travel check five (5) days in advance, the employee must have requested the travel money from the Administration Department a minimum of eight (8) days ahead of time, as detailed in part one (1) of this subsection.
- 4)** Within five (5) working days following his/her return, the traveler will submit to the Administration Department the following documents that have been approved by the Program Director.
 - a)** Copy of the original approved travel request.
 - b)** Original completed travel expense form to show daily expenses, with receipts attached as appropriate. Receipts for all parking must be submitted.
 - c)** Completed meeting report form.
 - d)** The Administration Department will obtain the Executive Director's written approval of actual travel expenses if:
 - i.** The traveler is an individual who reports directly to the Executive Director; or
 - ii.** The actual expenses exceed the travel advance by more than 20%.

- C.** Employees traveling to a meeting that begins in the afternoon in sites located 200 miles or less from the employee's worksite will not be allowed to leave the day before.
- D.** If transportation to an out-of-area meeting located within 325 miles of employee's worksite is by car and the meeting ends at 2:00 p.m. or before, the employee is required to return home the same day.
- E.** Request for approval of out-of-area travel and requests for advance or reimbursement of expenses must be completed in duplicate on the appropriate travel form prior to departure.
 - 1)** Lodging Costs: EMAA employees who are required to travel for the Agency outside EMAA's service area are expected to make reasonable efforts to acquire lodging at economical rates.
 - 2)** Parking expenses will be reimbursed only for hotel/motel, meeting site, airport, or other common carrier parking lots, with appropriate receipts.
 - 3)** Employees who use personal vehicles for Out-of-Area travel will be compensated for mileage expenses. Actual mileage costs will be reimbursed at the standard Agency rate for miles traveled to and from the meeting site and/or lodging site, if that is different from the meeting site. Personnel will not be reimbursed for travel to dining facilities or other sites not directly associated with Agency business (i.e. shopping, recreational activities, etc). Staff will be expected to exercise the usual prudence when planning routes.
 - 4)** Per Diem: a per diem amount will be in effect for all Agency distant travel.
 - a)** Out-of-Area Per Diem Not requiring Overnight Stay
 - i.** If employee travels out-of-area for more than four (4)

- hours but less than eight (8) hours, he/she will receive a flat rate per diem of \$10.00.
- ii.** If employee travel out-of-area from eight (8) to twelve (12) hours, but not overnight, he/she will receive a flat rate per diem of \$20.00.
 - iii.** If employee travels out-of-area over twelve (12) hours, but not overnight, he/she will receive the full rate per diem for the area.
 - iv.** If one or more meals are provided, the employee will receive a flat fee of \$5.00 per provided meal.
- b)** The per diem rate published at www.gsa.gov will govern all travel requests by EMAA staff and board for official Agency business. (Click on the “Per Diem Rates” on the right-hand side of the homepage, then click on the destination state.) Print out the page that included the destination city and attach it to the initial travel request as documentation. The daily rates from the website are broken out by the following percentages: breakfast 20%; lunch 30%; dinner 50%. NOTE: Mileage rates for official EMAA travel are not governed by the GSA website, but rather by the most recent EMAA Board approved mileage rate.
- c)** Out-of-Area per diem requiring overnight stay
- i.** Employees traveling to a meeting that begins in the afternoon in cities located 200 miles or less from the employee’s worksite will not be allowed to leave the day before.
 - ii.** Unusual circumstances must be approved by the

Program Director and the Executive Director

iii. If the employee arrives home before 7:00 p.m. the employee will not be paid for dinner.

iv. If a breakfast, lunch or dinner at a training or event is provided, the employee will not receive the full per diem amount for that meal, but will receive a flat fee of \$5.00 for that meal.

F. The travel request must have prior written approval from the appropriate Program Director and the Executive Director

G. Rental Cars

1) Rental cars are an allowable expense when the employee is staying at a hotel/motel other than where the meeting will be held, but only if the total cost of the car rental, the lodging and a maximum of fifty (\$50.00) for incidental travel expenses is less than or equal to the cost of the meeting hotel.

H. Agency Vehicles

1) Employees must use Agency vehicles when attending meetings when Agency vehicles are available.

2) It will be the responsibility of the Program Director to determine availability.

3) The Program Director will be responsible for contacting the Accounting Department prior to a planned trip to ensure that the employee driving is included on the Agency insurance policy and on our drivers list.

4) If paid by traveler, receipts for gas must be submitted with travel reconciliation upon return.

5) Agency vehicles must be utilized at full seating capacity (car: four

(4) individuals; minivan: six (6) individuals if employees are attending an overnight meeting. If the event involves more than a one-night stay, the mini-van may be utilized with a maximum seating capacity of four (4) individuals to accommodate additional luggage. The cost effectiveness of carpooling will be determined by the Program Director.

- 6)** No additional mileage will be allowed for personal vehicles if maximum seating capacity in Agency vehicles has not been utilized.
- 7)** Agency vehicles must be returned with a full tank of gas.

I. Airline or Other Common Carrier Travel

- 1)** Documentation showing prices, and requested flight/bus choice must be included with request for approval on out-of-area meeting where airline travel will be required; every effort should be made to obtain a return flight the same evening. Otherwise, an early morning flight the following day should be scheduled, unless the employee chooses and receives prior approval to use their ETO to cover an extended stay.
- 2)** EMAA will not advance or reimburse costs for ETO/extended stay such as additional meals, room charges and parking.
- 3)** If a traveler elects to drive, rather than fly to an out-of-area event, the traveler will be reimbursed the lesser of actual mileage costs or the documented cost of a low-cost flight to the site.

J. No out-of-area travel will be approved for anyone who has failed to turn in a final travel claim for a trip more than one month prior to the proposed trip.

SECTION IX: DISCIPLINE

1. POLICY STATEMENT

It is the policy of the East Missouri Action Agency that disciplinary action may be taken against any employee who is not fulfilling his/her duties as directed.

Because EMAA is an “at-will” employer, either the Agency or the employee may terminate employment at any time, with or without cause.

2. SUMMARY:

A. Employees may be reprimanded, receive an admonition or be penalized by probation, suspension or involuntary termination depending on the

frequency or the seriousness of the infraction. As an at-will employer, EMAA is not required to give cause for involuntary termination and any infraction may result in immediate termination.

B. EMAA is not required to use progressive disciplinary steps in all cases. More severe action, including immediate involuntary termination, may be taken at any time, and in the sole discretion of EMAA.

C. INFRACTIONS:

- 1)** An employee committing any of the offenses listed below is open to all forms of discipline, including termination.
- 2)** Examples of infractions (not all inclusive):
 - a)** Absenteeism: Habitual or without notification, reason or failure to report properly
 - b)** Habitual Tardiness
 - c)** Loafing, sleeping on the job, neglect or failure to perform assigned duties
 - d)** Insubordination (willful disobedience of authority)
 - e)** Improper use, damage or unauthorized removal of Agency or co-workers' property
 - f)** Violation of Safety Rules
 - g)** Fraudulent activity
 - h)** Committing any act of violence, brawling, improper or immoral conduct.
 - i)** Bringing, having, consuming or under the influence of alcohol or narcotics while on Agency premises.
 - j)** Harassment of any kind
 - k)** Job abandonment
 - l)** Excessive use of Leave Without Pay

- m)** Any other action or violation of policy not herein specified or any action detrimental to the Agency, staff, volunteers or customers.

3. REPRIMAND

- A.** A reprimand may be given to an employee at the discretion of the supervisor and Program Director.
 - 1)** The employee's immediate supervisor shall issue a written reprimand stating precise directives given the employee. Included in the reprimand will be a specific deadline, not to exceed sixty (60) calendar days, for meeting the conditions of the reprimand.
 - 2)** Employee and immediate supervisor shall discuss the written reprimand in a confidential personnel conference. Both will sign the written reprimand, signifying that the discussion has taken place. The employee's signature on the letter does not indicate the employee's agreement with the reprimand.
 - 3)** The Program Director will retain the documentation until all conditions are met, or the deadline has passed, whichever comes first.
 - a)** If conditions of the disciplinary action have been met, the reprimand letter and the Personnel Conference Report will become part of the employee's personnel file for a period not to exceed 180 calendar days following the date of the resolution of the reprimand.
 - b)** If conditions of the reprimand have not been met, the supervisor may impose a stricter form of discipline, up to and including involuntary termination and the written reprimand will become a permanent part of the employee's personnel

file.

4. PROBATION, SUSPENSION OR TERMINATION

At the discretion of the supervisor and Program Director, the employee may be subject to probation, suspension or termination.

A. Conditions of Probation

- 1)** Disciplinary probation may be initiated by the employee' immediate supervisor with the concurrence of the Program Director. The following procedure will be followed:
 - a)** The employee will be notified by letter that he/she is being placed on disciplinary probation. The Program Director, the employee's immediate supervisor and the employee will discuss that letter in a confidential personnel conference. Each will sign the letter to indicate that the discussion has taken place. The employee's signature on the letter does not indicate the employee's agreement with the recommendation for disciplinary probation.
 - b)** The employee will have the opportunity to reply to the letter stating why he/she should not be placed on disciplinary probation.
- 2)** Disciplinary probation may not exceed ninety (90) calendar days and may be for a specifically stated lesser period of time.
- 3)** Employees on probation may not utilize paid leave, other than Holiday pay, nor will leave accrue while the employee is on probation. Insurance benefits will continue, if applicable.

5. Conditions of Suspension

- 1)** All suspensions must be recommended in writing by the Program Director. The procedures for placing an employee on suspension are

the same as that for placing an employee on probation, as detailed above.

- 2)** An employee on suspension is to leave work and not return to work until instructed to do so in writing.
- 3)** All suspensions are without pay; however, the final decision on the matter may result in full reinstatement with back pay.
- 4)** Leave benefits will not accrue during the suspension period unless the employee is fully reinstated. EMAA's portion of the employee's health insurance premiums will continue to be paid by the Agency.
- 5)** All Agency equipment, keys, credit cards and other materials are to be turned in to the employee's supervisor at the time the employee leaves work. The appropriate items will be given back to the employee when or if he/she returns to work.
- 6)** An employee may be suspended for no more than twenty (20) working days. At the end of that time, one of the following conclusions will have been reached.
 - a)** The employee will be fully reinstated, with restoration of back pay and benefits.
 - b)** The employee will be allowed to return to work, but without restoration of back pay and benefits. Future benefits will accrue.
 - c)** The employee will be terminated.

6. Conditions of Disciplinary Termination

- 1)** Prior to terminating an employee, the Program Director will discuss the situation with the Executive Director. The Executive Director may review pertinent documents at that time.
- 2)** Notification of termination as a consequence of disciplinary action will be

made in writing by the Program Director to the employee.

- 3)** A letter will be written to the employee explaining that a decision has been made to terminate the employee. The Program Director and the employee's immediate supervisor will discuss the letter with the employee. Both will sign the letter to indicate that the discussion has taken place. The employee's signature on the letter does not indicate the employee's agreement with the disciplinary termination.
- 4)** Any employee who is involuntarily terminated will not be paid for any accrued leave.

7. RIGHT TO APPEAL

- A.** A regular employee has the right to appeal any disciplinary procedure as outlined in Section X.
 - 1)** Should the employee's appeal be successful, all documentation of the disciplinary action will be removed permanently from the employee's personnel file.
 - 2)** Back pay and other benefits will be restored as appropriate.
- B.** Any employee disciplined during his/her initial trial period will not have the option to appeal any disciplinary action.

**SECTION X: EMPLOYEE APPEAL PROCESS AND GRIEVANCE OR COMPLAINT
PROCEDURE**

1. POLICY

It is the policy of the Board that employees have the right of due process and access to proper procedures to appeal a disciplinary action or file a grievance or complaint.

2. Employee Right to Appeal

A. An employee who has completed his/her initial trial period shall have the

right to appeal any personnel action, disciplinary action, any other action imposed upon him/her by the Agency; any inaction on the Agency's part; or any aspect of the employee's working conditions. A new employee who has not yet completed his/her initial trial period shall have no right of appeal of disciplinary action except under the Affirmation Action Plan.

- B.** An employee who wishes to file an appeal for any disciplinary personnel action will be referred to the Human Resource Coordinator for assistance. Appeals must be filed within three (3) working days of the date of written notification of personnel action or the initial employee-supervisor conference.
- C.** In the case of disciplinary termination, the initial steps for appeal are outlined in Section IX. Appeals of disciplinary termination will begin with the step "f" below.

3. Appeal and Grievance/Complaint Procedures

All appeals, grievance, and complaints initiated by employee shall be handled in the manner outlined below, with the exceptions of appeals of disciplinary termination. Those appeals will begin with step "f" below.

- A.** Prior to Initiating a grievance or complaint, an employee shall request a personnel conference with his/her supervisor. At that time, he/she shall present the concerns informally. The supervisor shall document the conference on an EMAA Personnel Conference Report in accordance with Section IX of this Policy Manual. If the supervisor is unable to resolve the matter through the conference process, the employee will be referred to the Human Resource Coordinator, who will inform the employee of the procedure to be followed in filing a formal grievance or complaint.
- B.** The employee shall present the grievance or complaint to his/her supervisor in writing within three (3) working days after referral to the

Human Resource Coordinator for procedural assistance. It shall be in letter or memorandum form and clearly state the complaint or grievance.

- C.** If the employee and immediate supervisor cannot resolve the matter, the supervisor shall arrange a conference between the employee, his/her immediate supervisor and the Program Director within three (3) working days.
- D.** If the grievance is not resolved at level “c,” the Program Director shall forward the written grievance and written reports of the level “c” and level “a” conferences to the Executive Director within three (3) working days.
- E.** The Executive Director shall provide a hearing on the grievance or complain within five (5) working days of receipt of the request. Present at the hearing shall be the employee, his/her immediate supervisor, Program Director and Executive Director. The Executive Director shall provide the employee with a written decision.
- F.** If the employee is dissatisfied with the Executive Director’s decision, he/she may, within three (3) working days after receipt of the written decision, file with the Board Personnel Committee. The Executive Director will, within three (3) working days of the employee notice, refer the employee to the Board Personnel Committee. A hearing shall be conducted by that Committee within ten (10) working days from time of referral.
- G.** In the case of Head Start personnel, any grievance or complaint not resolved by the Executive Director to the employee’s satisfaction will, within three (3) working days of the employee’s request, be referred by the Executive Director to the Executive Committee of the Head Start Policy Council. A hearing shall be conducted by that Committee within ten (10)

working days from time of referral. The recommendation of the Executive Committee shall be presented to the full Policy Council in Executive Session for consideration. The position of the full Policy Council will be determined by the majority vote of those present at a meeting for which a quorum exists. The matter will then be referred to the Personnel Committee of the Board of Directors. A hearing shall be conducted by that Committee within ten (10) working days from time of referral.

- H.** The Personnel Committee shall recommend a resolution of the grievance to the full Board of Directors. The matter shall be considered in Executive Session at the next regular meeting of the full Board at which a quorum is present. The Board shall consider the matter based on the record created through the prior stages of the grievance process. The Board may, but is not required to, give the grieving employee an opportunity to address it in Executive Session.
- I.** The decision of the Board of Directors shall be final and there shall be no other recourse within EMAA, except that, in the case of a Head Start employee, the Board's decision will not be implemented immediately if there is a difference between the Board's decision and the position of the Policy Council. In that case, the Executive Director, Board Chair and the Policy Council Chair will develop and implement a plan to resolve the differences.
- J.** The employee shall have the right to be present at all hearings in the process and shall be allowed to present evidence and/or witnesses on his/her behalf.
- K.** If the employee's grievance or complaint is successful, all documentation relating to the disciplinary action or grievance filed will be removed from the employee's personnel file.

- L. Every attempt will be made at each step to expedite the process.
4. It will be a violation of these policies for any employee or member of the Policy Council or the Board of Directors to interfere with, discharge or otherwise discriminate against anyone who has filed a grievance, given testimony, or otherwise appeared before Policy Council or Board of Directors or any of their committees in connection with the appeal.

SECTION XI: SEPARATION OF EMPLOYEES

1. Policy Statement

It is the policy of the Board to recognize that Missouri is an “Employment at will” state and employees may be terminated at any time, with or without cause or notice.

2. Voluntary termination

It is the responsibility of an employee who intends to resign to notify the immediate supervisor or program director of the intent as soon as possible to allow for the selection and training of a replacement in a timely manner.

- A.** The separating employee shall notify the Program Director in writing of the intent to voluntarily terminate and state the anticipated last day of employment.
- B.** It is preferable that the notice be provided a minimum of ten (10) working days prior to the separation.
- C.** The Program Director will acknowledge the resignation in writing and inform the employee of Agency termination procedures.
- D.** Any accrued leave time shall not extend the effective separation date beyond the last day worked.
- E.** Part-time employees who voluntarily terminate employment with EMAA will be paid according to the schedule section 7.5c of any remaining earned time off (ETO).
- F.** Employees who voluntarily terminate employment with EMAA or employees who are terminated without prejudice due to reduction in force, etc and who are in good standing will be paid for 100% of any accrued ETO. Departing employees will not be paid for any accrued Sick Leave or Personal Days.

3. Involuntary Termination

- A.** All involuntary separations are with the knowledge of the Executive Director. Procedures for an involuntary termination are detailed in Section IX: Discipline.

4. Death of an Employee

- A.** In the event of the death of an employee, the agency will make every

effort to arrange financial matters relative to the deceased as quickly as possible.

5. Reduction in Force – Lay Offs

Reduction of the Agency workforce resulting in the elimination of positions due to budget cutbacks, the elimination of projects or programs, or positions, may be recommended by the Program Director or the Executive Director. The Executive Director will make the final decision on the reduction in force of all positions below that of Executive Director.

A. The degree of the reduction in force may be determined by the following factors:

- (1) Availability of funds
- (2) Continuing needs of the Agency and the program.
- (3) Continuing needs within the geographic locations.

B. Whenever possible, EMAA shall give an employee written notice of separation or furlough at least ten (10) working days prior to the termination date.

C. When a partial separation or furlough of a program staff occurs, the reduction shall be by position, based on priority related to:

- (1) Performance evaluations.
- (2) Agency seniority in the positions will be a declaring factor when performance evaluations are apparently equal. Poor performance shall constitute just reason to be separated ahead of capable employees having less seniority.

6. Furlough

An employee may be furloughed because of partial or complete cessation of programmatic activities, presumably of a short-term duration. Short-term, at maximum, is for approximately 60 working days.

7. Final Paycheck

- A.** The final paycheck will be given to the involuntary separated employee on the last actual working day; voluntary terminated employees will receive their final paycheck on the next scheduled pay date.
- B.** Prior to the receipt of a final paycheck, the terminating employee shall receive a written clearance from the Program Director that all equipment, materials, reports, files, keys, etc for which the employee is responsible have been received by the Program Director or designee.
 - 1.** The employee will present their receipt to the Administration Department.
 - 2.** The Administration Department will compute the final paycheck due the employee and issue it as part of the closeout procedure. The final paycheck will not be issued until all closeout forms are completed.
 - 3.** Failure by the terminating employee to return all equipment, materials, reports, files, keys, etc. for which the employee is responsible shall result in a fee of \$50.00 to be paid by the terminating employee prior to the issuance of the final paycheck.
- C.** In the event of the death of an employee, the family will be paid for the entire amount of the employee's accrued Earned Time Off.

8. Employee Right to Appeal

Any EMAA employee not in the initial trial period has the right to appeal any personnel action imposed on him/her.

SECTION XII: PERSONNEL FILES

1. POLICY STATEMENT

It is the policy of the Board that an adequate personnel file system be established and maintained in order to document employment-related decisions and comply with government record keeping and reporting requirements.

2. Contents

Administration Department personnel are responsible for ensuring appropriate

record keeping. Only the information required for conducting Agency business or required by law will be maintained on applicants, employees and past employees. In order to ensure confidentiality of records, access to personnel files will be limited as follows:

A. Personnel employment records may be examined by the employee designated Administration Department personnel, the employee's supervisor, the Program Director, or the Executive Director. Such records may also be subpoenaed. These records include:

- 1)** Employee's personal identifying information
- 2)** Application for Employment
- 3)** Results of pre-employment test (when applicable, not required on all positions)
- 4)** Resume
- 5)** Documentation of Reference Checks
- 6)** Documentation of Child Abuse and Criminal Background Checks (as appropriate)
- 7)** Offer of employment
- 8)** Performance evaluations
- 9)** Conflict of Interest
- 10)** Training and Education
- 11)** Awards
- 12)** Disciplinary action
- 13)** W-4 Forms
- 14)** Documents of all personnel actions
- 15)** Sequential history of salary adjustments
- 16)** Personal status changes
- 17)** Conference reports

- 18) Signed statement of orientation
 - 19) Signed Code of Ethics
 - 20) Receipts of employer-provided property to be returned upon termination.
 - 21) Information pertaining to termination (i.e. reason for termination, letter of resignation, record of exit interview)
- B.** Other record relating to Human Resource Management may be examined by the employee, designated Administrative Department personnel, the employee' supervisor, the Program Director, the Executive Director and funding source personnel. These records include:
- 1) Payroll records
 - 2) Benefits information
 - 3) Position Description
 - 4) Equal Employment Opportunity reports (EE-1)
 - 5) Eligibility Employment Opportunity Report (I-9)
 - 6) Accident Reports
 - 7) Other legally required records
- C.** Employee Medical Records may be accessed only by the employee, the Executive Director or designated Administration Department personnel. These include:
- 1) Documentation of participation in wellness programs
 - 2) Information relating to disabilities and accommodations
 - 3) Work-related injury reports
 - 4) Fitness for duty examinations
 - 5) Drug testing results
 - 6) Medical records of exposure to workplace hazards
 - 7) Medical information related to leaves of absence.

- D. Supervisors are expected to keep copies of certain documents relating to employees whom they supervise. Such as memos and letters relating to performance and/or discipline.

3. Confidentiality of Information

- A. Personnel employment records identified in paragraph two (2) above shall be stored in locked file cabinets.
- B. The person in possession of a personnel file, or having information relative to that file, is responsible for the confidentiality of the information. At no time shall a personnel file be left unattended by the person responsible for its possession.
- C. Personnel files shall not be removed from EMAA Central office. All inspections of Agency personnel files are to be made in the presence of Administration Department personnel, unless requested by funding source at another site.
- D. An employee may request, and is entitled, to promptly receive a copy of his/her own personnel file.
- E. Individual files of terminated employee will be removed from the active files and maintained for a minimum of five (5) years.

4. Update of Files

Employees have a responsibility to keep their personnel records up-to-date and should notify Human Resource personnel in writing of, at a minimum, any of the following changes:

- A. Name
- B. Address
- C. Telephone number
- D. Marital status (for benefit and tax withholding purposes)
- E. Number of dependents (for benefit and tax withholding purposes)

- F. Address and telephone numbers of dependents and/or spouse (for insurance purposes only.
- G. Beneficiary designations for Agency insurance or other benefit plans
- H. Persons to be notified in case of emergency
- I. By law, a new W-4 form must be completed for income tax withholding purposes with ten (10) days of any change if it results in a decrease in the number of dependents or an increase in pay.

5. Accuracy of Documents

- A. Employees who believe that any file material is incomplete, inaccurate or irrelevant may submit a written request to the Executive Director personnel to have the file revised.
- B. If the request to have the file revised is not granted, the employee may place a written statement of disagreement in the file.

SECTION XIII: SOLICITATION

1. POLICY STATEMENT

It is the policy of East Missouri Action Agency, Inc to operate facilities that are: (1) free of operational disruptions and (2) conducive to maintaining the security and safety of all employees, visitors and the property itself.

2. PROCEDURE

A. EXTERNAL SOURCE

- 1) No outside organization may solicit on Agency property for any fundraising event or charitable organization.

B. INTERNAL SOURCES

- 1) No employee shall pledge or commit EMAA Federal or State funds in response to any fundraising effort with the prior approval of both the appropriate Program Director and the Executive Director.

SECTION XIV: DRUG AND ALCOHOL ABUSE

1. POLICY STATEMENT

In compliance with the Drug-Free Workplace act of 1988, it is the policy of this Agency to maintain a work place that is free from the effects of drug and alcohol abuse.

- A.** Employees are prohibited from using, selling, dispensing, distributing, possessing or manufacturing illegal drugs or alcoholic beverages on Agency premises or work sites. In addition, employees are prohibited from

the off-premises use of alcohol and possession, use, or sale of illegal drugs when such activities adversely affect job performance, job safety or the Agency's reputation in the community.

2. PROHIBITED ITEMS

A. Alcohol products: Testing and disciplinary actions will apply for the following alcohol products:

- 1)** Beverage alcohol
- 2)** Ethyl alcohol
- 3)** Isopropyl alcohol

B. Drugs: Testing and disciplinary actions will apply, but may not be limited, to the following drugs listed under Section 102(6) of the Controlled Substances Act [21 U.S.C. 802 (6)]:

- 1)** Marijuana
- 2)** Cocaine
- 3)** Opiates
- 4)** Amphetamines
- 5)** Phencyclidine

3. DRUG AND ALCOHOL TESTING

A. Employees may be required to take a test at any time to determine the presence of drugs or alcohol, unless such tests are prohibited by law.

Testing positive for drugs or alcohol is a violation of EMAA's policy.

B. Two categories of employee testing will be utilized. The employee's job duties will determine in which category of testing they will participate.

1) Category 1:

This category includes all employees who are subject to commercial driver's license requirements. Testing in this category will be in

accordance with the Omnibus Transportation Employee Testing Act of 1991.

2) Category 2:

This category includes all other EMAA employees who are not part of Category 1. These employees will be subject to post-accident where drug or alcohol use may have reasonably contributed to the accident, reasonable suspicion, return-to-duty and follow-up testing.

- C.** Refusal to submit to any test will be considered a positive result and the appropriate disciplinary action will be initiated. This includes failing to provide adequate breath or urine for testing or obstructing the testing process.

4. TYPES OF TESTING

- A.** All testing procedures will be conducted in accordance with federal law. Test results will be kept in a medical file that is separate from the employee's personnel file. Only the Human Resources Coordinator, Program Director, the Executive Director and program monitors (as may be required by law) will have access to the medical files.

B. Post-accident testing (Category 1 and Category 2 employees)

- 1)** All employees will be tested after an accident in which drug or alcohol use may have reasonably contributed to the accident, including, but not limited to accidents that:
- a)** Seriously damage a vehicle, equipment, or property.
 - b)** Result in an injury to the employee or another employee requiring offsite medical attention (including loss of human life).
 - c)** This testing will be performed at EMAA's expense.

- 2)** If the post-accident alcohol test is not administered within two (2)

hours, the reasons for the delay will be documented and will remain in the employee's medical file.

- 3)** If the alcohol test is not administered within eight (8) hours, EMAA will not test and will document and file the reason for the delay.
- 4)** If the drug test is not administered within 32 hours, EMAA will not test and will document and file the reason for the delay.
- 5)** Testing requirements may be fulfilled by tests conducted by law enforcement officials.

C. Random Testing (Category 1 employees only)

- 1)** Selection of employees for unannounced, random testing will be made by scientifically valid methods and will provide for an equal chance for each employee to be selected each time.
- 2)** Fifty percent (50%) of the average number of employees will be tested for drugs and twenty-five percent (25%) of the average number of employees will be tested for alcohol during each program year.
- 3)** When employees are notified that they have been selected for drug or alcohol screening, they must report to the testing location as soon as possible. Failure to report within two (2) hours will be considered a positive result and the appropriate disciplinary action will be initiated.

D. Reasonable Suspicion Testing (Category 1 and Category 2 employees)

- 1)** A drug and/or alcohol test will be conducted when there is a reasonable suspicion to believe an employee is under the influence of drugs or alcohol during work hours. The determination of the need for such a test will be based on specific, concert observations concerning appearance, behavior, and speech or body odor.

- 2) Observations of alcohol abuse are valid only when they are made during times when the employee must refrain from drinking (e.g. while on duty, immediately prior to work, etc.).
- 3) In the case of suspected drug or alcohol use, the employee must be taken immediately to a collection site for testing.
- 4) If an alcohol test is not administered within two (2) hours, the reasons for the delay will be documented and will remain in the employee's medical file. If the alcohol test is not administered within eight (8) hours, EMAA will not test and will document and file the reasons for the delay.
- 5) If the drug test is not administered within 32 hours, EMAA will not test and will document and file the reason for the delay.
- 6) The supervisor will sign a written record of observations leading to a drug test within 24 hours of the observed behavior or before the results of the test are released (whichever is earlier). A written record of the supervisor's observations is not required for alcohol tests.

E. Return-to-Duty Testing (Category 1 and Category 2 employees)

- 1) These tests will be conducted when an employee who has tested positive (but who has not been terminated) returns to duty.
- 2) If an alcohol test was positive, the employee must test with an alcohol concentration of less than .02 before returning to work.

F. Referral and Follow-up Testing (Category 1 and Category 2 employees)

- 1) Employees who test positive (but who have not been separated) will be provided with names, addresses and telephone numbers of substance abuse professionals (SAP) and counseling and treatment programs.

- 2) Employees must be evaluated by the SAP in order to return to duty. EMAA is not required to pay for the SAP treatment or services.
- 3) The SAP will determine the need for and frequency of unannounced follow-up tests. EMAA will conduct follow-up testing in accordance with the directions of the SAP.

5. DISCIPLINARY ACTION

- A.** Employees will be subject to disciplinary action, up to and including involuntary separation, for violations of this policy. Such violations include, but are not limited to:
 - 1) Possessing illegal drugs or alcoholic beverages at work;
 - 2) Being under the influence of such substances while working;
 - 3) Using illegal drugs or alcoholic beverages while working;
 - 4) Dispensing, distributing, or illegally manufacturing or selling illegal drugs or alcoholic beverages on Agency premises and work sites.
- B.** Any positive test for an illegal drug will result in an employee's immediate involuntary separation.
- C.** A positive breath alcohol test result of .04 or greater will result in a Category 1 employee's immediate involuntary separation.
- D.** A positive breath alcohol test result of .04 or greater will result in a Category 2 employee being placed on disciplinary probation (see Section IX, part 4 of the Personnel Policies and Procedures). In addition:
 - 1) The employee must be evaluated by a substance abuse professional (SAP).
 - 2) The employee must comply with the SAP's treatment recommendations.
 - 3) Any evaluation and/or treatment costs are the responsibility of the employee.

- a)** If the employee tests positive (.02 or greater) in a future alcohol or drug test during their employment with EMAA, the employee will be separated.
- E.** A positive breath alcohol test result of at least .02 but less than .04 will result in a Category 1 or Category 2 employee being placed on disciplinary probation (see Section IX, part 4 of the Personnel Policies and Procedures).
In addition:
 - 1)** Any second occurrence will result in the employee's required participation in an alcohol abuse program supervised by a substance abuse professional (SAP).
 - 2)** The employee must comply with the SAP's treatment recommendations.
 - 3)** Any evaluation and/or treatment costs are the responsibility of the employee.
 - 4)** If the employee tests positive (.02 or greater) in a third occurrence during their employment with EMAA, the employee will be separated.
- F.** An employee testing positive on any drug or alcohol test is subject to progressive disciplinary action as detailed in Section IX of EMAA's Personnel Policies and Procedures Manual.
- G.** Employees, their possessions, and Agency-issued equipment and containers under the employee's control are subject to search and surveillance at all times while on Agency premises or while conducting Agency business.
- H.** Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation must report such conviction to the Program Director, Executive Director or designee within three (3) days, and the

Program Director will then take appropriate action as required by law or by these policies.

I. Employees Who Take Medications

- 1)** Supervisors will report immediately to the Program Director or the Executive Director or designee any action by an employee who demonstrates behavior that may interfere with duties and performance of the employee, her or his co-worker, or with the overall operation of the Agency. The Program Director or the Executive Director will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence of drugs or alcohol will be required to leave the premises. The Program Director, Executive Director or designee will arrange safe transit.
- 2)** EMAA will abide by all Federal and State laws or regulations regarding the confidentiality of medical information.

J. Employees who are experiencing work-related problems resulting from drug or alcohol abuse or dependency may request, or be required to seek, counseling help. Agency-sponsored or required counseling will be kept confidential and will not be a factor in performance evaluations.

K. Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment.

- 1)** The employee will not be permitted to return to work until certification is presented to the Program Director, Executive Director or designee that the employee is capable of performing her/his job.
- 2)** Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including involuntary separation.

- 3)** Employees undertaking rehabilitation treatment - either voluntarily or involuntarily - will be subject to return-to-duty and follow-up testing.
- L.** Participation in a treatment program does not exclude an employee from the imposition of discipline for violations of this or other Agency policies.
- M.** Any disciplinary action taken by EMAA will be subject to the appeal processes outlined in Section X of the Personnel Policies and Procedures Manual.

6. EMPLOYEE RECORDS

- A.** Employees shall be entitled to copies of their medical files upon request. Records will only be made available to subsequent employers upon written, notarized request by the employee.
- B.** Records will be maintained as required by law in a secure location with controlled access. Confidentiality will be strictly observed.

7. VOLUNTARY REQUEST FOR ASSISTANCE

- A.** No employee's job will be placed in jeopardy, nor will any employee be subject to disciplinary action for voluntarily requesting help with a substance abuse problem.
- B.** A request for assistance will not exempt an employee from complying with the provisions of EMAA's Drug and Alcohol Abuse Policy.
- C.** A request for assistance will not exempt an employee from a policy violation before testing occurs or while testing is in progress.

8. EMPLOYEE EDUCATION

- A.** Those who supervise drivers shall receive at least one hour of training on recognition of drug and alcohol impairment to help them make reasonable suspicion determinations and refer employees for special testing.
- B.** All drivers and prospective employees who are required to hold CDL

licenses will be issued a DOT requirement handbook describing the drug and alcohol testing.

- C.** The Agency will, to the extent feasible, provide continuing education for the work force about the ill effects of drug and alcohol abuse.

SECTION XV: FRAUD AND ABUSE POLICY

1. POLICY

It is the policy of the Board of Directors that the Agency be operated with the highest standards of ethics and has established policies to support this standard. All employees, Board members, volunteers and program participants or applicants will conduct themselves in a manner consistent with EMAA policies.

- A.** Quality control procedures have been established to assure that program quality is maintained by individual Program Directors. An independent audit

is conducted annually to assure that sound practices are being followed. A fidelity bond has been secured to safeguard the assets of the Agency. Program monitoring from outside sources is encouraged.

B. Definitions:

For the purposes of this policy, fraud and abuse are defined as follows:

- (1)** FRAUD: The obtaining of a commodity or service unlawfully or by deceit, through willful misrepresentation; committing fraud is generally an illegal act.

- (2)** ABUSE: Improper actions or misuse which may result in the wrongful procurement of a commodity or item of value; abuse may not necessarily represent a substantial violation of the Agency's policies, which are designed to protect the assets of the Agency and the programs it administers.

2. POLICY FOR PROTECTION FROM RETALIATION (Whistle Blower Protection Policy)

A. EMAA is committed to protecting employees and applicants for employment from interference with making a protected disclosure or retaliation for having made a protected disclosure or for having refused an illegal order as defined in this policy. Pursuant to this, an EMAA employee, Board of Directors member or Policy Council member may not:

- 1)** Retaliate against an employee or applicant for employment who has made a protected disclosure or who has refused to obey an illegal order, or

- 2)** Directly or indirectly use or attempt to use the official authority or influence of his or her position or office for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the Agency Auditor, the employee's immediate

supervisor or other appropriate administrator or supervisor within the operating unit about matters within the scope of this policy.

3. PROCEDURES

- A.** It is the responsibility of the Executive Director to enforce the procedures that guard against fraud and abuse. He/she will be responsible for:
- 1.** Preventing fraud and abuse;
 - 2.** Investigating allegations of fraud and/or abuse;
 - 3.** Remediating the effects of such acts; and,
 - 4.** Enacting proper disciplinary actions.
- B.** It is the responsibility of each employee to report immediately any instance of irregular practices regarding business or financial practices. All staff providing services are responsible for reporting any suspicion of fraud, abuse or misconduct of any program funds or services to their supervisor. The supervisor will report to the Program Director, who will immediately report to the Executive Director. If a person is not comfortable reporting to his/her supervisor, concerns may be reported directly to the Program Director or Executive Director.
- C.** Reports of fraud, abuse or misconduct may be made by any board member, customer or community member. All reports must be filed in writing to the agency Executive Director and may be submitted anonymously. All reports will be treated with the utmost confidentiality to the extent possible and will follow the procedure below.
- 1.** A written complaint /report will be submitted to the Executive Director
 - 2.** The Executive Director will investigate the allegations of the report
 - 3.** A finding of True or Not True will be attempted to be reached within 30 days of the date of the report.

- 4.** If it has been determined the customer has committed fraud, abuse or misconduct, the following will occur:
 - a.** The person found to have committed the fraud, abuse or misconduct will be notified in writing of the finding.
 - b.** EMAA will follow all established procedures as defined by the funding source contract or policy. Should the funding source require the customer to be removed from the program, EMAA will notify the client of such actions including any repayment of funds.
 - c.** If it is determined no fraud, abuse or misconduct has occurred the information will be documented and maintained.
 - d.** If a determination cannot be made whether fraud, abuse or misconduct has occurred the benefit of the doubt will fall in favor of the customer.
 - e.** The Executive Director will maintain all records, documents, etc. related to any complaint, investigation and the results of investigation for a period of 12 months.
 - f.** If a fraud, abuse or misconduct complaint involves an EMAA employee, EMAA will follow Section IX of the EMAA Personnel Polices. The agency management will follow all funding sources reporting requirements.
- D.** Where the Executive Director is suspected of/or alleged to have committed fraud or abuse, the allegation, along with whatever substantiating information exists, will be referred to the Chairman of EMAA's Board of Directors who will, with the concurrence of the Executive Committee, approach the Executive Director. If substantiated, the matter will be taken to the appropriate funding source and/or the full Board for investigation.

- E. Referral to the pertinent law enforcement organization will be made as appropriate.

4. CONFLICTS OF INTEREST

- A. In the course of business at East Missouri Action Agency, Inc, situations may arise in which an Organization decision maker has a conflict of interest, or in which the process of making a decision may create an appearance of a conflict of interest.

It is the policy of EMAA to prohibit its employees or directors from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the Agency, its participants, or its suppliers.

All directors and employees have an obligation to: 1) Avoid conflicts of interest, or the appearance of conflicts, between their personal interests and those of the Organization in dealing with outside entities or individuals; 2) Disclose real and apparent conflicts of interest to the Board of Directors; and 3) Refrain from participation in any decisions on matters that involve a real conflict of interest or the appearance of a conflict of interest.

B. WHAT CONSTITUTES A CONFLICT OF INTEREST

1. All employees and directors of East Missouri Action Agency, Inc owe a duty of loyalty to the Organization. This duty necessitates that in serving the Organization they act solely in the interests of the Organization, not in their personal interest or in the interests of others. A conflict of interest means any situation where an employee or director or a family member of an employee or director is in a position to derive personal benefit from actions or decisions made in his/her capacity.

For the purposes of this policy, relatives shall be defined as:

1. Spouses or domestic partners

2. Brothers and sisters
 3. Parents, children, grandchildren, and great-grandchildren
 4. Spouses of individuals listed in 2 and 3
 5. Corporations, partnerships, limited liability companies (LLCs), and other forms of businesses in which an employee or director, either individually or in combination with individuals listed in 1, 2, 3, or 4, collectively possess a [35%] or more ownership or beneficial interest.
2. Conflicts of interest arise when interests of an interested party may be seen as competing with those of the Organization. Conflicts of interest may be financial (where an interested party benefits financially directly or indirectly) or non-financial (e.g., seeking preferential treatment, using confidential information)
 3. A conflict of interest arises when a director or employee involved in making a decision is in the position to benefit, directly or indirectly, from his or her dealings with the Organization or person conducting business with the Organization. (A potential conflict of interest exists when the director or employee, or his and her immediate family {spouse, parent, child, brother, sister and spouse of parent, child, brother, or sister} owes/receives more than 1% of the benefiting business/profits.)

C. DISCLOSURE REQUIREMENTS

1. A director or employee who believes that he or she may be perceived as having a conflict of interest in a discussion or decision must disclose that conflict to the group making the decision. Most concerns about conflicts of interest may be resolved and appropriately addressed through prompt and complete disclosure.

2. All employees are expected to report conflicts of interest to the Executive Director immediately upon discovery or suspicion of the conflict. The Executive Director or Board of Directors members shall report any potential or real conflicts of interest to the Personnel Committee of the EMAA Board of Directors. Example of reportable conflicts of interest include but may not be limiting to the following:

 - a. Negotiates or approves a contract, purchase, or lease on behalf of the Organization and has a director in indirect interest in, or receives personal benefit from, the entity or individual providing the goods or services.
 - b. Negotiates or approves a contract, sale, or lease on behalf of the Organization and has a direct or indirect interest in, or receives personal benefit from, the entity or individual receiving goods or services
 - c. Employs or approves the employment of, or supervises a person who is an immediate family member of the director or employee.
 - d. Sells products or services in competition with the Organization
 - e. Uses the Organization's facilities, other assets, employees, or other resources for personal gain.
 - f. Receives a substantial personal gift from a contractor.
 - g. An outside business involvement or employment that interferes with the ability to devote necessary attention to the responsibilities.
3. Employees will be required to sign a conflict of interest policy upon hire and yearly thereafter or within 60 days of the time the policy has been approved by both the Board of Directors and Policy Council, whichever date is later.

4. The finance department shall distribute a list of all contractors with whom the Organization has transacted business at any time during the preceding year, along with a copy of the disclosure statement to all members of the Board of Directors, the Executive Director, members of senior management, and employees with purchasing and/or hiring responsibilities or authority. Using the prescribed form, these individuals shall inform the appropriate person/committee, in writing and with a signature, of all potential reportable conflicts. The Executive Director shall review all forms completed by employees, and the Personnel committee shall review all forms completed by the directors and the Executive Director, and determine appropriate resolution should a conflict of interest exist.
5. Personal gifts and favors from contractors with whom the organization has a business relationship are prohibited. Gifts of more than a nominal value of \$25 or more shall be tactfully returned or declined to avoid appearance or suggestion of improper influence.

D. RESOLUTION OF CONFLICTS OF INTEREST

Conflicts shall be resolved as follows:

- A.** The Executive Director shall be responsible for making all decisions concerning resolutions of conflicts involving employees.
- B.** The Personnel Committee shall be responsible for making all decisions concerning resolutions of conflicts involving the Executive Director, EMAA Board of Directors or Policy Council members.
- C.** The chair of the Personnel committee shall be responsible for making all decisions concerning resolutions of conflicts involving the Personnel Committee members.
- D.** The cahri of the Board of Directors shall be responsible for making

all decisions concerning resolutions of the conflict involving the chair of the Personnel Committee.

E. RIGHT TO APPEAL

An employee or director may appeal the decision that a conflict (or appearance of conflicts) exists as follows:

- A.** An appeal must be directed to the chair of the Board.
- B.** Appeals must be made within 30 days of the initial determination.
- C.** Resolution of the appeal shall be made by vote of the full Board of Directors.
- D.** Board members who are the subject of the appeal, or who have a conflict of interest with respect to the subject of the appeal, shall abstain from participating in, discussing, or voting on the resolution, unless their discussion is requested by the remaining members of the Board.

F. EMPLOYEE PARTICIPATION IN PROGRAM SERVICES

- A.** Employee and their relatives may receive services or participate in programs operated by East Missouri Action Agency, Inc. provided all of the following conditions are adhered to:
 - a.** All eligibility criteria of the program must be met by each participant household, and, if fees apply, these will not be waived due to employment or familial status.
 - b.** Employees are prohibited from completing any paperwork or processing for themselves or their relatives.
 - c.** The Program Director responsible for the service being applied for must be notified prior to any applications being taken for EMAA employees or their relatives for program services. This will allow the

supervisor to assign non related staff to handle the services requested.

- d. For Low-Income Home Energy Assistance program Employee/Employee-Related applications, EMAA will follow the current Department of Social Services Family Support Divisions Low-Income Home Energy Assistance Program (LIHEAP) Policy and Procedures Manual. The LIHEAP Manual can be found at: <https://dss.mo.gov/fsd/liheap.htm>. This policy is located in the manual under the section labeled Employee/Employee Related Applications.
- e. Employee and relative files are subject to the same confidentiality standards afforded any other participant. Employees shall not make entries in their own client files nor those of their relatives.
- f. No priority of the appearance of priority should be given to employees or their relatives.
- g. No employee may access her/his program information, or the program information of any family or household member via the state system on any computer.

G. DISCIPLINARY ACTION FOR VIOLATIONS OF THIS POLICY

Failure to comply with the standards contained in this policy will result in disciplinary action that may include termination, referral for criminal prosecution, and reimbursement to the Organization or to the government, for any loss or damage resulting from the violation. As with all matters involving disciplinary action, principles of fairness will apply. Any employee charged with a violation of this policy will be afforded an opportunity to explain her or his actions before disciplinary action is taken.

Disciplinary action will be taken:

1. Against any employee who authorizes or participates directly in actions that are a violation of this policy.
2. Against any employee who has deliberately failed to report a violation or deliberately withheld relevant and material information concerning a violation of this policy.
3. Against any director, manager, or supervisor who attempts to retaliate, directly or indirectly, or encourages others to do so, against any employee who reports a violation of this policy.
4. Board members or policy council members who violate this policy will be dealt with according to the bylaws.

4. CONFIDENTIAL NATURE OF COMPANY AFFAIRS

It is the policy of EMAA that every employee and volunteer has a continuing obligation to protect the confidential nature of the internal business affairs of the organization, its staff and its program participants.

- A.** Information designated as confidential may not be communicated in any fashion with anyone outside the Agency and may be communicated within the Agency only on a "need to know" basis. In addition, employees have a responsibility to avoid unnecessary disclosure of non-confidential internal information about employees and program participants.
- B.** The Executive Director is responsible for ensuring the coordination of the security and control of Agency information and for approving any exceptions to this policy.
- C.** Program Directors and supervisors are responsible for identifying information that should be classified as confidential.
- D.** Information that is designated as confidential will be clearly identified.
- E.** A list of employees authorized to have access to confidential information will be maintained, and all access will be recorded.

- F. Nothing contained in this section of the Personnel Manual shall be construed as prohibiting employees from engaging in activity which is protected by the National Labor Relations Act.

5. INVESTIGATIVE PROCEDURE

If the Agency receives information indicating possible fraud or abuse:

- A. The Executive Director will ensure that an investigation is conducted to ascertain the facts.
- B. The Executive Director may, in appropriate cases, undertake informal discussions with the person(s) concerned in order to agree upon means for preventing continuation or repetition of the violation.
- C. The Executive Director will, as appropriate, refer the matter, with or without investigation, to the most appropriate law enforcement agency and the affected program funding sources.

7. DISCIPLINARY ACTION

Employees will be subject to disciplinary action, as detailed in Section IX of these Personnel Policies, up to and including involuntary separation, for violations of this policy.

- A. Staff Members, Volunteers: All disciplinary action involving a staff member shall be dealt with in accordance with EMAA Personnel Policies. In the event of substantial fraud or abuse, the employee may be discharged without prior disciplinary action. Also, where the employee has engaged in acts of fraud or abuse over a period of time, the employee may be discharged as the first step in disciplinary action.
- B. Board Members: Disciplinary action involving a Board Member will be dealt with in accordance with the Agency Bylaws.
- C. Legal Action
 - 1) Employees: An employee charged through the judiciary system with

fraud will be placed on leave without pay. Should she/he be found innocent, he/she will be reinstated and receive back pay for the period of leave without pay. This determination shall be made by the Executive Director based upon the facts of the situation.

- 2)** Board Members: A Board member charged through the judiciary system with fraud will be dealt with in accordance with EMAA By-laws.

D.Abuse: Depending upon the seriousness of the matter and upon the employee's previous conduct, cases of abuse may be grounds for involuntary separation.

8. APPEALS

Any disciplinary action taken by EMAA will be subject to the appeal processes detailed in Section X of the Personnel Policies and Procedures Manual.

9. EXAMPLES

Following are examples of activities that are normally considered serious enough to warrant disciplinary actions or other steps; they apply to all employees, Board members, volunteers and program participants or applicants. This is not an all-inclusive list.

- A.** Misrepresentation by program participants or applicants of income, employment or family status in order to qualify for EMAA services; or employees knowingly accepting false information from a client so that the client unjustly becomes eligible for services.
- B.** Submission by employees of records documenting that they have performed a service when, in fact, that service was not performed at all, or was performed in a sub-standard manner not in keeping with Agency policies or program standards.
- C.** Deliberate falsification of Personnel Activity Reports, travel and expense

reports or other records.

- D.** Theft or misappropriation of funds or property or destroying, defacing or misusing Agency property.
- E.** Acceptance by an employee or Board member of a gift or gratuity from a vendor or a potential vendor in order for the vendor to receive a contract; from someone applying for services from the Agency; or from someone seeking to be employed by the Agency
- F.** Furnishing excessive services to a client, violating program requirements and/or providing services not authorized by the specific program guidelines or by Agency policies.
- G.** Using Agency funds to pay personal obligations.
- H.** Possessing firearms or other weapons on Agency property.
- I.** Verbally abusing or assaulting a coworker or participant or fighting with or physically assaulting a coworker or participant.
- J.** Reporting to work under the influence of alcohol or drugs or sale or use of drugs or alcohol on Agency property or on Agency time.
- K.** Falsifying or altering any Agency records or reports, such as an application for employment, a medical report, an activity report, an expense account, or an absentee report.

SECTION XVI: AFFIRMATIVE ACTION PLAN

1. POLICY STATEMENT

- A.** The East Missouri Action Agency is firmly committed to a policy of equal employment opportunity and will administer its personnel policies and conduct its employment practices in a manner which treats each employee and applicant for employment on the basis of merit, experience and other work-related criteria without regard to race, color, religion, sex, national origin, ancestry, age, disability or any other protected class under relevant federal, state and local laws.
- B.** The goals and timetables that have been established for EMAA's Affirmative Action Plan outline our good faith efforts in practicing equal employment opportunity and affirmative action. These goals and timetables will be reviewed regularly to measure our progress.
- C.** The Executive Director, with the approval of the Board of Directors, has appointed an Equal Opportunity Officer. The Equal Opportunity Officer has the responsibility to develop and recommend an Affirmative Action Plan and coordinate its review with EMAA staff and the Equal Opportunity Committee of the Board of Directors. The Equal Opportunity Officer is also

responsible for monitoring and reporting on progress toward affirmative action goals.

- D.** However, EMAA management personnel at every level share in the responsibility for promoting affirmative action and equal opportunity to ensure that compliance is achieved.
- E.** Equal opportunity will be practiced in all personnel decisions of EMAA. Successful performance on affirmative action goals will provide benefits to the agency through the full utilization and development of previously underutilized human resources.

2. COMPLAINT PROCESS

- A.** Complaint: Any qualified employee or qualified applicant for employment, or a qualified applicant or eligible program recipient who believes that he/she has been discriminated against because of race, color, creed, sex, national origin, age, handicap(s), or because of his/her political or religious opinions or affiliation may file an informal complaint of discrimination with the Equal Opportunity Officer (EOO) of the agency. The informal complaint may be filed by a representative of this person with his/her written consent.
- B.** Intimidation: It is against EMAA policy for anyone to intimidate, retaliate, threaten, coerce or discriminate against any individual because he/she made a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this part.
- C.** Complaint Procedure:
 - 1)** The complaint must be filed in writing and within 10 calendar days of the alleged occurrence. It is recommended, however, that the complaint be submitted to the Equal Opportunity Officer as soon as practicable after the alleged violation has occurred. This

- a) Will facilitate prompt resolution of the issue(s) and increase the availability of witnesses.
 - 2) The Equal Opportunity Officer will advise the complainant of his/her rights. The Equal Opportunity Officer shall inform the complainant of the right to file a formal complaint with appropriate Federal, State, and local civil rights agencies. The complainant will be encouraged to attempt to resolve the alleged violation informally within the agency. The Equal Opportunity Officer shall, if requested by the complainant, assist in discussion with any party to the complaint and may take other steps that may assist in the resolution of the issue.
 - 3) If the Equal Opportunity Officer is not able to resolve the issue to the satisfaction of the complainant within 21 calendar days, the Informal Complaint Procedure shall be implemented.
- D.** Informal Complaint Procedure: If the complaint cannot be resolved by EMAA's Equal Opportunity Officer, a report will be prepared, summarizing the complaint, the preliminary inquiry, and the disposition of the complaint and indicating the basis for that disposition. Following review by the Executive Director, copies of the report shall be provided to the Board and to the complainant within 21 calendar days of the filing of a complaint, regardless of the disposition of the complaint.
- E.** Formal Complaint Procedure: If the issue is not resolved to the satisfaction of the complainant, the complainant may file a formal complaint with the appropriate agency (ies) having jurisdiction to receive and process complaints. The Equal Opportunity Officer and/or the complainant may request the assistance of the Executive Director or the Community Services Program Director.

3. The Roles and Responsibilities of Staff

EMAA's Affirmative Action Plan found under separate cover, details the roles and responsibilities of the Equal Opportunity Officer and other Agency management personnel in implementing the Equal Opportunity Policy (EOP) and the Affirmative Action Plan (AAP).

- A.** Equal Opportunity Officer: The Equal Opportunity Officer shall not be the Executive Director or Deputy Director, but may be the Personnel Officer, Human Resources Coordinator or other member of senior management.
- B.** Executive Director: The Executive Director, or designee, will have the following responsibilities:
 - 1)** Providing counsel, guidance and support on internal reviews of organizations, structure and systems in connection with Affirmative Action activities.
 - 2)** Monitoring, assessing and making recommendations on all personnel program areas to
 - a)** Assure that policy, procedure, requirements, criteria selections, etc., are consistent with AAP objectives.
 - 3)** Providing special support and assistance in program areas such as training, employee counseling, employee utilization, participation in economic opportunity programs and utilization of personnel program dates and statistics.
- C.** Agency Personnel: It is the responsibility of all agency personnel to conduct themselves in a manner that promotes positive action toward policies and procedures outlined in EMAA's Affirmative Action Plan. A copy of this plan is available from the Equal Opportunity Officer, Human Resources Coordinator or Program Director.

4. THE ROLES AND RESPONSIBILITIES OF THE BOARD AND COMMITTEES

- A. The Board**
- 1)** The Board provides the Executive Director of the agency, through its power to delegate, the responsibility and authority to implement, through administrative procedures, the Affirmative Action Policy of the Board.
 - 2)** The Board ensures that appropriate policies provide protection and redress for those who have alleged discrimination, and provide for the exoneration of those found innocent of charges of discrimination.
 - 3)** The Board ensures that the EMAA's personnel policies are free of any discriminatory practices or procedures, that any disparity found within the operation of the agency is removed by Affirmative Action, and that all personnel policies meet the current interpretations of the laws which ensure equal opportunity to all.
 - 4)** The Board, through its Equal Opportunity Committee, will receive and review an annual evaluation of the effectiveness of the Affirmative Action Plan.
- B. Equal Opportunity Committee:** The Equal Opportunity Committee will identify specific problems that need to be resolved or eliminated in order to assure continued compliance with the Affirmative Action Plan. The EOC will then develop and recommend to the Board specific goals and objectives that will abolish disparate effects. The committee shall also perform other functions as provided for in the EMAA By-laws.
- C. Committees and Policy Advisory Boards:** All committees and policy advisory boards are charged to demonstrate awareness and concern as well as to take positive action to eliminate discrimination and its adverse affects in agency operations. These committees shall provide positive

leadership in equal opportunity in all EMAA programs and activities.

5. Publicizing Affirmative Action Plan and Program

- A.** Dissemination: The proper policies and procedures for ensuring adequate communication of EMAA's Affirmative Action policies are detailed in the Affirmative Action Plan. A copy of this plan is available from the Equal Opportunity Officer, Human Resources Coordinator or Program Director.
- B.** Listing Job Openings: All recruitment of employees will be conducted in the manner outlined in the personnel policy and shall also comply with all aspects of the Affirmative Action Plan. When recruiting employees outside the agency, EMAA's announcement of job openings will, at a minimum, be listed with the following:
 - 1)** Division of Workforce Development (Employment Security Office)
 - 2)** College and University Employment Centers
 - 3)** Newspapers within the service area
 - 4)** Family Support Division

6. ASSURANCES REQUIRED OF DELEGATE AGENCIES, CONTRACTORS, VENDORS AND SUPPLIERS OF SERVICE

- A.** General: East Missouri Action Agency will only purchase or lease goods and/or services, or delegate activities to organizations that are Equal Opportunity Employers. This policy is consistent with Federal and State regulations and other appropriate funding sources and states that no employer shall discriminate because of race, color, creed, sex, national origin, age, handicap(s), or because of his/her political or religious opinions or affiliations.
- B.** Definitions:
 - 1)** Delegate Agencies: Any organization listed on a grant application with which EMAA formally contracts to provide services for the

completion of agency objectives.

- 2) Contractors: Any organization with which EMAA has a formal written contract for the purchase or lease of goods and/or services.
- 3) Suppliers of Services: Services provided to EMAA for which payment is made, and who do not fall under the definition of "Delegate Agencies" or "Contractors" as listed above.
- 4) Vendors: Any organization from which EMAA purchases goods and/or services over the counter.

C. Compliance Procedures

- 1) In order to comply with this policy all Delegate Agencies, Contractors, Vendors and Suppliers of Services from whom EMAA purchases or leases goods and/or services and who meet the criteria established in Missouri Executive Order 81-17, must supply documentation that they are Equal Opportunity Employers before purchases or leases can be made.
- 2) Before a purchase or lease is made, the EMAA purchasing officer will, by Vendor Compliance letter and/or by telephone conversation, notify the organization of this requirement.
- 3) A letter certifying its compliance must be obtained from the organization. If compliance is not forthcoming, EMAA will not purchase or lease goods and/or services from the organization.
- 4) If a purchase or lease and/or payment have already been made without the property officer's knowledge, the property officer will give instructions that no more purchases can be made unless the organization is willing to comply with this requirement.

D. Exemptions: Exemptions from this policy will apply only in the following cases:

- 1) Missouri State Statutes, Chapter 296.01 exempts any person employing five (5) or less persons, and corporation and associations owned and operated by religious or sectarian groups; or
- 2) One-time purchases under \$20.00.

SECTION XVII: FAIR LABOR STANDARDS ACT

1. POLICY STATEMENT

It is the intent of East Missouri Action Agency to clarify the definitions of employment classifications so that employees understand their employment status and benefits eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment relationship at will at any time is retained by both the employee and East Missouri Action Agency.

2. Fair Labor Standards Act Job Classifications

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws:

- A. Nonexempt employees** are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are *not* exempt from the law's requirements concerning minimum wage and overtime.
- B. Exempt employees** are generally executives, managers or professional, administrative or outside sales staff who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs

that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

- C. Professional employees** are generally advanced scientific, academic or other specialized knowledge ordinarily gained by a prolonged course of specific instruction and study and not from general academic education or training; or work that is original and creative in a recognized field of artistic endeavor.
- D. Non-Exempt Status** are generally defined by the FLSA as "non-exempt" employee as one who do not meet the above criteria for "exempt" status. The non-exempt employee may be paid on an hourly or a salary basis.

SECTION XVIII: FAMILY MEDICAL LEAVE ACT

1. POLICY STATEMENT

East Missouri Action Agency recognizes that a leave of absence from active employment may be necessary for family or medical reasons. The policy has been developed to comply with, and will be administered in accordance with, the provisions of Family and Medical Leave Act of 1993 ("FMLA").

2. IMMEDIATE FAMILY MEMBERS

An employee's spouse, children (son or daughter), and parents are immediate family members for purposes of FMLA. The term "parent" does not include a parent "in-law," but does include step-parents and foster parents. The terms son or daughter do not include individuals age 18 or over unless they are incapable of "self-care" because of a mental or physical disability that limits one or more of the "major life activities" as those terms are defined in regulations issued by the Equal

Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA).

3. ELIGIBLE EMPLOYEES

Employees eligible for family and medical leave are those who: (a) have been employed by East Missouri Action Agency for at least twelve (12) months; *and* (b) have worked at least 1,250 hours during the twelve (12) month period preceding the family or medical leave. In addition, part-year Head Start employees who have worked at least 832 hours prior to start of FMLA, but less than 1250 hours during the 12 preceding months, are eligible for FMLA. These employees will be entitled to a maximum of nine workweeks of unpaid leave during a 12-month period. Any paid leave taken during this time counts toward the nine workweeks maximum. An eligible employee may take FMLA leave for the following reasons:

- A.** For the birth of the employee's child and/or to care for the employee's child after birth and/or the placement of a child with the employee for adoption or foster care and to care for the child thereafter. The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement, and leave taken for these reasons must be taken in one continuous period (i.e., not on an intermittent basis), unless otherwise agreed to by East Missouri Action Agency.
- B.** To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
- C.** Due to the serious health condition of the employee, which makes the employee unable to perform her/his job? Leave caused by an employee's serious health condition (whether personal or work-related) will be counted as Family and Medical Leave and will be deducted from an employee's entitlement to twelve (12) weeks of leave under this policy and the FMLA.

A serious health condition may include but is not limited to one of the following:

- 1) A physical or mental health condition involving an overnight stay in either an inpatient medical facility, including related subsequent treatments.
- 2) Incapacity for more than three calendar days and subsequent treatment that involves two or more treatments by a health care provider
- 3) Incapacity for more than three calendar days and one treatment by a health care provider resulting in a regimen of continuing treatment under the supervision of the health care provider.
- 4) Any period of incapacity due to pregnancy or prenatal care
- 5) Any period of incapacity due to a “chronic” serious health condition
- 6) A period of incapacity due to a long-term condition for which treatment may not be effective
- 7) Any absence for treatments for restorative surgery
- 8) Absences for treatments of a condition that will likely result in a period of incapacity of more than three days in the absence of medical intervention.

D. Military Family Leave

- 1) Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.
- 2) An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering

from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during “a Single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

4. LENGTH OR AMOUNT OF LEAVE

- A.** An eligible employee is entitled to no more than a total of twelve (12) weeks of unpaid leave within a rolling twelve (12) month period (i.e., the immediately preceding 365-day period).
- B.** Any absence or leave of absence taken for any reason that also qualifies for leave under the FMLA for a serious health condition (e.g., short-term disability leave, workers’ compensation leave, sick leave, vacation, etc.), will be counted as Family and Medical Leave and will be deducted from an employee’s entitlement to twelve (12) weeks of leave under this policy and the FMLA.
- C.** An employee who fails to return to work immediately following expiration of the authorized leave period, or who remains on leave for more than a total of twelve (12) weeks during any rolling twelve (12) month period, may be terminated from employment.
- D.** Where both spouses work for the Agency, they will be allowed a total of twelve (12) weeks between them to take family leave for the birth of their child; for placement of a child with the employee spouses for adoption or foster care; or to care for their child after birth, adoption or foster care placement.

- E.** Where two spouses work for the Agency, they will be allowed a total of twelve (12) weeks between them to take family leave to care for a parent with a serious health condition.

5. EMPLOYEE'S NOTIFICATION OF THE AGENCY

- A.** An employee who expects or anticipates taking a family or medical leave is required to notify Human Resources of the date of the commencement and the expected duration of the leave at least 30 days in advance of the leave, or, if the need for the leave is not foreseeable, as soon as possible. In cases where the need for leave is foreseeable, an employee's failure to provide 30 days of notice prior to taking leave may result in denial or postponement of the leave and/or unauthorized absence(s). When leave is not foreseeable, failure to give notice of the need for leave as soon as possible may result in a denial or postponement of the leave and/or unauthorized absence(s).
- B.** An employee requesting leave under this policy must submit a completed "Request for a Leave of Absence" form to her/his supervisor.
- C.** Employees anticipating the possibility of taking family or medical leave, or who have any questions about the application of this policy to their particular situation, should contact the Human Resources Department.

6. DESIGNATION OF LEAVE

It is East Missouri Action Agency's responsibility to designate whether leave, paid or unpaid, qualifies as FMLA leave. If an employee does not request an absence be counted as FMLA leave, EMAA may so designate the absence if it qualifies as FMLA leave.

7. CERTIFICATION

- A.** If an employee takes a leave of absence because of the serious health condition of the employee or the employee's family member, the Agency

will require the employee to submit to Human Resources a written medical certification from a health care provider demonstrating the need for medical leave. This certification must be provided within fifteen (15) calendar days of the Agency's request. Failure to provide such certification upon request will result in a denial or delay of leave, and may subject the employee to discipline and termination for excessive absenteeism under EMAA's attendance policy.

- B.** EMAA reserves the right to require that an employee obtain a second (and possibly a third) opinion from another health care provider (at the Agency's expense) certifying the serious health condition of the employee or the employee's family member. For extended leaves (i.e., usually leaves in excess of 30 days), EMAA reserves the right to require that an employee provide a recertification of the medical condition for which leave is taken.
- C.** During the employee's leave, the Agency may also periodically inquire of the employee, or the employee may be required to periodically report to the Agency, as to the employee's intent to return to work and the expected return to work date.
- D.** All written medical certifications and recertifications relating to an employee who requests FMLA medical leave will be maintained in the employee's confidential medical file, and will be made available to the Agency's management on a need-to-know basis.

8. INSURANCE PREMIUMS

- A.** During the employee's family or medical leave of absence, the Agency will continue to provide group health care insurance coverage for the employee; however, the employee will remain personally responsible for paying the employee's portion, if any, of the insurance premium. An employee on FMLA leave must continue to pay the same portion of health

plan premiums as if the employee was actively working and not on leave. Such payments must be submitted directly to Payroll in the manner and according to the schedule stipulated by the Agency. If the employee's premium payment is more than 30 days late, the employee's insurance coverage will lapse and terminate.

- B.** In certain circumstances, if an employee fails to return to work after his/her authorized leave period or after using all of the entitlement to twelve (12) weeks of leave, the employee may be required to reimburse the Agency for all contributions it made for the continuation of the employee's group health care insurance coverage during the leave period.

9. SUBSTITUTION OF PAID LEAVE

- A.** During a family or medical leave provided under this policy, an employee must exhaust all of his/her accrued and unused ETO as well as any disability insurance benefits, before continuing family or medical leave on an unpaid basis. The only exceptions are as follows:

- 1)** If a *full-time* employee is about to use all ETO and other leave because of a long personal illness, or because of a long illness of a qualifying family member, the employee *may* elect to reserve up to five days *combined total of any type* of leave that may be used intermittently following the employee's return to work.
- 2)** If a *part-time/part-year* employee is about to use all ETO and other leave because of a long personal illness, or because of a long illness of a qualifying family member, the employee *may* elect to reserve up to four days *combined total of any type* of leave that may be used intermittently following the employee's return to work.
- 3)** It will be the employee's responsibility to track the number of hours of leave remaining, so that if she/he elects to reserve hours for use

after returning to work, Personnel Activity Reports are completed accordingly.

- 4)** As detailed elsewhere in this section, no ETO will accrue in any pay period where the employee has utilized any leave without pay.
- B.** All absences that qualify as FMLA leave will count against an employee's FMLA leave entitlement of twelve (12) weeks per rolling period, whether or not the employee is also concurrently eligible for and receives disability insurance or workers' compensation benefits and/or ETO pay during part or all of his/her FMLA-qualifying absence.
- C.** During the leave, an employee will accrue additional paid vacation and sick days during any paid portion of the leave, but the employee will not accrue additional paid vacation and sick days during any unpaid portion of the leave. Likewise, an employee will receive holiday pay for a holiday that may occur during any paid portion of the leave, but the employee will not receive any holiday pay for a holiday that may occur during any unpaid portion of the leave.
- D.** An employee will not lose any benefit accrued prior to the start of the leave (except for any accrued paid time that is actually used and paid during the leave as provided for below).

10. INTERMITTENT OR REDUCED-SCHEDULE LEAVE

- A.** Leave taken due to the employee's or a family member's serious health condition may be taken on an intermittent or reduced-schedule basis when medically necessary and if the employee first attempts to schedule his/her leave so as not to disrupt the Agency's operations. If an employee seeks leave on an intermittent or reduced-schedule basis, the employee may be required to submit a medical certification, as discussed above, which also provides additional certification from the health care provider that the

intermittent or reduced-schedule leave is medically necessary. The Agency will require any employee claiming that an absence qualifies as intermittent FMLA leave to submit a doctor's report verifying the medical necessity of each such intermittent day of leave.

- B.** EMAA may require an employee taking intermittent or reduced-schedule leave to transfer temporarily to an alternative available position for which the employee is qualified, or may temporarily modify the employee's current position, to better accommodate the employee's intermittent periods of leave.

11. JOB RESTORATION

- A.** Upon return from family or medical leave, in accordance with this policy the employee will be returned to the same or an equivalent position with no loss of pay or benefits that accrued prior to the leave of absence. An employee who does not return to work at the end of an authorized leave period or after exhausting his/her twelve (12) week entitlement to leave under this policy and the FMLA may be terminated from employment. EMAA may deny job restoration to an employee if her/his job or position would otherwise have been eliminated even if the employee had not taken a leave of absence.
- B.** To guarantee that EMAA can make scheduling arrangements and have work available for the employee upon returning to work, the employee must give two working days' notice of his/her intent to return to work. Before being returned to work, an employee who is on a leave of absence as a result of his/her own serious health condition must also submit a health care provider's written certification that the employee is able to return to work. Failure to provide such certification may result in the delay or

postponement of the employee's return to work and/or unauthorized absence(s).

- C.** Notwithstanding the above, certain "key employees" (defined as salaried, FMLA-eligible employees who are among the highest paid ten (10) percent of the employer's employees) within 75 miles of the facility where the employee works may not be eligible to be restored to the same or an equivalent job at the conclusion of their leave. If applicable, EMAA will notify such employees of their "key employee" status and the conditions under which job restoration may be denied.

12. NON-DISCRIMINATION

- A.** East Missouri Action Agency does not discriminate against employees or prospective employees who use FMLA leave or who exercise their rights under the FMLA. Additionally, the Agency does not consider the taking of FMLA leave to be a negative factor when making any employment decision, including but not limited to hiring, promotion, demotion, transfer or disciplinary action.

SECTION XIX: HEALTH AND SAFETY POLICY

1. COMMUNICABLE DISEASES POLICY

The Agency's decisions involving persons who have communicable diseases shall be based on current and well- informed medical judgments concerning the diseases, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable diseases, and a careful weighing of the identified risks and the available alternative for responding to an employee with a communicable disease.

Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B 9 (serum hepatitis), human immunodeficiency virus (HIV infection), AIDS, AIDS- Related Complex (ARC),

leprosy, Severe Acute Respiratory Syndrome (SARS), tuberculosis and COVID-19. The Agency may choose to broaden this definition within its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC). The Agency will not discriminate against any job applicant or employee based on the individual having a communicable disease. Applicants and employees shall not be denied access to the workplace solely on the grounds that they have a communicable disease. The Agency reserves the right to exclude a person with a communicable disease from the workplace facilities, programs and functions if the organization finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the workplace.

The Agency will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases.

A. QUARANTINE

- a.** The Agency will take proactive steps to protect the workplace in the event of an infectious disease outbreak. Employees are encouraged to engage in good hygiene practices while at work, especially hand washing with water and soap.
- b.** The Agency will ensure a clean workplace, including the regular cleaning of objects that are frequently handled, such as taps, toilets, doors handles and railings.
- c.** Sick leave is provided in an effort to make all reasonable attempts to ensure that employees do not attend the workplace while displaying symptoms of illness or if subject to quarantine directives.

- d. It is the goal of the Agency, during any time period of quarantine or infectious disease outbreak, to strive to operate effectively and ensure that all essential services are continuously provided and employees are safe within the workplace.

B. STOPPING THE SPREAD OF GERMS AT WORK

- a. How Germs Spread
- b. Illnesses such as the flu (influenza) and colds are caused by viruses that infect the nose, throat, and lungs. The flu and colds usually spread from person to person when an infected person coughs or sneezes.

How to Help Stop the Spread of Germs

1. *Cover your mouth and nose when you sneeze or cough.* Cough or sneeze into a tissue and then throw it away. Cough or sneeze into your elbow if you do not have a tissue.
2. *Clean your hands often.* Wash your hands with soap and warm water, then rub your hands vigorously together and scrub all skin surfaces. Wash for 15 to 20 seconds. It is the soap combined with the scrubbing action that helps dislodge and remove germs. When soap and water are not available, alcohol-based disposable hand wipes or gel sanitizers may be used. If using a gel, rub the gel in your hands until they are dry. The gel doesn't need water to work; the alcohol in the gel kills the germs that cause colds and the flu.
3. *Avoid touching your eyes, nose or mouth.* Germs are often spread when a person touches something that is contaminated with germs and then touches his or her eyes, nose or mouth. Germs can live for a long time (some can live for two hours or more) on surfaces like doorknobs, desks and tables.

4. *Check with a health care provider when needed.* When you are sick or have flu symptoms, stay home if possible, get plenty of rest and check with a health care provider as needed. Remember: keeping distance from others may protect them from getting sick.
5. *Practice other good health habits.* Get plenty of sleep, be physically active, manage your stress, drink plenty of fluids and eat nutritious food. Practicing healthy habits will help you stay healthy during the flu season and all year long.

For more information, visit www.cdc.gov or call the Center Disease Control (CDC) Flu Information Line at (800) CDC-INFO

2. EXPOSURE PREVENTION POLICY

In the event of an influenza pandemic or other communicable disease or pandemic situation, the Agency may implement these social distancing guidelines to minimize the spread of the influenza and other communicable diseases among the staff.

During the work day, employees are requested to:

1. Avoid meeting people face-t-face. Employees are encouraged to use the telephone, video conferencing and the Internet to conduct business as much as possible, even when participants are in the same building.
2. If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room and sit at least one yard from each other if possible; avoid person-to-person contact such as shaking hands.
3. Avoid any unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops and training sessions.
4. Do not congregate in work rooms, break rooms, copier rooms or other areas where people socialize.
5. Bring lunch and eat at your desk or away from others (avoid lunch rooms and

crowded restaurants).

6. Encourage employees to request information via phone, email and fax in order to minimize person-to-person contact.

A. OUTSIDE ACTIVITIES

Employees might be encouraged to the extent possible to:

1. Avoid public transportation (walk, cycle, drive a car) or go early or late to avoid rush-hour crowding on public transportation.
2. Avoid recreational or other leisure classes, meetings, activities, etc. where employees might come into contact with contagious people.

B. TELECOMMUTING

Management will determine which, if any, employees may work from home and encourage all employees who are able to telecommute to do so.

C. CONFERENCES, SEMINARS, AND EDUCATIONAL EVENTS

Management will determine if and when to cancel or postpone agency events.