

## **Welcome!**

Welcome to Bauer Family Resources!

Bauer Family Resources is committed to providing our community with high quality services that create brighter tomorrows for children and families. We believe that this goal is best accomplished by working together across all of our programs and services – and with others in the community - as a team.

Our goal is to be recognized as the best and most expert youth serving organization in our community.

To help you understand how we work together, we have prepared this Employee Handbook. We hope it will answer any questions you may have regarding Bauer Family Resources and how we do things. If you still have questions, please don't hesitate to ask your immediate supervisor for additional information and/or clarification of any of the policies. .

From time to time these policies – which are approved by the Board of Directors - may be revised or new ones added. The policies may be changed at the sole discretion of the Employer. If you do not understand any changes that may occur, please ask your Supervisor or his/her designee.

Once again, we are pleased to have you join our team and wish you every success!

Pam Biggs-Reed, M.S., NCC, LMHC  
Chief Executive Officer

## **1.1 Mission**

*Creating brighter tomorrows by strengthening children and families today.*

### **1.11 Vision**

All children and families in our community are safe, happy, and healthy.

### **1.12 Values**

#### *Integrity*

“What we do, what we say, and what we say we do.” –Don Galer

#### *Service*

“Promise only what you can deliver. Then deliver more than you promise.” –Beau K. Ly

#### *Innovation*

Discovery consists of seeing what everybody has seen and thinking what nobody has thought.” –  
Albert Szent Gyorgyi

## **1.2 History**

The Bauer Family Resources is a private, not-for-profit social service agency that has been providing support to Tippecanoe County families since 1929. Our services are funded by a variety of sources, including United Way, Indiana Department of Child Services, Health and Human Services, Community Foundation of Greater Lafayette, client fees and our generous donors.

The agency was founded in 1929 by probation officer Grace Bauer in response to a community need for alternatives to criminal behaviors for young men living on Lafayette’s south side. Ms. Bauer and other community minded ladies held “teas” to raise money to operate programs for this at-risk population. This was the humble but noble beginning of an agency that would grow with the community but would remain true to its founding mother’s desires: responding to the needs of our community’s children. The first paid employee was hired for a part-time position in 1938 to supervise activities which include child care for working mothers. In 1957 what is now Bauer became incorporated as South Side Community and Day Care Center, and became a United Fund agency. Services through the Federal Head Start program were started in 1965.

In December 1972, funds were secured for construction of a new building to replace the former facility that had been destroyed in a fire. The project was completed in 1976. In 1983, after great debate, the name of the agency was changed to the Bauer Family Resources, Inc., to more accurately represent the agency’s mission. This debate has resurfaced in 2010 as the Agency considers another possible name change.

Counseling programs were added to the agency in the 1980s when social workers were hired when employees in the youth programs began to identify children struggling with abuse and neglect issues. The growth of this program and a steady increase in clients requesting counseling services resulted in a decision to move the program from the south side facility. A space more conducive to the counseling programs was found downtown in the Commerce Building in 1995 and the program was named The Counseling Center. The program remained there until 2003, when it moved into its current offices on Saw Mill Road.

The agency also experienced a growing Head Start program in 1995 and purchased and remodeled a building in the northeast portion of the county, moving employees and classrooms from the south side facility in 1997. Early Head Start services – for children six weeks to three years old – were added in 1998, serving 40 children and their families. The Head Start and Early Head Start programs expanded to Durgan Elementary in 2008. In 2010 the South Side Community Center again became the home of child care services when three new Early Head Start classrooms were opened. Other early care and education classrooms are located at Coppergate Apartments and Washington Elementary School.

Because of the agency’s founding mission of providing services to delinquent youth, Teen Court was an ideal addition to Bauer programming in 1998. This is a court diversion program for youthful offenders who admit their guilt and are willing to serve a “sentence” handed down by a jury of their peers.

Bauer Family Resources, with the support of dedicated employees, a generous community and hardworking volunteers continues to meet the needs of our community. We are looking forward to working together to write the next chapter.

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### **1.3 Organization and Accountability**

As a private, not-for-profit organization, Bauer Family Resources operates under the leadership of a volunteer Board of Directors. Authority and responsibility for the successful operation of the organization begins with the Board of Directors. The Board approves policies, a budget, and gives authority to the Chief Executive Officer to administer the policies manage operations. The Board authorizes the Chief Executive Officer to employ a staff to successfully manage program operations and implement policies.

The Chief Executive Officer delegates authority and assigns responsibility through Directors, who, in turn, delegate authority and assign responsibility to Coordinators. Coordinators delegate authority and assign responsibility to employees on their staff.

This network of authority and responsibility is the organization's chain of accountability. Employees are accountable for fulfilling their duties to their Supervisors. Supervisors are accountable to the Directors, who are accountable to the Chief Executive Officer. The Chief Executive Officer is accountable to the Board of Directors.

For resolving problems and conflicts, it is suggested that employees contact their immediate supervisor and use the problem resolution procedure as outlined in Section 2.29. If there are unusual circumstances and the employee believes that it is inappropriate to follow the suggested procedure, the employee may present the problem to the Executive Committee of the Board of Directors.

It is the policy of the company that each and every member of the Board of Directors; all employees; and volunteers are responsible for reporting violations or suspected violations of ethical standards, including but not limited to actions that:

- May lead to incorrect financial reporting;
- Are unlawful;
- Are not in line with Agency policies; or
- Otherwise amount to serious improper conduct.

See Section 4.25 Whistle Blower Policy for details.

The Policy Council is a second governing body that has specific responsibilities for a portion of the agency, Head Start and Early Head Start. Approving personnel policies and reviewing financial information are among these duties. Contact the Director for more information about Policy Council.

## **2.1 Disclaimer**

This Handbook is prepared to provide employees with information and guidelines. It is not a contract of employment between the Bauer Family Resources (herein as “Bauer” or “Employer”) and you (“Employee”). Employment with Employer is at-will and is not for a definite term. This means that Employer or Employee can terminate employment at any time, for any reason or no reason.

The Bauer Family Resources Board of Directors and Head Start Policy Council have guided the development of and approved this Bauer Family Resources, Inc. Employee Handbook. Only the Board of Directors and the Policy Council have the authority to change policies and practices described in this Handbook. The Board of Directors or the Policy Council may change company policies or practices at any time, with or without advance notice.

Only the Chief Executive Officer has authority to enter into agreements with employees. No other officers or representatives of the Employer have any such authority, nor do they have authority to make agreements inconsistent with this Handbook.

Questions regarding this Disclaimer or the sections of this Handbook should be directed to the Employee’s Supervisor.

## 2.2 Notice of Revision

This Employee Handbook is a revised version of any previous Employee Handbook (Personnel Policies and Procedures) issued by Bauer Family Resources, Inc.

This Handbook supersedes and revokes all prior versions of a Handbook or Policy Manual or any memo, bulletin, policy or procedure on any subject discussed in this Handbook that has been issued prior to the date occurring below.

This revised Employee Handbook is effective **August 1, 2010**.



## **2.3 EEO**

Bauer Family Resources provides equal employment opportunities to all employees and applicants for employment, without regard to race, color, religion, sex (including pregnancy) national origin, age, disability, or genetic information. Bauer Family Resources complies with applicable state and local laws governing non -discrimination. In addition, this policy of equal opportunities applies to all terms and conditions of employment. This includes, but is not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation.

## **2.4 Affirmative Action and Equal Opportunities**

Bauer Family Resources, Inc., provides employment opportunities without regard to race, color, religion, sex (including pregnancy) national origin, age, disability or genetic information, or the presence of handicaps or disabilities, or any other basis protected by state and federal law.

When recruiting, hiring, training and promoting in those job categories in which women, minorities, handicapped individuals or veterans are underutilized, the Employer will take affirmative action to seek out qualified applicants without regard to race, color, religion, sex (including pregnancy), national origin, age, disability, or genetic information, or any other basis protected by state and federal law.

All employment related decisions and terms and conditions of employment with Bauer Family Resources, Inc., are, and will continue to be, established on the basis of the individual's qualifications and ability to perform the job.

The Bauer Family Resources's written affirmative action plan, or relevant portions of it, is available for your inspection upon request submitted to the Human Resources Director.

## **2.5 Americans with Disabilities Act (ADA)**

Bauer Family Resources complies fully with the Americans with Disabilities Act, as well as state laws that require the Employer to make reasonable accommodations for qualified individuals with disabilities in the workplace. The Employer does not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, termination, compensation, training, or other terms, conditions and privileges of employment. The Employer treats all medical information and records concerning disabilities as strictly confidential.

Upon request, the Employer will reasonably accommodate qualified individuals with a disability so that they may perform the essential duties of the position. An individual, who can be reasonably accommodated, without undue hardship, will be given the same consideration for a position as any other applicant. To make this request, contact the Human Resources Director and ask for the Accommodations Request Form. Fill out this form and return it to the Human Resources Director. The Human Resources Director will evaluate the request in accordance with the provisions of the Americans with Disabilities Act. The employee will be notified of the decision regarding the request within 30 days of submission to the Human Resources Director.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

## **2.6 Serious Illness and Incurable Disease**

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often desire to continue their normal work. This Employer supports these employees who are able to meet acceptable performance standards. As with other disabilities, the Employer will make reasonable accommodations in accordance with all applicable laws, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

All medical information on individual employees is treated in strict confidence. The Employer will take reasonable precautions to protect such information from inappropriate disclosure by maintaining health records in confidential files separate from the employee's personnel file. Access to medical information will be limited to necessary parties. Supervisors and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone disclosing such information to a person or persons with no need to know is subject to disciplinary action, up to and including termination of employment.

## **2.7 Employment-at-will**

Each employee is an at-will employee. This means that you can leave your employment at any time, with or without cause, and with or without prior notice, although the Employer does request adequate advance notice when possible. Bauer requests a minimum courtesy notice of 1 month for all positions of a management level and 2 weeks for all other positions.

Likewise, Bauer Family Resources, Inc. may terminate employment for any reason or no reason, with or without prior notice, and at any time. Bauer will try to provide advance notice when possible. Approval for hiring and terminations through Policy Council will be followed as outlined in the Federal Standards.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between Bauer and any of its employees. The provisions of the handbook have been developed at the discretion of the Board of Directors and the Policy Council and except for its policy of employment-at-will, may be amended or cancelled at any time at Bauer's sole discretion.

Further, no representative of Bauer Family Resources, Inc., other than the Chief Executive Officer, has the authority to enter into an agreement of employment for any specified period of time or to make any agreement contrary to the foregoing.

## **2.8 False Information and Employment**

Applicants for employment with the Employer are expected to provide complete and accurate information regarding their background, employment history, credentials and qualifications for employment. If, following employment, the Employer learns that an employee provided false or misleading information, or omitted pertinent information regarding essential background, employment history, credentials or qualifications for employment, the Employer may discipline the employee, up to and including termination, regardless of the time elapsed before the discovery.

The Employer may investigate an employee's background, employment history, credentials and qualifications at any time during the employment relationship.

## **2.9 Pre-Employment Screenings**

In compliance with Indiana law and contracts with the State of Indiana, complete background screenings will be conducted for all potential employees of the Bauer Family Resources, Inc. Screenings will include, but not limited to, National FBI Fingerprinting, State and local criminal history background checks, drug testing, drivers license checks, proof of valid insurance, and Child Protective Services background screenings.

Employment with Bauer Family Resources is conditional until the successful return of all pre-employment screens.

Certain classes of criminal offenses will automatically preclude employment with the Agency. These include, but are not limited to:

- Sexually based offenses
- Violent offenses
- Substantiated Child Abuse or Neglect

The above list is not inclusive of all convictions that may preclude employment.

This section applies to all classifications of employees and to all volunteers who work more than 8 hours per month. Please reference Policy X.XX Volunteer Management for specific volunteer requirements.

The results of these checks will be maintained in the employee's personnel file, and may be investigated at any time during the employment relationship.

## **2.10 Special Employment Requirements**

As a condition of employment and after an offer of employment has been made, the applicant may be required to complete a health check or meet other special pre-employment qualifications prior to the starting date of employment. The cost for pre-employment requirements is paid by the applicant.

An employee may be required to submit to a physical examination every two years to ensure fitness for duty. When this occurs and appropriate procedures are followed, the Agency will reimburse the employee for the co-pay amount incurred for an office visit (up to a maximum amount not to exceed the Agency's current PPO office visit co-pay) upon receipt of written documentation from the physician. If the physical examination indicates that the employee is not physically or psychologically fit to perform the job responsibilities, with or without reasonable accommodation, or the results would leave the Agency out of compliance with any applicable regulations if employment were to be continued, termination of employment may occur.

When new requirements are developed for current employees, the Agency may pay, on a reimbursement basis, for the costs of obtaining the required credential. If the employee does not obtain the required credential within a specified time frame, changes in job responsibilities or termination of employment may result.

## **2.11 Nepotism**

The Employer may hire qualified relatives of employees if the employment does not create an actual or perceived conflict of interest. No relatives will work together in a supervisory/subordinate role or as co-workers in the same division.

For purposes of this policy, "relatives" means any individual related to an employee, or to the employee's spouse, by blood or by law, for example: a spouse, child, parent, brother, sister, aunt, uncle, grandchild, grandparent, son, and daughter. Also, for purposes of this policy, "relative" means a domestic partner, that is an individual with whom an employee is cohabiting. It also means the following persons related to the domestic partner by blood or by law: A child, parent, brother, sister, aunt, uncle, grandchild, grandparent, son-in-law, and daughter-in-law. This definition also includes "step" relatives.

This policy does not apply to a part-time employee, hired for a period of less than six workdays in a three-month period.

## 2.12 Non-exempt and Exempt Employees

**Non-Exempt Employee:** The term non-exempt refers to employees who are not exempt from the Fair Labor Standards Act. They are employees to whom the Employer pays overtime pay at the rate of one-and-one-half times the employee's regular hourly rate, for all hours worked on behalf of the Employer beyond 40 hours in a workweek. Non-exempt employees may not work more than 40 hours per week without prior written approval of the Chief Executive Officer or his/her designee. Violations of this policy may result in a written reprimand, suspension or termination of employment.

During periods of reduced need, non-exempt employees may be offered the opportunity to leave, without pay. If the employee desires to be paid, accumulated vacation may be used.

**Exempt Employee:** Exempt employees are those who are exempt from provisions of the Fair Labor Standards Act and are not paid overtime wages. Exempt employees are salaried employees whose employment duties are executive, administrative, outside sales or professional as described in 29 U.S.C. § 213 (1998).

Certain policies that apply to non-exempt employees (such as timekeeping and payment of overtime pay) do not apply to exempt employees. No statement in this Handbook is intended to conflict with provisions of the Fair Labor Standards Act (the federal wage and hour law) governing exempt employees and the Employer's treatment of exempt employees.

The Employer will inform employees of exempt or non-exempt status.



## 2.13 Classifications of Employment

Full-time employees with benefits: A full-time employee is defined as any employee who is regularly scheduled to work 40 or more hours per week, 52 weeks per year, and qualifies to receive company benefits.

Full-time, part-year employee with benefits: A full-time, part-year employee is defined as any employee who is regularly scheduled to work 40 hours each week and less than 52 weeks per year, and qualifies to receive company benefits.

Part-time employees with benefits: A part-time employee with benefits is defined as an employee who is regularly scheduled to work at least 30 but less than 40 hours per week, 52 weeks per year, and qualifies to receive company benefits.

Part-time, part-year employees with benefits: A part-time, part-year employee with benefits is defined as an employee who is regularly scheduled to work from 30 to less than 40 hours per week, less than 52 weeks per year, and qualifies to receive company benefits.

Part-time employees without benefits: A part-time employee without benefits is defined as any employee who is regularly scheduled to work less than 30 hours per week, and does not qualify to receive company benefits.

Seasonal employees: A seasonal employee is one who is hired to work only during certain seasons or period of the year. A seasonal employee may work any number of hours a week. Seasonal employees are not eligible for benefits. Seasons are defined as “summer” and “school year.”

Substitutes: A substitute is a person who is employed on an as-needed basis, for brief periods, even for less than one full day. Substitutes are not eligible for benefits.

Interns: Interns are a special classification of volunteers who will follow the same policies and standards of behavior that paid employees are required to follow. Interns whose performance does not conform to the policies and standards that apply to employees are subject to discipline and their internship may be terminated.

*Time off for vacation is not to be considered in calculating an employee's work schedule for purposes of this section.*

## 2.14 Work Hours

The hours an employee works each week may vary and will be determined by an employee's immediate Supervisor. An employee who wishes to make changes in his/her work schedule must have the Supervisor approve the changes in advance, in writing.

## **2.15 Workweek**

The workweek runs from Sunday through and including the following Saturday.

## **2.16 Flexible Work Hours**

Flexible scheduling may be an option for employees in certain job classifications and certain job functions. Employees requesting flexible work hours should contact their immediate Supervisor. Employees should not assume or expect that flexible work hours are available upon request.

Flexible work schedules may be granted to help meet the needs of an employee, but only where the arrangement meets the needs of the Program/Agency. In some instances, an employee may be placed on a flexible schedule as a way to better meet the needs of the Program/Agency.

If in the opinion of management a request for flexible work hours is not workable or is not to the benefit of the Program/Agency, the Program/Agency may deny the request. In an instance where a flexible work schedule is in process, but is not working to the satisfaction of the Employer, the flexible work schedule will be discontinued.

## **2.17 Keeping Records Up-to-date**

Changes in an employee's marital status, telephone number, or address must be provided to an employee's Supervisor and Human Resources within 30 days of a change. The Employer needs this correct information in case of emergency.

Employees with changes in an employee's relationships with a spouse and/or dependent children that might qualify them for continuation of health insurance benefits [See Continuation of Health Insurance policy, Section 5.10, should notify Human Resources within 30 days of a change. The Employer needs this information to offer continuation of coverage to qualified persons.

Failure to notify the Human Resources of the changes may result in the employee being required to pay any associated costs incurred by the Employer as a result.

## **2.18 Terminating Employment/Job Abandonment**

The ending of an employee's employment with Bauer Family Resources may occur in several ways, such as:

1. Job abandonment: When an employee does not report to work for two consecutive workdays, without notifying his/her Supervisor, the employment relationship with the Employer will be terminated.
2. Voluntary Resignation: When an employee initiates his/her own termination for any reason. Employees who voluntarily terminate employment with Bauer Family Resources are urged to give their Supervisor no less than two weeks written notice prior to the termination date.
3. Termination: When the Employer initiates an employee's termination due to lack of work, a change in the workforce, unsatisfactory performance of the duties of the position, employee misconduct, or for any other reason or no reason at all.

## 2.19 Layoffs/Reorganization/Reduction in Force

**Layoff or employee reductions** may become necessary for a variety of reasons. The Employer will notify affected employees with as much advance notice as possible and according to federal and state laws.

Employees may be recalled after a layoff. If employees do not report to work within three days of their recall notice, they forfeit their opportunity for employment with this Employer.

**Reorganization** can include any change in the philosophy, purpose, organization, programs or techniques of the Agency, or one or more of its Programs, which alters a specific position, changes job requirements, eliminates a position, or results in the creation of a new position, and which provides no suitable opening for a given employee.

**Reduction in force** is the elimination of a position or a reduction in work schedule of a position arising from organizational or program changes.

## **2.20 Exit Interview**

At the time of leaving employment with the Employer, employees will be given the option to complete an exit interview to provide feedback via written form or face-to-face meeting with a member of the Leadership Team. The purpose of this exit interview is to provide the organization with information about their employment experience. This allows for management and the Board of Directors to identify trends that may be occurring in the workplace; things that are going well on the job; and things that are needed to keep/attract qualified employees. Departing employees are encouraged to complete this form or meet face-to-face with a member of the Leadership Team after they have completed their duties with the organization.

## **2.21 References and Verifications of Employment**

Only The Human Resources Director or his/her designee is authorized to respond to outside requests for information on current and former employees.

Employees and former employees must refer all such inquiries to the Human Resources Director.

The Human Resources Director or his/her designee will give out only the following information: hire date, termination date, job title, status of employment (whether full-time, part-time, or temporary) and the eligibility for rehire. The Employer will not give out any information regarding evaluations of an employee's performance, wage information, etc, unless provided with a signed release of information from the current or former employee.

The Employer will not give a general work reference to an employee leaving the agency. The Employer will provide a reference when the employee's prospective employer requests it in writing. Bauer will provide a reference only with the former employee's signed permission, which includes a statement releasing Bauer Family Resources from any liability for job-related information provided to the prospective employer.

## 2.22 Performance Evaluations

Employee performance reviews provide an excellent opportunity for you and your Supervisor to engage in feedback to evaluate job satisfaction, improve the workplace, and evaluate job performance.

New employees will participate in 30 and 90 day meetings with their supervisor to encourage future communication as well as provide feedback that will help improve the workplace and enhance retention.

Employees are then reviewed on or near the anniversary date of his/her hiring. Employees who are PRN (per request needed) or substitute employees will not receive a formal evaluation.

Annual Performance reviews consist of two parts:

- ❖ Supervisor's written evaluation.
- ❖ Discussion between the employee and his/her Supervisor.

During the discussion part of the evaluation, the employee and his/her Supervisor will discuss the employee's achievements, goals for improvements in the employee's job performance, and ways the employee and Employer can cooperate to assure the employee reaches his/her goals. Both the employee and his/her Supervisor will sign the written evaluation, and the employee will have the opportunity to provide written comments before the evaluation is added to the employee's personnel file. The employee will receive a copy of the evaluation.

Good performance reviews are not a guarantee of wage, salary or benefits increases; job or career advancement; or of continued employment.

If an employee feels the need to discuss his/her work performance with his/her supervisor, he/she may request a review at any time.



## 2.23 Job Posting and Promotion

The Employer provides employees an opportunity to indicate their interest in open positions and to advance within the organization according to their skills and experience through the job posting system. This gives all employees an opportunity to apply for positions that they are interested in and are qualified for.

Certain job vacancies are posted via email to all employees by the Human Resources Department and placed on the communication bulletin boards at each location for three (3) business days. Each job posting includes the title, employment status, the minimum hiring specifications, the essential functions of the job, and the closing date for filing applications. The Supervisor of a posted position will interview all in-house candidates who meet the minimum qualifications.

To be eligible to apply for a posted position, you must meet the minimum hiring specifications for the position. You must be capable of performing the essential functions of the job, with or without a reasonable accommodation. You must be an employee in good standing in terms of your overall work record and generally, you must have been in your current position for a minimum of **six months**. ***Employees are required to notify their current Supervisor prior to applying for a posted position.*** After informing your current Supervisor, you may submit your cover letter and resume to the Human Resources Department for consideration.

The Employer reserves the right to use other recruiting sources to fill open positions in the best interest of the organization.

## **2.24 Computer, Electronic Equipment Use**

This policy describes acceptable use of Bauer's Internet connection, computer hardware, software, and Agency telephones. Employees who use Bauer's Internet connections, computers and/or Agency telephones should not have an expectation of privacy because Bauer owns this property. Information stored on Bauer's computer systems, and telephones is the property of the Agency and can be subpoenaed by a court of law.

It is Bauer's policy to monitor and control Internet access on computers and telephones consistent with state and federal law. This may include review of stored messages and files and, where consistent with the law, the maintenance and review of detailed traffic logs. Employees and other parties who use this access inappropriately may be subject to disciplinary action up to and including termination of employment, as well as civil and criminal penalties.

It is acceptable to use Bauer's Internet connections and computers for business activities that bring value to the agency and for other activities as directed or approved by management. Employees shall not use Bauer equipment to conduct personal business, such as paying bills, applying for another job, listening to streaming music, viewing streaming video, or accessing social networking sites such as Facebook, Twitter, or MySpace or blogging.

Cell phones may be assigned to employees at the discretion of Directors when they are required to perform the normal duties of the position. Cell phone and landline usage should be business related and not for personal use; any personal use should be limited both in frequency and duration. Long distance charges and cell phone charges should be incurred only for Bauer business and not for personal use. Text messaging for communicating with clients can be used on Bauer issued telephones only with the prior consent of the employee's supervisor. Employees are not to use hand held mobile phones unless safely parked or unless the device is entirely hands free and does not require the driver to remove either hand from the steering wheel.

Any use that constitutes illegal activity is strictly prohibited. Examples of unacceptable uses of Bauer's Internet connections or computers include, but are not limited to:

- Unauthorized access to other networks, computer systems and information
- Activities that interfere with the ability of others to access or use the Internet
- Posting information on social network sites that may affiliate yourself or represent the company in a negative light
- Commercial use or solicitation that is not authorized by the Agency
- Pornography, represented either by words or pictures
- Hate messages or sites or other interests conflicting with the corporation's values
- Trafficking in drugs, firearms or gambling

- Installing or using computer software not licensed by Bauer or approved by management
- Using or copying software in a manner inconsistent with its license
- Intentionally sending or receiving a computer virus
- Sending inappropriate, unethical or harassing email messages
- Forwarding “joke” emails, photographs, video clips, etc. received from others within or outside of the Agency.

For more information on Bauer’s anti-harassment policy and complaint procedure see sections 4.21, 4.22, and 4.23.

Bauer provides Internet access and computers to facilitate business and communication. The Employer’s information, computer systems and networks must be maintained so that undesirable or unauthorized external connections are prevented.

Bauer computer users may not establish electronic bulletin boards, local area networks, blog sites or other systems that enable or promote unauthorized access to the Employer’s information, computer systems or networks. Website creation or other Bauer presence on the Internet for the purpose of offering general, non-confidential information regarding the agency, its mission and its services must be approved by the Chief Executive Officer of the Bauer Family Resources or his/her designee.

**Monitoring of Employee’s Use of Employer Equipment:** When using the Employer’s computers and telephones employee members have no right to privacy and should not expect privacy. The Employer reserves the right to monitor the Employer's equipment at any time, with or without warning from the Employer.

The Employer reserves the right to inspect and monitor any incoming and outgoing correspondence received or sent by an employee to or from the Employer's premises, or received or sent using Employer equipment, or that is received or sent via a messenger or service that is paid for or subsidized by the Employer. This right extends to all internal and external mail, messages, electronic correspondence, electronic bulletin board accounts, national electronic messaging service accounts and any other correspondence service that is paid for or subsidized by the Employer.

Inspection of incoming and outgoing messages or mail may occur at any time, with or without notice from the Employer.

Monitoring under this policy may proceed without the employee’s member's knowledge. Supervisors, Directors and Officers of the Employer are the only persons permitted to do such monitoring. They will keep confidential any information obtained from such monitoring and share it only with persons who have a need to know. If during such monitoring the Employer discovers that the employee has violated the policies and procedures of the Employer, the Employer may discipline the employee, up to and including termination of employment.

## **2.25 Searches of Employee Personal Property on Employer's Premises**

Bauer Family Resources has an obligation to protect its own property and the possessions of employees, visitors and clients while on the Employer's premises. In addition, the Employer has an obligation to maintain a workplace free of illegal drugs, alcohol and illegally held goods.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of Bauer. Accordingly, these, as well as any articles found within them, can be inspected by an agent or representative of the company at any time, either with or without prior notice.

The Employer reserves the right to inspect all possessions of employees, visitors and clients, including such items as lunchboxes, handbags, purses, packages and briefcases, carried into or located on the Employer's premises, worksites, or facilities, if the Employer has a reasonable suspicion that the individual is or was engaged in illegal conduct. The Employer may conduct such inspections at any time, at its discretion.

Notices of this policy are posted at all entrances to the Employer's premises and on all Employee bulletin boards.

Visitors and clients who refuse to cooperate in inspections under this policy will be refused entrance to the Employer's premises. Employees who refuse to cooperate with inspections under this policy will be subject to discipline up to and including termination of employment.

## **2.26 Bulletin Boards**

The Employer maintains several bulletin boards to communicate information to employees, clients and visitors.

There are bulletin boards located near the copy machines at each of the Employer's locations. These bulletin boards are for Employer use only. The Employer will post on these boards important information for employees. Employees are encouraged to check these boards regularly.

Employees shall not post any items without supervisor approval. Solicitations are not allowed. Please refer to Policy 4.11 Solicitations. Employees who violate this policy may be disciplined up to and including termination.

## 2.27 Emergency Closing

Occasionally the Employer may have to close the workplace because of bad weather, a natural disaster, an interruption in utilities, or some other event that makes it difficult or impossible to operate the workplace. An emergency closing may be for an hour or two, for a day, or for several days, depending on the nature of the emergency. Sometimes *activities* will be cancelled, but the Agency will remain open. There may be times when *one building* may be closed while other portions of the Agency remain open. In the event that such an emergency occurs during nonworking hours, local radio and/or television stations will be asked to broadcast notification of the closing.

Only the Chief Executive Officer, or persons designated by her/him, has authority to declare an “Agency Closed” situation, cancel activities and to notify TV, radio stations, and post on the website the closing/cancellations. The Chief Executive Officer will determine a specific beginning and ending time for the Agency Closed.

In the event of an Agency Closed situation, non-exempt employees will be paid for their regularly scheduled hours. During a closing, exempt employees will receive their normal pay. In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Employees may request available paid leave time such as unused vacation benefits.

When *activities* are cancelled, employees will be expected to report for work during regularly scheduled hours, unless otherwise notified.

When only *one building* is impacted by a condition that requires closing every effort will be made to provide employee’s in that building with alternative work space in other agency buildings.

### ***Weather and Natural Disaster Emergencies***

If severe weather (such as a tornado) or a natural disaster (such as a flood) strikes the area and in the employee’s judgment traveling to work poses a safety hazard to him/her, he/she is not expected to report to work, however he/she must communicate with the supervisor as soon as possible. If the employee is already at work and a severe weather or natural disaster emergency happens he/she is to immediately seek safety or go to the safest area of the workplace. (Refer to Emergency Management Plan in the Administrative Assistant Area at each location.)

## **2.28 Hazard Communication**

At Bauer Family Resources various chemical substances, oils and cleaning solvents are stored. Some of these substances may be hazardous if not properly stored and handled. To prevent such hazards, the Employer maintains a file of Material Safety Data sheets in the janitor's closet at each location. The sheets include information on safety precautions, controlling and dealing with spills, and use of protective equipment when handling the substances. Employees are urged to study the Material Safety Data sheets any time there is a question about a chemical substance in the workplace.

Employees also are required to participate in training sessions from time-to-time to learn and review the proper handling of hazardous substances in the workplace.

Supervisors will give employees guidance on the safe use and proper handling of hazardous substances. Employees are to follow these guidelines at all times.

## **2.29 Personnel Files, Access to**

The Employer maintains various personnel records for each employee. The records include such items as: employee's application form, performance reviews, disciplinary notices and memos, memos of commendation and achievement, test results (other than medical test results), and other information concerning the employer-employee relationship. Medical records, test results, requests for medical leave and supporting documentation and medical examination information are kept in separate, confidential files.

Employees must submit a written request to the Human Resources Director for an opportunity to view his/her personnel records. The Human Resources Director will arrange a time for the employee to view the personnel file.

The Employer will have a representative present. Employees may take notes and may request copies of records. Employees may not remove any documents or records. The Employer may charge \$15 file retrieval fee and \$.25 per copy made.

Employees may question or correct any information in his/her file that he/she believes is inaccurate. The employee may write such questions or corrections on blank paper, date and sign them, and insert them in the file.

Employment references, medical records, or investigations files are not available to the employee.

All employee records are kept confidential. Only persons with a need to know, or a right to know, are given access to personnel files. Information in personnel files will be disclosed as required by law or a subpoena.



## 2.30 Meetings and Training

The Employer and Supervisors schedule a number of meetings and training programs during the year at which your attendance may be required. Employees will be paid for all time spent in meetings and training programs which Employees are required to attend by their Employer or Supervisor.

The most common meetings and training programs are described below. These brief descriptions do not cover every detail or question an Employee may have regarding a meeting or training program. Ask your Supervisor questions regarding a meeting or training program.

1. **All Agency meetings:** An agency-wide meeting is scheduled at least quarterly. Unless otherwise excused by your Division Director, Employees are required to attend these meetings. Failure to attend these meetings may result in disciplinary action.
2. **Program meetings:** Each Supervisor schedules meetings as needed for all employees in their program. The schedule of required Program meetings will be provided to employees by the Supervisor.
3. **Training programs:** From time-to-time the Employer, or Supervisor will schedule training programs for certain employees. The Supervisor will inform employees when they are required to attend a training program.
4. **Continuing Education Units training:** If an Employee's position requires the Employee to have a license or certification, or if state law requires the Employee to continue his/her education to maintain a license or certification, the Employee has the responsibility to continue his/her education and to maintain his/her credentials. Employer will permit employee time off from work to attend Continuing Education Unit (CEU) education and training as required to maintain his/her license and/or certifications. In the event CEU training requires Employee to be absent from their scheduled work, Employee must obtain prior written approval from their Supervisor. Employer will not compensate Employee for time spent in CEU education and training, except for specific CEU education or training programs that the Employer approves or requires Employee to attend. If the employee fails to maintain their license or certification as required by their position, the employee may be disciplined up to and including termination.

## 2.31 Problem Resolution Procedure

In any workplace, misunderstandings and problems sometimes occur between employees, or between an employee and the Employer. Because such misunderstandings and problems can have an adverse impact on the quality of the employment relationship and on the quality of service to clients, Bauer leadership desires to assist employees in resolving and eliminating misunderstandings and problems at work.

*Each employee*, regardless of position, will treat co-workers with respect and in a fair and just manner at all times. If at any time an employee believes he or she is not being treated with respect or not being treated fairly, or if an employee suspects that a mistake has been made in the administration of a policy, practice or condition of employment, the employee has the responsibility to inform his/her Supervisor so that the issue can be resolved promptly.

*Supervisors* have the responsibility to address all questions, concerns or problems in a timely manner. Supervisors have the responsibility to investigate such matters and to give responses to employees as promptly as possible.

The Problem Resolution Procedure may not be used to appeal a decision of the Board of Directors or the Bauer administration if such a decision is pursuant to any order of, or written agreement with, any local, state or federal regulatory commission or agency. That means that any decisions that are made because of grant requirements or to comply with laws can not be appealed.

Initiating this procedure does not in any way prevent, limit or delay the Employer's right to take disciplinary action, including immediate termination of employment, without prior warning or notice to an employee, when the Employer believes such action is appropriate.

The Employer will not tolerate any form of retaliation against an employee who uses this Problem Resolution Procedure. Any employee or member of management who retaliates against an employee for using this procedure will be subject to discipline, up to and including termination of employment.

This **Problem Resolution Procedure** policy is merely a guideline for managing conflict in a positive way that is in alignment with the mission, vision and values of the organization.

### The Procedure

**Step 1** – The employee is encouraged to make an attempt to resolve a problem, conflict or complaint in an informal, verbal discussion between the employee and the other involved employee within 48 hours of the occurrence.

**Step 2** – If the two employees are unable to reach an acceptable resolution through discussion either person may request mediation with the supervisor. This mediated discussion must be requested within 5 days of the completion of Step 1 and must occur within 5 days of the request

being made. The supervisor will listen to both employees and determine a solution to the issue at hand.

**Step 3** - If the issue remains unresolved or if one of the employees is not satisfied with how the Supervisor resolves the problem, conflict or complaint, the employee may then file a written statement using the Problem Resolution Form with the next level supervisor. The employee must complete this filing within 5 working days following the determination by the direct Supervisor. The employee should outline reasons for continued dissatisfaction and the desired outcome(s).

Within five working days of receiving the employee's filing, the next level Supervisor will meet with the employee. Within 10 working days of receiving the employee's filing, the next level Supervisor will make a decision regarding the employee's problem, conflict or grievance.

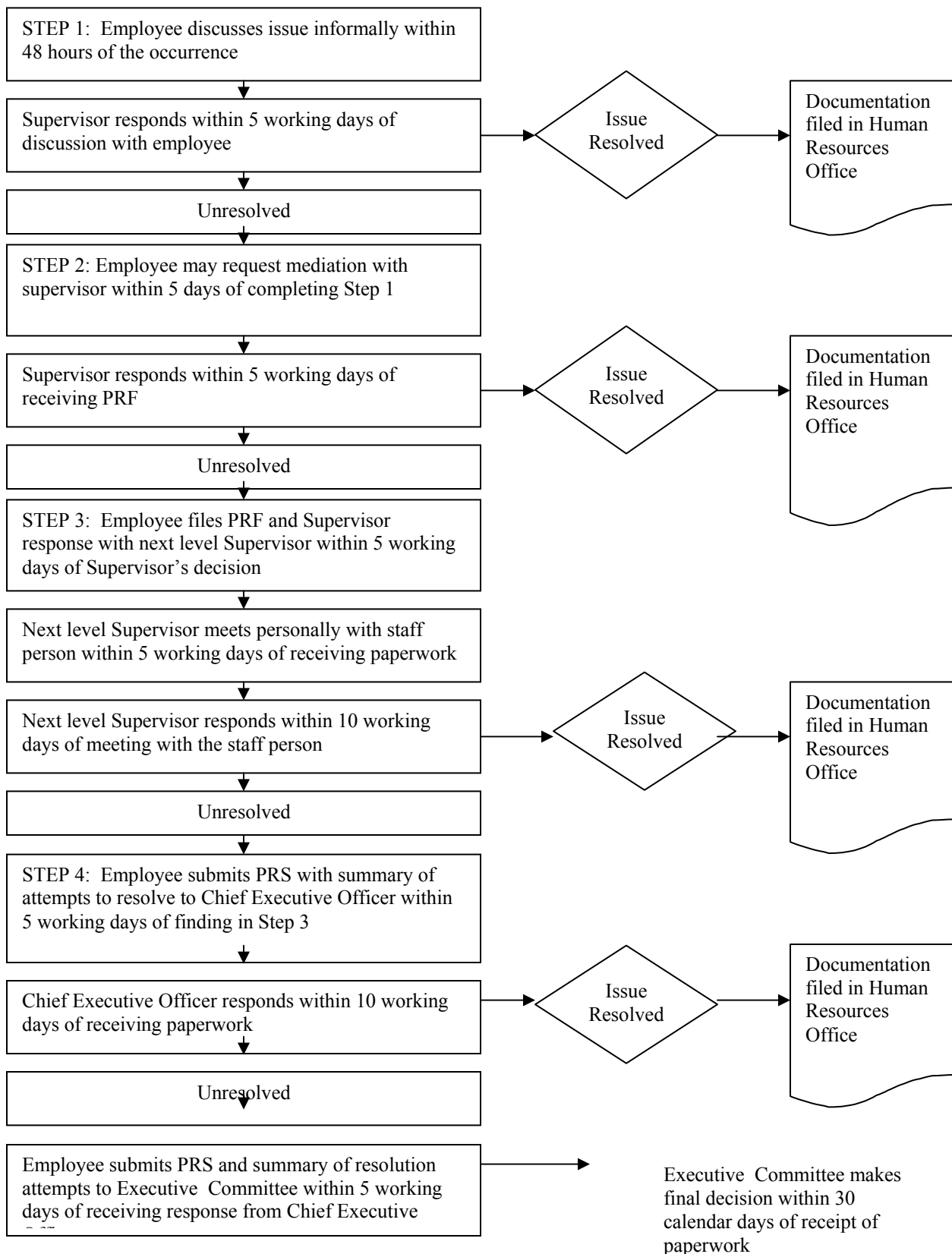
**Step 4** - If the issue remains unresolved or the employee is dissatisfied with the action taken, the employee may submit the Problem Resolution Statement and a written summary of previous resolution attempts to the Chief Executive Officer. This must be done within 5 working days of the finding in the previous step. Upon receipt of the Problem Resolution Statement and additional documentation, the Chief Executive Officer will respond in writing to the employee within 10 working days. The Chief Executive Officer may or may not speak with any or all parties involved.

**Step 5** - If the employee remains dissatisfied with the resolution offered, he/she may submit in writing to the Executive Committee of the Board of Directors details of the problem and action steps to date. This must be done within 5 working days of receiving the written response of the Chief Executive Officer. The Executive Committee will respond within 30 calendar days of receiving the paperwork. The Executive Committee may or may not speak with any or all parties involved.

If there are unusual circumstances and the employee believes it would be inappropriate to contact a supervisor or the Chief Executive Officer, the employee may present the problem to the Executive Committee of the Board of Directors. If an employee has a grievance with the Chief Executive Officer, the Problem Resolution Form should be submitted directly to the President of the Board of Directors.

Copies of all statements, information relating to the statements, and decisions will be placed in a separate file maintained by the Human Resources Department. No copies will be filed in the employee's personnel file.

Anonymous communication at any level will not be accepted. If a Supervisor at any step in the Problem Resolution process fails to communicate his/her decision within the specified time limit, the employee may forward the documentation to the next level Supervisor. Any issue not advanced from one step to the next within the time limits will be determined to have been resolved at the previous step.



### **3.1 Recording Work Hours**

Bauer Family Resources complies with applicable laws that require the Employer to maintain records of the hours worked by employees.

Non-exempt employees will submit an Employee Time Sheet for all hours worked in each bi-monthly pay period. Also on the Time Sheet employees will accurately record any vacation, personal holidays or other leave taken. The payroll calendar including Time Sheet due dates and work dates included will be published annually, and Supervisors will advise employees when to submit Time Sheets to them for approval.

Exempt employees will be required to complete Time Allocation Sheets for the purpose of allocating their time against program components and to accurately record any vacation, personal, sick or other leave taken.

Falsifying, altering, tampering, or destroying time cards, recording another employee's time, or failing to submit time records accurately and on time may result in disciplinary action, up to and including termination of employment.

### **3.2 Overtime Work for Non-Exempt Employees**

Non-exempt employees generally are not expected to work more than 40 hours in a workweek. If an employee is required to work more than 40 hours in a workweek, overtime work is subject to the following conditions: Non-exempt employees are paid the overtime rate for all time worked in excess of 40 hours per workweek. The overtime rate is one-and-one-half times the regular hourly rate of pay. Bauer will abide by all federal and state laws regarding payment of overtime wages.

An employee's immediate Supervisor and Division Director must authorize overtime in advance in writing. Except under unusual circumstances, overtime will not be authorized in order to enable employees to clean up work areas or complete other duties that normally are expected to be completed within normal work hours.

There may be times when an employee will be required to work overtime. Advance notice of mandatory overtime will be given, if possible.

Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.

Note that this policy applies only to non-exempt employees. Different rules apply for exempt employees. Exempt employees should refer to Section (2.12).

### 3.3 Payday

Employees are paid twice a month around the 10<sup>th</sup> and 24<sup>th</sup>. Each paycheck will include earnings for all work performed through the end of the previous payroll period. There are twenty-four (24) pay periods per year. The Payroll Specialist will publish a list of pay dates annually, no later than January 1 of each year.

All pay is issued through direct deposit. If an employee prefers to receive a check, arrangements must be made with the Payroll Specialist.

The direct deposit transaction is completed by the open of business each payday. When the direct deposit is receipted in an employee's account is dependent on the employee's banking institution. Supervisors will distribute direct deposit notices on payday. The payroll record is a summary of hours worked, gross pay, the deductions withheld and the net amount of the deposit.

For employees who receive paychecks, checks may be picked up at the primary work site during normal business hours on payday. If an employee wishes to have someone else pick up his/her check, the employee must provide to the Director, *in advance*, written authorization. The person picking up the employee's check must provide picture identification and sign for the check.

Terminated employees will not be paid in advance of the payday on which they otherwise would receive their pay for the pay period worked. The final paycheck will follow the direct deposit transaction as established or will be mailed to the terminated employee at the most recent address given to the Employer, unless the terminated employee makes other arrangements with their supervisor to pick up the final paycheck

### 3.4 Expense Reimbursement

The Employer will reimburse employees for approved expenses incurred on behalf of the Employer. Such expenses include mileage for travel, lodging, meals, and phone calls when out of town overnight, and small office supplies including postage. For all reimbursements, employees must have *written, prior approval* from the Supervisor on a Check Request Form. Record expenses on the Check Request Form and attach a receipt or explanation for each expense and submit the voucher to the Supervisor for payment approval.

Mileage reimbursement rates are approved by the Board of Directors and revised periodically. For a copy of the memo listing the current rate, please see the Accounts Payable Specialist in the Business Office.

Meal and incidental expenses for out-of-county travel will be reimbursed at the federal rates for the Continental United States (CONUS) found at:

<http://policyworks.gov/org/main/mt/homepage/mtt/perdiem/perd04d.html>

Whenever possible, Agency credit cards should be used for expenses, especially expenses related to travel, such as public carrier transportation or hotel reservations.

Falsification or altering expense reimbursement forms is cause for disciplinary action, up to and including termination.



## 4.1 Overview of Guidelines for Conduct

Employees are expected to behave in a courteous and respectful manner with co-workers, management, clients and the public. Many people who come to Bauer are under stress. They also may not fully understand how the Agency works. It is part of *every employee's* responsibility to help clients feel at ease, explain to them what to expect and to respectfully answer their questions.

When employees interact with co-workers, with management, with clients and prospective clients, and with the public, it is expected that employees will conform their conduct to generally accepted standards of good behavior. Each employee is expected to contribute to a positive work environment and to furthering the Agency's positive image by their good conduct.

The Employer will not tolerate employee conduct that creates an intimidating, hostile, unsafe or offensive working environment. Employees are prohibited from bringing a firearm or other type of weapon to work. An employee who intimidates, is hostile to, or is offensive to another employee, a client or prospective client of the Agency, to an officer, manager or supervisor, volunteer or to the public with whom the Agency deals, or who brings a firearm or other type of weapon, illegal drugs or alcohol to work, will be subject to disciplinary action, up to and including termination of employment.

## 4.2 Ethical Practices

Bauer is dedicated to high standards of ethical practice. Each employee and volunteer for Bauer is an ambassador to clients and to the public. It is important that in performing duties and in representing this organization, employees always do so honestly, fairly, legally and ethically. Employees are expected to deal with co-workers, clients and members of the public cheerfully and with respect.

Professional employees are expected to know and comply with the ethical guidelines of their professional organizations. If an employee does not have a code of ethics specific to their licensure or professional affiliation, then it is expected that they will follow the National Association of Social Workers code of ethics found at

<http://www.socialworkers.org/pubs/code/default.asp>

If a conflict between two codes exists, the most restrictive policy will take precedent.

Employees are responsible for accurate and timely recordkeeping. All books, records, and documents must accurately and completely describe the transactions they represent.

Employees who witness illegal, unethical or dishonest actions by another employee are to immediately report such information to their Supervisor or to another member of management. If the conduct involves the employee's supervisor or he/she is concerned about retribution, the conduct may be reported utilizing the Whistleblower Policy (4.25).

It is each employee's duty to clarify with their supervisor any ethical questions prior to any questionable action or practice. An employee who does not behave fairly, honestly, legally, or ethically when performing duties for the Employer is subject to discipline, up to and including termination of employment.

## 4.21 Child Abuse and Neglect Reporting

Any employee or volunteer associated with Bauer Family Resources who suspects that a child is a victim of abuse or neglect will report that suspicion will contact Child Protective Services (CPS) (1-800-800-5556) to make a report (1), (2), (4). The employee or volunteer must document their report immediately on an INCIDENT REPORT form that he/she provides to the supervisor before leaving for the day.

Documentation of the date, time and name of person from Child Protective Services who takes the report should be noted on the INCIDENT REPORT. If the CPS worker gives any indication about what course of action is going to be taken, that information should be reported on the INCIDENT REPORT. When the child is at a Bauer facility and there is a question about whether or not it is safe to release the child to his/her parent/guardian/caretaker the reporting employee should consult with the CPS person taking the report; his/her supervisor; and/or the Chief Executive Officer. After a report is made the Chief Executive Officer should be made aware of the report via e-mail or phone.

Employees are prohibited from questioning children about suspected abuse or neglect issues (3). In instances where the employee or volunteer is unsure about whether or not a situation is reportable he/she may consult with their supervisor prior to making a report. *The ultimate responsibility for making a decision about whether or not to make a report rests with the individual who first learns about the possible abuse/neglect (5).*

*NOTE:* Rules regarding the confidentiality of client information do not apply in cases of suspected child abuse or neglect. Employees can safely share information regarding the child and his/her parents/guardians/caretakers as part of the CPS report. Indiana law protects persons from legal recourse when making a child abuse report in good faith.

When making the report to CPS the employee should provide as much information as possible regarding the child in question, including name, age, address and parents' names. Employees also should provide a detailed explanation of what caused him/her to make a report to CPS. Information reported to CPS should be factual information that describes what the employee sees or hears that suggests the child may be abused or neglected. Information to be reported includes physical indicators that have been seen by the reporting employee, behaviors that suggest abuse or neglect or disclosures made by the child/client.

Upon completion of the call, the reporting employee will complete documentation for the client's file, recording the date, time of call, name of CPS employee receiving the report, child/family involved, and a brief explanation of the cause for filing the report. A copy of the INCIDENT REPORT can be placed in the client's file to document the report.

The INCIDENT REPORT will be given to the client's primary Bauer worker (if not the reporter) and forwarded to the supervisor for sign-off. The supervisor will then document any follow-up action/directives and give the INCIDENT REPORT document to his/her Director for signature. The Division Director will send the INCIDENT REPORT form to HR, who will file the report in a locked file.

### ***Special circumstances:***

While it is our responsibility and goal to keep children in our care as safe as possible, there may be times when another child or an adult may harm a child while he/she is in our care. In those circumstances, these additional steps must be followed:

1. Employee will immediately determine if medical attention is needed.
  - a. If there is an immediate medical emergency employee will call 911 and request assistance then notify a supervisor.
  - b. If medical attention is required employee will call the child's parent/guardian/caretaker and advise him/her of the situation.
  - c. Employees will decide in collaboration with the Division Director and the parents/guardian/caretaker about the course of action to be taken (i.e. how the child will be transported to a doctor/emergency room).
2. The Division Director and the Chief Executive Officer will be notified immediately of the suspected abuse.
  - a. A decision will be made about notifying law enforcement in addition to Child Protective Services if an adult is involved in the incident. The Chief Executive Officer or his/her designee will make this decision.
3. If there are employees that witness the alleged abuse each will be required to immediately (before the end of the day) complete an INCIDENT REPORT indicating what happened and forward that to the Division Director. (Follow Step 7 above for processing of the INCIDENT REPORT)
  - a. Employees should not talk among themselves about what they saw and/or heard.
4. Parents/guardians/caretakers will be notified immediately (within the hour) of the alleged abuse and that Child Protective Services (and law enforcement, when appropriate) have been called.
5. Families should receive ongoing support from employees and be referred to services at Bauer Counseling where appropriate.
  - a. Families referred to Bauer Counseling will receive services at no charge to the client.
  - b. Costs for the services will be charged to Medicaid or the department where the alleged abuse occurred.

## **4.22 Whistle Blower Policy**

It is the policy of the Bauer Family Resources that each and every member of the Board of Directors; all employees; and volunteers are responsible for reporting violations or suspected violations of ethical conduct, including but not limited to actions that:

- May lead to incorrect financial reporting;
- Are unlawful;
- Are not in line with Agency policies; or
- Otherwise amount to serious improper conduct.

Employees who have information regarding the violation of ethical practices must report such by advising the employee's supervisor AND a Director. Information can be provided directly to the Board of Directors by sending an email to: [whistleblower@cfrc.org](mailto:whistleblower@cfrc.org). This email address is accessible only by the President of the Bauer Board of Directors.

No form of retaliation may be used against an employee, Board member, or volunteer for making a report in good faith,

### **Malicious Allegations**

The whistle-blowing procedure is intended to be used for serious and sensitive issues. All employees and volunteers of the agency are encouraged to report possible fraudulent or dishonest conduct (i.e., a whistleblower).

Malicious allegations may result in disciplinary action.

### 4.3 Confidentiality

An employee's work at Bauer Family Resources may bring the employee into contact with certain information of a confidential nature. This confidential information includes but is not limited to: personal or medical information about a client or an employee and also proprietary information regarding the delivery of services that is not generally known or disclosed to the public.

All employees are to keep client information confidential. Specifically, all employees of Bauer Family Resources who record or otherwise handle service recipient information as part of their work or have access to privileged client information, whether making appointments, recording service information, preparing forms, handling referrals or processing bills will be held responsible for keeping information in the strictest of confidence.

Bauer will comply with the Health Insurance Portability and Accountability Act (HIPAA) to safeguard the privacy of identifiable health information of service recipients.

Employees will discuss confidential information only with those Bauer employees who have a work-related need to know. An employee will not discuss confidential information with anyone outside the facility unless there is a valid, signed consent by the client. Confidential information will be kept in locked file cabinets in secure areas of the buildings.

Bauer safeguards the service recipients' rights to protection against mishandling and/or divulgence of personal information. This includes the Bauer employee's right to privacy if/when he/she is a recipient of services. **A person's appointment for services at Bauer is confidential information and cannot be divulged to law enforcement, truancy, probation or parole officers, case managers, family members, other service providers, or anyone else requesting information without the written consent of the service recipient, or under court order.**

According to HIPPA, Bauer employees may not reveal client's name or information to law enforcement unless the employee's safety is threatened.

All confidential information that may be in a vehicle for Home Based workers must be kept face down while driving and or locked in the trunk when out of the vehicle.

When providing services to clients in the community for Home Based workers, employees must maintain confidentiality when possible. This includes not wearing employee name badge in public view, not writing clinical notes in public, etc. It is the practice of Bauer for employees to service clients with the utmost respect and dignity. Clients have the right to introduce employees as they choose when in their home or in public.

If an employee encounters a client in public while the employee is not servicing that client, the employee will not acknowledge the client first, but will wait and allow the client to acknowledge the employee. It is the right of the client to choose to make this acknowledgment or not.

Please refer to the written procedure for the release of confidential information and/or consult with a supervisor. **All court documents requesting the release of confidential information must be forwarded immediately to the Chief Executive Officer for the appropriate action.**

Failure to protect confidential information is a serious offense. An employee who violates this policy is subject to disciplinary action, up to and including termination.

Please note:

- When making reports to Child Protection Services (CPS), follow the procedures for that process. If you are unaware of the procedures, see your supervisor.

The HIPAA policy and procedure are available. See your supervisor.

## 4.4 Conflicts of Interest

Bauer Family Resources prides itself on the high standards of excellence embodied by our operating principles. We expect our employees to personify these ideals in their dealing with persons both inside and outside the company. We expect that employees conduct business in a professional, ethical, legal and socially responsible manner.

**Outside business interests:** Employees may have outside business interests and employment so long as these do not interfere with job responsibilities and duties for the Employer. Outside business interests and/or outside employment cannot compete with nor impede the work of the Employer, including scheduling.

All employees will be judged by the same performance standards and will be subject to Bauer's scheduling demands, regardless of any existing outside work requirements. If Bauer determines that an employee's outside employment interferes with performance or the ability to meet the job requirements of Bauer, as they are modified from time to time, the employee may be asked to terminate the outside employment, if he or she wishes to remain employed at Bauer.

Employees may not be involved in outside employment or business interests that create a conflict of interest, real or perceived, with their employment at Bauer. An employee should notify his/her supervisor if he/she is employed outside of Bauer. Any possible conflict of interests that occur outside of the workplace (e.g., church, school, volunteering) should be discussed with your supervisor as soon as you become aware of it.

**Gifts and gratuities:** Employees have the responsibility to serve all clients and their families equally.

With the exception of inexpensive promotional items like calendars, pens, coffee cups, and a meal once or twice a year, employees are not to accept gifts, gratuities, or favors from outside vendors, organizations, or from representatives of firms or organizations which do business with, or which hope to do business with the Employer.

- Employees are not to make decisions or take actions that are caused by or influenced by offers of gifts, gratuities or favors to themselves or to their own family members or friends. Specifically, employees are not to solicit gifts or gratuities from clients and their families as an inducement to provide services.
- Employees are prohibited from making or accepting payment or other consideration in exchange for referrals.
- Employees are prohibited from steering or directing referrals of applicants or clients to a private practice or organization in which personnel, consultants or the immediate family of employees and/or consultants will gain financially.

**Personal beliefs:** The Employer recognizes that employees may hold a wide range of personal beliefs and values. Employees are expected not to create a conflict of interest by expressing their personal beliefs in ways that upset or distract co-workers, customers or clients, or by attempting to convince others of their personal beliefs during work hours.

**Financial benefit:** The Agency's employees and paid consultants are prohibited from having a direct or indirect financial interest in the Agency's assets, leases, business transactions and professional services.

**Preferential treatment:** Members of the Board of Directors and Agency employees, and their relatives, may not receive preferential treatment in applying for or receiving the Agency's services. For the purposes of this policy, a relative is any person who is related by blood or marriage/law.



## 4.5 Personal Appearance and Demeanor

To present a professional atmosphere and presentation to clients, other service providers and the community at large, employees members are expected to be well groomed and wear appropriate attire at all times when representing Bauer Family Resources.

Hair should be clean, combed and neatly trimmed or arranged. This also pertains to sideburns, mustaches and beards. Good personal hygiene habits must always be evident.

There are to be no visible piercings, with the exception of no more than three earrings per ear, and no visible tattoos.

Bauer will make every effort to accommodate employees' religious or national customs that affect the way they dress in the workplace. Each request will be considered on a case-by-case basis.

### General requirements for all employees:

This is a general overview of appropriate business casual attire. Items that are not appropriate for the office/position are listed, too. Neither list is all-inclusive and both are open to change. The lists tell you what is generally acceptable and what generally not acceptable attire is. No dress code can cover all contingencies so employees must exert a certain amount of judgment in their choice of clothing to wear to work. If you experience uncertainty about acceptable, business casual attire for work, please ask your Supervisor or the Human Resources Director. All employees are expected to dress appropriately and neatly. ***Inappropriate attire for all employees*** includes, but is not limited to:

- Any type of clothing that promotes the use of tobacco, drugs or alcohol, criminal behavior, or sexual behavior
- Shirts with potentially offensive words, terms, logos, pictures, cartoons, slogans, political affiliations, or gang colors.
- Shirts with spaghetti straps, tank tops, midriff tops, tops with bare shoulders, or halter tops
- Cut-off shorts, denim shorts, shorts that are more than one hand's width above the knee when sitting, or exercise shorts
- Undergarments showing
- Bib overalls
- Sweatpants or sweatshirts
- Spandex or other form-fitting pants
- Mini-skirts, beach dresses, and spaghetti-strap dresses
- T-shirts, with the exception of Casual Fridays and Bauer issued attire that is required for work
- Flip-flops, thongs, and slippers. Slippers are allowed for ECE teachers while in ECE classrooms.
- Hats, except as required by food service; however, head covers that are required for religious purposes or to honor cultural tradition are allowed

Additionally, appropriate undergarments are to be worn. No midriffs are to be exposed. Attire, including footwear, should be selected with attention to safety, professional appearance, and ability to perform assigned tasks.

**Specific dress requirements, based on the type of job, are:**

**Administrative Employees, Therapists, Home-Based Family Specialists, Coordinators, Supervisors, Team Leaders, and other Managers**

Employees are expected to maintain a professional appearance at all times. Employees in this category are required to follow business casual attire:

- *Dress slacks, dressy capris*
- *Casual dresses and skirts, that fall no more than one hand's width above the knee when sitting*
- Casual shirts, dress shirts, sweaters, tops, golf-type shirts, turtlenecks, and suit jackets
- No denim jeans (any color), except on Casual Fridays. Denim jeans may be worn by Home-Based workers on days when he/she are assisting families to move or clean their homes, when approved by their Supervisor.

No shorts, No tennis shoes or flip flops. Tennis shoes may be approved for Home-Based workers on days when he/she is assisting families to move or clean their homes.

**Teachers, Youth Workers, and Drivers**

Employees whose primary responsibilities include working directly with children and youth are expected to dress in a manner that permits them to execute their jobs efficiently. Employees in this category:

- May wear khaki or Docker type skirts, shorts and skorts (navy blue, forest green, black or tan colored) that are no more than one hand's width above the knee when sitting
- May wear khaki or Docker type pants or capris (navy blue, forest green, black or tan colored) but the khaki pants/capris must be neat, clean, with no holes and fit appropriately
- May not wear sandals or "cros"
- Teachers and Youth Workers must wear flat, closed toed shoes , i.e. tennis shoes
- Drivers must wear closed shoes, firmly fastened to the foot with laces, i.e. tennis shoes
- May not wear cut off pants
- Must wear dress or polo shirts or company-issued attire

**Kitchen Employees and Maintenance Employees**

For safety purposes, closed-toed shoes are required for employees in this category. Employees also should also be especially aware of safety in regards to clothing selection, the way hair is worn, and in choosing articles of jewelry. Employees in this category:

- May wear dresses, skirts, shorts and skorts no more than one hand's width above the knee when sitting
- May wear blue jeans, but the jeans must be neat, clean, with no holes and fit appropriately
- May not wear sandals or "cros"
- Must wear closed shoes, firmly fastened to the foot with laces, i.e. tennis shoes
- May not wear cut off pants

### **Casual Fridays**

“Casual Fridays” are a benefit extended to employees; however, employees are still expected to maintain a professional appearance. If an employee has a meeting with other professionals on Casual Friday, including court, Family Team Meetings, or other professional meetings, employees are expected to wear regular business casual attire. On “Casual Fridays” the following applies:

- May wear blue jeans, but the jeans must be neat, clean, with no holes and fit appropriately
- May wear tennis shoes
- May not wear shorts except as otherwise described above
- May wear a Bauer affiliated attire or a t-shirt with a positive youth development message (no other T-shirts allowed)

If taken advantage of, “Casual Fridays” can, at any time, be revoked.

Any exceptions to the dress code must be granted in advance in writing by the Supervisor. The Supervisor is responsible for monitoring and enforcing this policy. The policy will be administered in the following manner:

1. If questionable attire is worn in the office, the supervisor will hold a personal, private discussion with the employee to advise and counsel the employee regarding the inappropriateness of the attire and the violation of the policy. The Supervisor may require the employee to leave work and change his/her attire immediately. Employee will not be compensated for this time off work and may be required to use paid time-off.
2. Repeated policy violations will result in disciplinary action, up to and including termination.

## 4.6 Illness and Work

The Employer requires employees who are sick with a communicable illness not to report to work until the risk of infecting others is past and they are able to satisfactorily perform their job duties. Communicable illnesses (for purposes of this policy) are those — such as flu, measles, mumps, chicken pox, MRSA and head lice — which are commonly and easily transmitted to others. Such communicable illnesses are transmitted by the spread of viruses and bacteria in airborne droplets through coughing and sneezing, and by touching and hand contact on such shared items as equipment, keyboards, telephones, and pens.

In response to the different influenza viruses that have emerged, employees with flu like symptoms should stay home for at least 24 hours AFTER they no longer have a fever. Common flu symptoms include: fever and chills, cough, sore throat, body aches, headache, extreme tiredness, runny or stuffy nose, and vomiting and/or diarrhea.

The Employer requires employees whose illness may no longer be communicable, but whose physical condition prevents them from satisfactorily performing their job duties, not to report to work.

The Employer provides benefit eligible employees with paid vacation and paid sick leave. The Employer expects employees to use paid vacation and sick leave if available when they need to be away from work because of illness or the effects of an illness. One reason the Employer provides sick time benefits is to permit employees to recover from illnesses or care for ill family members without the fear of lost income. By using these benefits during illness, employees also have the opportunity to care for themselves or ill family members better, and recover sooner.

Employees, who report to work when they appear to have a communicable illness, will be asked by their Supervisor or by management to leave work and return home. If employees have paid vacation or sick leave available, they will be required to use available paid time off during their time away from work. If there is a disagreement between management and an employee regarding the seriousness of the employee's condition, the Employer may require the employee to see a medical professional, at the expense of the employee. The Employer will ask the medical professional to verify that the employee does not have a communicable illness, as described in this policy, and that the employee is able to satisfactorily perform his/her job duties.

This policy is not intended to conflict with an employee's rights under the Americans with Disabilities Act (ADA). If an illness does not pose a risk to co-workers or customers and clients, and if an employee believes he/she can perform his/her job duties with or without reasonable accommodation, the employee is encouraged to discuss returning to work with the Supervisor.

Employees who refuse to comply with this policy may be disciplined, up to and including termination.

## **4.7 Safety and Accident Prevention**

Employee safety is a primary concern of the Employer. The Employer is committed to providing a safe and healthy workplace for employees, clients and visitors.

If an employee is injured while on the job, no matter how slight, he/she must report the injury immediately to the Supervisor or acting Supervisor.

The employee is required to complete an Incident Report for any injury sustained during the course of the employee's work. This form should be submitted to the supervisor prior to the end of the workday, except in the case of an emergency requiring immediate medical attention. In that instance, the forms must be completed within 24 hours. Supervisors will forward the incident report to the Human Resources Director within 24 hours. In the event of a serious injury Supervisors will notify the Human Resources Director immediately.

The Human Resources Director or his/her designee will file all reports of injury with the Workers Compensation provider.

If an employee is aware of any unsafe conditions in the workplace, he/she should notify his/her Supervisor or acting Supervisor immediately.

## **4.8 Employer Vehicles**

Use of employer-owned vehicles is restricted to official employer business only.

Employees who drive the Employer's vehicles are expected to keep them clean, inside and out. This means that the driver of the vehicle is responsible for removing all trash and waste from the vehicle, daily. Smoking is prohibited in any Employer-owned vehicle. Employees who violate this policy are subject to discipline, up to and including termination.

Employer-owned vehicles are assigned only to employees with valid driver's licenses and who carry personal auto insurance. Employees who operate Employer-owned vehicles are required to keep a copy of their driver's license and copy of current auto insurance coverage on file in the Human Resource office. It is the employee's responsibility to keep this updated with the Human Resource office. Failure to comply with this requirement will result in suspension of driving duties, and may result in disciplinary action, up to and including termination of employment.

Employees who are assigned Employer vehicles are not to allow any other individual to drive the vehicle.

Employees are not to use hand held mobile phones unless safely parked or unless the device is entirely hands free and does not require the driver to remove either hand from the steering wheel.

If an Employer's vehicle is involved in an accident or becomes scratched, dented, or damaged in any way, the driver must report the damage to his or her Supervisor immediately. This policy also applies to vehicles rented/leased at the Agency's expense for the benefit of the employee in the execution of his/her duties. Supervisors must then immediately report the accident to the Human Resources Director. Employees will be required to submit an incident form and follow the incident procedure.

Employees, who transport clients, whether in their personal or an agency vehicle, are subject to the Agency's Drug Testing Policy Section 4.16.

## 4.9 Transporting Clients in Personal Vehicle

Transportation of clients by employees, in their personal vehicles, may occur only following written approval by the Chief Executive Officer, Controller, or Program Director, or if transportation of clients is included in the employee's job description.

The Employee's automobile must be reliable and safe, and the reliability and safety of Employee's vehicle will be determined by the Employee's supervisor. The Employee's automobile must be insured consistent with the laws of the State of Indiana. A copy of the required insurance must be placed in the Employee's personnel file prior to transportation of clients. It is the Employee's responsibility to submit evidence of insurability any time his/her insurance changes.

The Employee is also required to present a copy of his/her current driver's license to the Human Resources Department for their personnel file. Driving records through the Department of Motor Vehicles will be checked twice yearly. Employees will be required to complete the necessary documentation to allow Human Resources to access this information.

Motorcycles and cars that seat fewer than 4 people (including the driver) are unacceptable modes of transportation of clients. Furthermore, for safety reasons, any soft-top vehicle (i.e. convertible) is unacceptable unless the vehicle has a roll cage to protect all passengers in the event of an accident. In the case of a vehicle where the sides, doors, roof, top, etc., can be removed, all such components to the vehicle are to be fully attached and secured while transporting clients.

All client transportation and all agency business are to be done in your personal vehicle, or other agency owned vehicle as assigned and approved by a member of management. A Personal Vehicle is one that you, your spouse, or your child personally own or lease for personal use, for which you are listed as either primary or secondary insured. Under no circumstances are you to use a client's vehicle, other family member's vehicle, the vehicle of a friend, or any vehicle which is not your Personal Vehicle. If your vehicle is being serviced and is therefore unavailable for agency business, you should contact your supervisor to arrange either an agency vehicle or other transportation options for agency business. The agency highly recommends you obtain all servicing to your vehicle outside of business hours. Employees will not be compensated for time their vehicle is undergoing routine maintenance that could have otherwise been completed outside of business hours.

You will be compensated for all agency business conducted in your Personal Vehicle upon submission of proper mileage documentation per agency policy for mileage reimbursement.

### **General responsibilities and precautions:**

- Employees are to familiarize themselves with the vehicle before embarking on a journey and ensure there is enough gasoline in the car to complete the trip.
- Employees are to drive within their capabilities and with due consideration of prevailing conditions, for example, heavy traffic, bad weather, unfamiliar surroundings.

- Employees are to have a good knowledge of the road traffic laws and will abide by them at all times.
- Employees are to respect the rights of other road users and drive with courtesy at all times.
- Employees are not to drive while under the influence of alcohol or drugs, including medication that has a sedative effect.
- Employees are to ensure that all passengers are wearing a correctly fitted restraint, car seat, or seat belt.
- Employees are not to drive with unsecured items in the interior of the car as these items can become projectiles if the vehicle is involved in an accident.
- Employees are not to use hand held mobile phones unless safely parked or unless the device is entirely hands free and does not require the driver to remove either hand from the steering wheel.
- All Employee personal belongings are to be stored in the vehicle's trunk, or in a place that is completely out of view of the client. The agency is not responsible for lost or stolen items while transporting clients. If it is not possible to store your personal items out of view of the client or in the vehicle's trunk, contact your supervisor prior to transporting your client so proper arrangements can be made. You are responsible for all belongings, both personal and company owned, that are present in your vehicle at all times. For that reason, it is highly encouraged to ensure your vehicle is compatible with this section.
- Your vehicle is a reflection of the agency and therefore should be kept clean, neat and organized, both interior and exterior at all times.
- Items in the vehicle and music playing in the vehicle must reflect the values of the agency and should not in any way impair your ability to drive nor your client's ability to complete their reason for travel in your vehicle (i.e. should not impair your client's ability to interact with their child if transportation is part of their overall visitation time). If you have items that do not reflect the values of the agency, you should leave them at home or store them in the trunk or some other place that is completely out of view of and unable to be accessed by the client. If you are unsure if your items or music reflects the values of the agency, you should ask your supervisor.

For safety reasons, you should not transport clients who are under the influence of drugs or alcohol.

**In the event of an accident:**

- If you are involved in an accident while transporting a client, you should first contact law enforcement who can determine, if other services are necessary (i.e. emergency services, EMS, ambulance, fire, etc.). Indiana state law makes it illegal to leave the scene of an accident.



- After you have contacted police, you should contact your supervisor as soon as possible. If your supervisor is unavailable you should contact your Director.

#### **Damages to vehicle:**

- If a client damages your car, you should contact your supervisor or Director immediately to determine action steps and if law enforcement needs to be contacted. If your car is rendered unable to be driven as a result of this damage, you should contact your supervisor as soon as possible to arrange alternate transportation and to determine other client transportation requirements until your vehicle or a replacement vehicle can be accommodated.
- If your vehicle is damaged in an accident, Indiana law requires that the claim be filed with your personal insurance carrier.
- An Incident Report should be completed as soon as possible after the event that results in damage to your vehicle.

#### **Interactions with law enforcement:**

- If you are stopped for a traffic violation or involved in an accident while transporting a client, you should respectfully inform the client that only you, the Employee should communicate with the officer.
- The agency is not responsible for any traffic violations of any kind, including, but not limited to, speeding and parking tickets.

**Employees, who transport clients, whether in their personal or an Agency vehicle, are subject to the Agency's Drug Testing Policy (See Section 4.16).**

Failure to follow the above may result in disciplinary action, up to and including termination.

## 4.10 Driving Records

Driving records, through the Bureau of Motor Vehicles will be checked as part of the pre-employment process. Follow-up record checks will be conducted twice yearly, in March and September of each year. Employees will be required to sign a written consent for the release of driving record information from the Bureau of Motor Vehicles to Bauer. If the record indicates that points have been assigned to the individual license or that the employee has been ticketed for a traffic violation, the employee may be disciplined, up to and including termination of employment.

Under federal and state law, Bauer may obtain information on employees holding CDL licenses as required under the Commercial Motor Vehicle Safety Act of 1986 without the employee's consent. If the record indicates that points have been assigned to the individual license or that the employee has been ticketed for a traffic violation, the employee may be disciplined, up to and including termination of employment.

Any employee who commits any of the following violations that occur before, during or after working hours may result in termination of employment: driving under the influence (or any other charge related to driving while under the influence of drugs or alcohol), reckless driving or leaving the scene of an accident.

A driver at fault in an accident resulting in personal injury or property damage while operating an Employer's vehicle or while transporting clients in their personal vehicle is subject to disciplinary action, up to and including, immediate termination. An employee who receives a speeding ticket or commits any other infraction while transporting a client will be subject to disciplinary action, up to and including termination.

All employees must report any arrest within 48 hours to their immediate supervisor and to the Human Resources Director. All employees who transport clients (whether in an Employer's or personal vehicle) must also report any *traffic offense* within 48 hours to their immediate supervisor and to the Human Resources Director. Failure to comply will result in disciplinary action, up to and including termination of employment.

## **4.11 Solicitations**

The Employer does not permit solicitations by employees. Non-employees are prohibited from soliciting or distributing printed materials on the company premises at any time. Examples of solicitations include, but are not limited to: Girl Scout cookies, Mary Kay, school fundraisers, children's sport teams, etc.

Violation of this policy can result in disciplinary action, up to and including termination of employment.

## 4.12 Tardiness and Absences

Each employee has been hired to perform a very important role within Bauer. In order to fulfill his/her responsibility to the Employer and our clients, each employee must attend work regularly. The employee's Supervisor will monitor attendance and may discuss absences with each employee.

Each employee also is expected to be prompt in reporting to work. This means arriving on time, in accordance with regular hours of work.

Bauer recognizes that unplanned absences from work may occasionally be unavoidable. Each employee is accountable to his/her Supervisor for such absences and must report them in accordance with the following:

1. Each employee is required to call his/her Supervisor no later than one hour prior to his/her scheduled starting time, unless otherwise instructed by Supervisor. Each employee must speak with his/her supervisor or another member of management.
2. If an employee is absent for more than one workday, he/she must call his/her Supervisor each day of that absence and request to be absent.
3. Upon return to work, an employee must complete a Request for Absence form and submit it to the Supervisor for approval. This form should be attached to the employee's time card for Supervisor record for the period during which the absence occurred.

The Agency makes Personal Health Leave available to employees to be used for absences from work that are due to personal illness, for the prevention of illness or for the treatment of a medically diagnosed condition of only the employee, spouse, partner, children, parent, or parent in-law as follows:

For eligible employees, personal health leave with pay shall accumulate at the rate of four (4) hours each month to a maximum of 30 working days (240 hours). For non-full time employees, accumulation of personal health leave will be based on a rate accrued at three-quarter time based on the minimum number of hours of the employees working status. An employee must work through the last day of the month in order to earn personal health leave for that month. Exempt employees may take personal health leave in four hour increments.

Personal health leave may not be used for vacation. A doctor's statement may be required upon request by your Supervisor. Employees must submit the Request for Absence form and written approval must be granted prior to being paid for Personal Health Leave. Unused Personal Health Leave time is **not** payable at the separation of employment.

Employees who miss more than three days of work due to personal health leave must submit FMLA paperwork to begin FMLA. If an employee does not meet the requirements of FMLA, then the employee must submit a request for a personal leave.

Absenteeism or tardiness that is unexcused or excessive in the judgment of the Employer may result in disciplinary action, up to and including termination of employment.

An unexcused absence occurs when the employee fails to properly notify the Employer.

Please note that an absence of two consecutive days without notifying your Supervisor is considered job abandonment. Please see Section 2.18 discussing the consequences of job abandonment.

### **4.13 Outside Employment**

Bauer considers outside employment with another employer acceptable as long as the employee's performance remains in good standing, and no conflict of interest is created. The employee must be available for evening, weekend or overtime work as required by the position they hold. The Supervisor must be aware of all outside employment.

At no time will an employee be permitted to have outside employment that in any way competes with, or creates a conflict of interest with Bauer. This means that in an employee's outside employment, whether self-employed or employed by another organization, the employee may not do any work that is similar in nature to the work being done by the employer. Please refer to policy 4.4 for further information on conflicts of interest.

#### **4.14 Media and Public Contacts**

As one of the oldest and largest social service agencies in the area, Bauer Family Resources is proud to be a resource to the community. This may be in the form of speaking with the media or making presentations to community groups.

There are two types of situations when the media may have contact with the agency: crisis versus non-crisis and each requires a specific type of response.

Crisis situations may involve natural disasters, emergencies at an Agency building, or an event involving an employee or client. In the case of this type of event, the Chief Executive Officer and the President of the Board of Directors are the official spokespersons for the Agency. Any contact made by the media should be directed to the Chief Executive Officer, or his/her designee, without comment. Decline to make any comments and politely provide information on how to make contact with the Chief Executive Officer or Board President.

A non-crisis media contact could involve an inquiry regarding an agency event, such as Christmas Day Dinner. Another type of non-crisis contact could involve a media request for background or educational information on a topic (such as child abuse or early childhood education). Non-crisis media contact inquiries should be directed to the program director or Chief Executive Officer for approval for communication and direction.

Remember that at all times you are a representative of the Bauer Family Resources and all comments you make should reflect positively on the Agency.

## 4.15 Alcohol and Drug Use

Bauer Family Resources is committed to maintaining a safe, healthy and work-efficient environment for employees, clients, and visitors. This includes maintaining a Drug Free Workplace, in compliance with the Drug Free Workplace Act of 1988, which means providing a work environment that is free from the use, sale, possession, distribution or unlawful use of Drugs on the Employer's property. Additionally, in accordance with the terms of this Section and Sections 4.16 and 4.17, it is the policy of the Bauer Family Resources to require employees to perform all job duties, either on or off Agency property, without the presence of alcohol or unlawful Drugs in their system.

Pursuant to the Drug Free Workplace Act of 1988, 41 U.S.C. § 702 (2002), *et seq.*, Bauer prohibits employees from unlawfully manufacturing, distributing, dispensing, possessing, or using Drugs in the workplace. As a condition of employment, all employees shall not unlawfully manufacture, distribute, dispense, possess, or use Drugs in the workplace.

Any employee of Bauer Family Resources who violates this policy or does not comply with any notice, request or procedure as outlined in this policy is subject to disciplinary action up to and including termination of employment. Any Client or Visitor who violates this policy may be escorted off the Agency property and may subsequently be denied access to Agency facilities and/or services.

### **For the purposes of this policy and 4.16 through 4.18:**

“Client” means any person receiving services from a Bauer Family Resources program or service.

“Controlled Substances” means marijuana, cocaine, amphetamines (including methamphetamines), and phencyclidine (PCP).

“Drugs” means controlled substances listed in Schedules I through V of section 812 of Title 21 of the United States Code.

“Employee” means any full-time, part-time, or seasonal employee, substitute, intern, temporary employee and qualified volunteers of the Bauer Family Resources.

“Medical Review Officer (MRO)” is a nationally certified, licensed medical doctor or osteopath responsible for receiving laboratory results under these guidelines who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate confirmed positive test results, medical history, and any other relevant biomedical information.

"Positive Cut-Off Levels" are the cut-offs established by the U.S. Department of Transportation in 49 C.F.R. § 40.87 (2002).

“Prospective employee” means any person who has applied for a position at Bauer and has received a conditional offer of employment.



“Refusal to submit” means failing to provide a sufficient quantity of urine or breath for testing without a valid medical reason, refusing to cooperate in any stage of the testing process, or engaging in any other conduct which delays or disrupts the testing process.

“Substance abuse professional (SAP)” means a licensed medical doctor or osteopath, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug disorders.

“Under the influence” means an individual tests positive for alcohol or Controlled Substances, as defined in this handbook, or is affected in any manner by the presence of alcohol or Controlled Substances.

“Visitors” means any person visiting a Bauer Family Resources owned property, including parking lots, or any spaces where Bauer Family Resources program services are being offered.

Bauer Family Resources will comply with federal and state laws and regulations regarding the usage and detection of Drugs and alcohol. We are committed to maintaining a Drug free and alcohol free workplace and encourage employees to live healthy, drug-free lives, free of drug and alcohol abuse. Because Drugs may affect a person’s memory, concentration, motivation, attention, motor skills, coordination, vision and sensory perceptions long after usage has stopped, Bauer Family Resources requires that employees refrain from the unlawful use of Drugs. Additionally, employees may not use or be under the influence of alcohol at any time while on the job.

To support this policy, the following rules are applied:

1. No employee, client or visitor shall unlawfully possess, dispense, manufacture, use or distribute Drugs on Bauer Family Resources property, on property used by Bauer Family Resources, while conducting business for Bauer Family Resources, or while operating an Employer-owned vehicle or personal vehicle during the execution of duties for the Employer. No employee, client or visitor shall possess, manufacture, use or distribute alcohol, without prior approval of the Chief Executive Officer, on Bauer Family Resources property, on property used by Bauer Family Resources, or while conducting business for Bauer Family Resources.
2. No employee shall use any legally prescribed Drug while performing business for Bauer Family Resources, while on the premises of Bauer Family Resources, or while operating an Employer-owned vehicle or personal vehicle during the execution of duties for the Employer, to such an extent that it adversely affects the safety of the employee or others or an employee’s job performance.
3. No employee shall test positive for Controlled Substances, based on Positive Cut-Off Levels off levels, or alcohol (.04 or greater blood alcohol concentration.)

4. No employee shall be present on the premises of Bauer Family Resources, conduct business of Bauer Family Resources or operate an Employer-owned vehicle or transport clients/staff in a personally owned vehicle while under the influence of alcohol or Drugs. Bauer Family Resources has the right to require a Controlled Substance or alcohol test if a supervisor or designee has reason to suspect that the employee is using or is under the influence of Controlled substances or alcohol.
  - a. Reasonable suspicion is based on (but not limited to) factors such as:
    - An employee's involvement in a work-related accident
    - An employee's unusual behavior or work performance
    - Observing an employee's use of, possession of, sale of or purchase of Drugs or alcohol on the Agency's premises
    - Observing that the employee appears to be Under the Influence of Drugs or alcohol
    - Observing a pattern of abnormal or erratic behavior by an employee
    - Discovering that an employee has tampered with a Controlled Substance test or taken action to interfere with or defeat the results of a Controlled Substance test.
5. Any employee who refuses to submit to a requested Controlled Substance or alcohol test will be subject to discipline, up to and including discharge of employment.
6. Employees who transport clients in Agency or personal vehicles, operate an employer-owned vehicle, and/or whose primary job responsibilities include providing direct services to clients may be required to provide a urine, breath, or saliva sample as part of an employment or Department of Transportation (DOT) required physical, or as required by any DOT regulation. Any employee who provides a sample that tests positive for Controlled Substance and/or alcohol will be subject to the provisions of this policy. CDL drivers should see section 4.17 for consequences of testing positive for Controlled Substances or alcohol.
7. Bauer Family Resources has the right, upon reasonable suspicion (as identified above) of violation of any of the rules listed above to search the person, possessions and vehicle of any employee; the right to require an employee to turn over any beverage to the Employer; and the right to require an employee to submit to testing for the presence of Controlled Substance and alcohol.
  - a. If possible, all searches will be conducted by a person of the same sex as the employee, with one witness of the same sex for purposes of corroboration.
8. As a condition of employment, employees shall notify, in writing, their immediate Supervisor of any Drug or alcohol related criminal conviction, guilty plea or plea of no contest in connection with a Drug or alcohol violation in the work place, while conducting business for Bauer Family Resources, while operating an Employer-owned or leased vehicle or personal vehicle during the execution of duties for the Employer, or while transporting clients/staff in a personally owned vehicle no later than five (5) days

after such conviction. Such employee will be required to participate in and satisfactorily complete a drug and/or alcohol abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency and/or the employee will be disciplined, up to and including termination of employment.

Employees who violate this policy are subject to disciplinary action, including but not limited to immediate suspension or discharge. The Bauer Family Resources reserves the right, but will not be obligated, to refer employees violating the provisions of this policy, as set forth above, to an approved rehabilitation or substance abuse recovery or assistance program as an alternative to discipline. If such a program is offered and then accepted by the employee, the employee must satisfactorily participate in the program at his/her own expense as well as maintain satisfactory work performance as a condition of continued employment.

## **4.16 Alcohol, Controlled Substances Testing Policy**

### **Employees and prospective employees, interns, and qualified volunteers subject to testing:**

Under Bauer Family Resources's Controlled Substances and alcohol testing policy, current employees who transport clients in Agency or personal vehicles, operate an employer-owned vehicle, and/or whose primary job responsibilities include providing direct services to clients may be required to submit to random Controlled Substances and alcohol testing. Employees who are required to maintain a Commercial Driver's License as part of their employment are subject to federal regulations Department of Transportation (DOT) Controlled Substances and alcohol testing. See Section 4.17 below. All employees are subject to reasonable suspicion Controlled Substances and alcohol testing.

All prospective employees, interns, and qualified volunteers will be required to submit to a pre-employment/pre-volunteer controlled substances test. All non-DOT prospective employees, interns, and qualified volunteers will be tested in-house for amphetamines, barbiturates, benzodiazepines, benzoylecgonine-cocaine, marijuana, opiates and phencyclidine. The specimens will be sent to an outside laboratory for analysis using chain of custody procedures.

No prospective employee will be asked to submit to testing unless an offer of employment has been made. An offer of employment by Bauer Family Resources is conditioned on the prospective employee testing negative for controlled substances. Prospective employees, interns, and qualified volunteers who test positive for controlled substances will have the opportunity to provide an explanation to an MRO before the test result is reported as positive to the Human Resources Director.

### **Safeguard:**

This policy is intended to comply with all state and federal laws governing Controlled Substance and alcohol testing and is designed to safeguard employee privacy rights to the fullest extent of the law.

### **Acknowledgment and Consent Form:**

All employees and prospective employees, interns, and qualified volunteers will be asked to complete an acknowledgment and consent to testing form prior to a controlled substances or alcohol test.

### **Controlled Substances Test Procedures:**

The collection, handling, and analysis of the urine samples under these guidelines for all Controlled Substances testing except prospective employees, interns, and qualified volunteers will be done in accordance with the following procedures:

1. Controlled Substances testing will be performed through split-sample urinalysis. Urine specimens are tested for the Controlled Substances listed in Section 4.15.

2. Upon notification by Bauer, an employee or prospective DOT employee will proceed to the collection site where a urine specimen will be collected. The site for collection of urine samples will be used for no other purpose when samples are being collected.
3. The testing site will maintain a testing log listing the name and testing number of each employee or prospective DOT employee tested, each date and time a sample is collected, and the name of the person supervising a collection. This information shall be available to the Human Resources Director.
4. The collector shall ask the employee or prospective DOT employee for photo identification. Each employee or prospective DOT employee to be tested shall produce photo identification or shall be positively identified by the counseling center administrative staff. After verification of employee or prospective DOT employee's identification, the collector will complete step one of the custody of control form provided by the laboratory.
5. **The collector will ask the employee or prospective DOT employee to remove any unnecessary outer clothing (coat, etc.) and leave hand carried items (briefcase, etc.) outside the toilet enclosure. The employee or prospective DOT employee must empty his/her pockets. If the contents cannot be used to adulterate the specimen, the employee can place the items back in his/her pockets. The collector will instruct the employee or prospective DOT employee to wash and dry his/her hands.**
6. **The collector or the employee or prospective DOT employee may select an individually wrapped or sealed collection container and/or specimen bottle. The collector, the employee, or the prospective DOT employee may open the container/bottle in the employee or prospective DOT employee's presence.**
7. **The collector will accompany the employee or prospective DOT employee to the toilet enclosure when it is time for the employee or prospective DOT employee to provide a urine sample. The employee or prospective DOT employee will enter the toilet enclosure and shut the door. Coloring should be added to the toilet water. The collector will remain outside the closed door unless an observed or monitored collection is required under the Department of Transportation (DOT) regulations. Approximately forty-five (45) milliliters of urine is required. The urine will be divided into two specimens, a primary specimen of at least thirty milliliters and a split specimen of at least fifteen milliliters.**
8. **The employee or prospective DOT employee will hand the filled collection container to the collector. Both the employee or prospective DOT employee and the collector should maintain visual contact of the specimen until labels and seals are placed over bottle caps.**
9. The collector will check the specimen and read the specimen temperature indicator within four minutes of receiving the specimen from the employee or DOT prospective

employee. The collector will then mark the appropriate box on the custody of control form. The collector will check the specimen volume to ensure that there is at least forty-five milliliters of urine in a single specimen collection. The collector will check the specimen for unusual color, odor or other physical qualities that may indicate an attempt to adulterate the specimen. If the collector determines that the sample is not within the proper temperature limits or have other reasons to believe the sample has been altered or substituted, an additional sample shall be obtained at that time.

- 10. No employee or prospective DOT employee shall alter or substitute any urine sample requested or produced under this policy. Any attempts to do so will result in disciplinary action, up to and including termination of employment for employees, or in the case of prospective DOT employees, withdrawal of the employment offer. If an employee or prospective DOT employee is being tested pursuant to the DOT regulations, please refer to section 4.17 of this handbook.**
- 11. The collector will pour at least thirty milliliters into one specimen bottle and at least fifteen milliliters into another specimen bottle. The collector will immediately place lid/caps on the specimen bottles and then apply tamper evident labels/seals. The collector will write the date on the label field. The employee or prospective DOT employee will be asked to initial the labels/seals when affixed to the bottles.**
- 12. After sealing the specimen bottles, the employee or prospective DOT employee will be permitted to wash and dry his/her hands, if he/she so desires. The employee or prospective DOT employee will be instructed to read and complete the donor certification section of the custody of control form, including signing the certification statement.**
- 13. The collector will complete the collector's certification section of the custody of control form, including signing the certification statement. The collector will record any remarks concerning the collection process in the "remarks section" of the custody of control form. The collector will complete the chain of custody block of the custody of control form.**
- 14. The collector will give the employee or prospective DOT employee his/her copy of the custody of control form and the employee or prospective DOT employee may leave the collection site at the completion of this step of the collection process. It is not necessary for the employee or prospective DOT employee to remain at the collection site while the specimen bottle and the custody of control form are prepared and packaged for shipment.**
- 15. The collector will prepare the bottles and copies of the custody of control form for shipment to the laboratory. All urine samples will be properly stored at the testing site and will be properly transported to a lab certified by the Department of Health and Human Services laboratory using chain of custody controls. The bottles and custody of control form copies will be shipped in a padded mailer or shipping container secured with an outer seal. Finally, the collector will send the MRO copy**

of the form directly to the MRO addressed on the form and the employer copy to the Chief Executive Officer.

- 16. At the testing laboratory, the seal will be broken and a portion of the primary sample will be tested. The lab will conduct testing by determining the pH, creatinine concentration, oxidizing adulterants, and other levels as required by the DOT regulations.**
- 17. If the primary specimen tests result is negative, the laboratory will report the negative test result to the MRO. If the primary specimen test result is negative, no further tests of the urines specimens for that employee or prospective DOT employee will be conducted.**
18. If the primary specimen tests positive for Controlled Substances, the laboratory will perform a confirmation test of the primary specimen,. If the confirmation test is negative, the laboratory will report a negative test result to the MRO. The laboratory will not conduct any further tests in relation to that employee or prospective DOT employee. If the confirmation test is positive, the laboratory will report the positive test result to the MRO describing which Controlled Substances were detected.
- 19. The laboratory will properly store the unused portion of all samples in accordance with the laboratory's normal procedures and will properly store the unused portion of all samples reported as positive for one year.**
- 20. After examining the test results, the MRO or designee will contact any employee or prospective employee who tested positive for any Controlled Substances. The individual may provide an explanation for the positive test result to the MRO. The MRO may request verification for any prescription Controlled Substances. The MRO will determine whether a valid medical explanation exists for the positive test result. If the MRO determines that a valid medical explanation exists, the test will be reported as negative. If the MRO or designee is unable to contact the individual, the MRO or designee will contact the Human Resources Director who will attempt to contact the individual to direct him or her to contact the MRO.**
- 21. If the employee or prospective DOT employee declines the opportunity to discuss a positive test result with the MRO or fails to contact the MRO or designee within 72 hours of after the Human Resources Director has successfully contacted the individual, the MRO may report the Controlled Substances test as positive. If the MRO, the designee, or the Human Resources Director is not able to contact the individual within ten calendar days of the date on which the MRO received the confirmed positive test result from the laboratory, the MRO may report the Controlled Substances test as positive.**
22. If the employee or prospective DOT employee tests positive for Controlled Substances, the employee or prospective DOT employee may elect by written or oral request to have the remaining portion of his or her split specimen sample tested by a different competent

DHHS-certified laboratory. The employee or prospective DOT employee must request this testing from the MRO or designee within 72 hours of being notified of his or her confirmed positive test result, unless the MRO concludes that the employee or prospective DOT employee had a legitimate explanation for failing to do so. If the employee or prospective DOT employee does not request such a retest within the specified time and the MRO determines that there is no valid explanation, the employee will be subject to disciplinary action up to and including termination of employment, or in the case of prospective employees, withdrawal of the employment offer.

23. The MRO or designee will report the final test results to the Human Resources Director.

#### Alcohol Testing Procedures:<sup>1</sup>

1. For CDL drivers, testing will be performed, during, just before, or just after the driver has performed a safety sensitive function.
2. Upon notification, an employee will proceed immediately to the testing site.
3. A certified breath alcohol technician (BAT) or screening test technician (SST) will perform the breath test for alcohol. The BAT shall ask the employee for photo identification. Each employee to be tested shall produce photo identification or shall be positively identified by the Human Resources Director or other authorized representative of the employer.
4. If an evidential breath testing device (EBT) or non-evidential breath alcohol screening device (ASD) is used, the employee, the BAT, or the SST will select a sealed mouthpiece. The mouthpiece should be opened in the employee's presence and inserted into the testing machine according to the manufacturer's instructions. The BAT or SST will instruct the employee to blow steadily and forcefully into the mouthpiece for at least six seconds and until an adequate amount of breath is retrieved. The SST or BAT will show the employee the test result and complete the appropriate testing form.
5. If saliva ASD is used, the SST or BAT will check the expiration date on the device and show it to the employee. The device will be unwrapped in the employee's presence. The employee may use the device if he or she wishes. If the employee chooses not to use the device, the SST or the BAT will perform the test. The device should be used to gather saliva from the employee's mouth according to the manufacturer's instructions. The SST or BAT should read the result on the device according to the manufacture's instructions but no later than 15 minutes after the test. The SST or BAT will show the employee the test result and complete the appropriate testing form.
6. If a breath tube ASD is used, the SST or BAT will check the expiration date on the device and show it to the employee. The SST or BAT will remove the device from the package and break the tube's ampule in the employee's presence. The SST or BAT will secure an inflation bag on the device according to the manufacturer's instructions. The

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<sup>1</sup> Bauer reserves the right to conduct urine tests for alcohol for employees not covered by the DOT regulations.



employee may use the device if he or she wishes. If the employee chooses not to use the device, The SST or BAT will perform the test. The employee will blow forcefully in the device until the inflation bag fills with air (approximately 12 seconds). The SST or BAT should read the result on the device according to the manufacturer's instructions. The SST or BAT will show the employee the result and complete the appropriate form.

7. The employee will follow the BAT's instructions at all times. Employees taking a breath test based on their performance of safety sensitive functions will complete the U.S. Department of Transportation (DOT) Breath Alcohol Testing Form (ATF).
8. If an initial test results in an alcohol concentration of 0.02 or greater, a confirmation test will be performed using an evidential breath-testing device. The confirmation test will be performed at least fifteen minutes after the initial test, but no later than thirty minutes after the initial test. At the beginning of the waiting period, the BAT must explain to the employee that the employee may not eat, drink, put anything into his or her mouth, or belch. The BAT must also explain the reason for the waiting period, and that the employee will benefit from following the rules during the waiting period. The BAT must conduct the confirmation test at the end of the waiting period, regardless of whether the employee followed the rules. The BAT and the employee shall complete the appropriate testing form.
9. The BAT will report the alcohol test results to the Human Resources Director.
10. The BAT or SST will comply with the DOT regulations, if applicable, at all times.

### **Licensed laboratories:**

Any Controlled Substances testing required or requested by Bauer Family Resources will be conducted by a Department of Health and Human Services certified laboratory licensed by the State of Indiana.

### **Notice of results:**

If an individual is asked to submit to a Controlled Substances test, he/she will be notified in a timely fashion of the results. If a person tests positive for Controlled Substances, he/she will be informed of which Controlled Substances he/she tested positive for. If possible, to preserve confidentiality, the employee or prospective DOT employee will be notified in a face-to-face meeting whether the Controlled Substances test was positive.

Employees will be notified of their alcohol test results at the time of the test as specified in the Alcohol Testing Procedures above.

### **Consequences of Refusing to Take the Drug or Alcohol Test:**

If an employee fails to appear or fails to produce the sample at the date and time designated, the Human Resources Director shall be notified immediately. Failing to submit to the testing procedure will result in termination of employment.

A prospective employee, intern, or qualified volunteer may decline to be tested. Bauer will refuse to hire any prospective employee or volunteer who declines to be tested. A prospective volunteer who refuses to be tested will not be allowed to volunteer.

CDL drivers should refer to section 4.17 of this handbook.

### **Consequences of a Positive Controlled Substance or Alcohol Test Result**

Any employee who engages in conduct prohibited by this policy or section 4.15 of this handbook or who does not comply with any notice, request or procedure provided for hereunder shall be disciplined up to and including termination of employment. Any employee who tests positive for Controlled Substances or alcohol may be disciplined, up to and including termination of employment.

If a prospective employee, intern, or qualified volunteer tests positive for controlled substances, Bauer will not hire the prospective DOT employee or intern or allow the individual to volunteer.

CDL drivers should see section 4.17 for specific rules.

### **Adverse employment action:**

If there is a reason to suspect that the employee is working while Under the Influence of Controlled Substances or alcohol, the employee will be suspended with pay until the results of a Controlled Substances and/or alcohol test are made available.

### **Confidentiality:**

Bauer Family Resources will make every effort to keep the results of Controlled Substances and alcohol tests confidential. Only persons with a need to know the results will have access to them. Results will be released in accordance with federal, state, and local laws.

### **Costs:**

The Agency will pay the cost of any Controlled Substance and alcohol testing that it requires or requests that employees or prospective DOT employees, interns, or qualified volunteers submit to, including one retest after a positive result. Any additional tests that the employee, prospective employee, intern, or qualified volunteer requests will be paid for by that person.

## **4.17 Alcohol, Controlled Substances Rules for CDL Drivers\***

Bauer Family Resources recognizes the national epidemic of illegal usage of Controlled Substances and abuse of alcohol and its responsibility to provide a Controlled Substance-free and alcohol-free workplace for the protection of our employees, the communities in which we operate, and the public at large. Controlled Substances and alcohol affect a person's memory, concentration, motivation, motor skills, coordination, vision, and sensory perceptions. Bauer recognizes that Controlled Substance use increases the chance of on-the-job accidents, reduces productivity, and endangers fellow workers and public safety. Controlled Substance use or alcohol abuse may pose a serious threat to a person's health and safety and lead to tardiness, poor performance, attendance, and many other work-related problems. Controlled Substance or alcohol use can also affect's one's personal life by causing family and social problems. Signs and symptoms of a Controlled Substance or alcohol problem may include slurred speech, bloodshot eyes, impaired motor skills, the smell of Controlled Substances or alcohol, attendance problems, such as excessive absenteeism or tardiness, behavioral changes, such as violence or isolation, deterioration in personal appearance or hygiene, and possession of Controlled Substance paraphernalia. Employees may discuss suspected Controlled Substances or alcohol problems with the affected employee, their supervisor or any member of management. Questions about this policy should be directed to the Chief Executive Officer.

This policy applies to drivers whose positions require that they possess a Commercial Drivers License (CDL) to perform their job function. Driver means any person who is designated in a Department of Transportation (DOT) agency regulation as subject to Controlled Substance testing and/or alcohol testing including individuals currently performing safety sensitive functions for Bauer and applicants for employment with Bauer subject to pre-employment testing , including: full time employees, casual, intermittent or occasional employees, leased employees, and independent, owner-operated contractors who are either directly employed by or under lease to Bauer or who operate a commercial motor vehicle at the direction of or with the consent of Bauer. Performing safety sensitive functions means all times starting when a driver begins to work or is required to be in readiness to work until the time her/she is relieved from work and all responsibility for performing work. Safety sensitive functions shall include:

1. All time spent at a facility waiting to be dispatched;
2. All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All driving time or time spent at the driving controls of a commercial vehicle in operation;
4. All time in or upon any commercial motor vehicle (except time spent resting in a sleeper berth);
5. All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded and unloaded; or
6. All time spent repairing, assisting, or attending a disabled motor vehicle.

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\* Sections 4.16 and 4.17 are based on the DOT regulations. Section 4.15 is based on independent authority.

All drivers will be tested for alcohol and Controlled Substance use in accordance with the approved Department of Transportation (DOT) procedures when directed by the Bauer Transportation Supervisor or his/her designee. The Bauer Family Resources will specify the testing site and provide initial tests and test interpretations at no cost to employees.

The following conduct is prohibited:

1. Drivers shall not possess alcohol while performing safety sensitive functions.
2. Drivers shall not use alcohol within four hours of performing safety sensitive functions or while performing safety sensitive functions.
3. Drivers shall not test positive for alcohol by having an alcohol concentration of 0.04 or greater.
4. Drivers shall not test positive for Controlled Substances. Test results are based on positive cut-off levels described in 49 C.F.R. § 40.87
5. Drivers shall not report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any prescribed Controlled Substance unless a licensed medical practitioner has advised the driver that the Controlled Substance will not adversely affect the driver's ability to perform safety sensitive functions.
6. Drivers shall not refuse to submit to a Controlled Substance or alcohol test.
7. Drivers shall not engage in any other conduct that violates this policy or the DOT regulations.

Prior to the start of work, a driver must report to his/her immediate Supervisor the use of any prescription or over the counter drugs which may affect job performance or the safety of others. It is the driver's responsibility to obtain from his/her physician a determination as to whether or not the drug could affect job performance.

In the event a driver voluntarily reports the use of alcohol or Controlled Substances prior to the start of work, the employee will not be disciplined if the driver does not self-identify in order to avoid the DOT testing requirements. The employee will be given a sufficient opportunity to seek evaluation, education or treatment. Upon 1) successful completion of an educational or treatment program, as determined by a SAP, qualified drug and alcohol counselor approved by Bauer, or employee assistance professional and 2) a negative Controlled Substances test and/or an alcohol test of 0.02 or less, the employee may return to performing safety sensitive functions. The employee may be required to undergo non-DOT follow-up tests.

## **DRIVERS WILL BE TESTED FOR ALCOHOL AND CONTROLLED SUBSTANCES UNDER THE FOLLOWING GUIDELINES:**

### **A: Pre-employment**

Under no circumstances will an individual be placed in a safety sensitive position without proof of a negative Controlled Substances test result. Any offer of employment to a prospective employee who refuses to submit to such a test, or tests positive for illegal Controlled Substances will be rescinded.

Bauer will ask prospective employees whether they have tested positive or refused to take a pre-employment Controlled Substance or alcohol test for any safety sensitive position which the prospective employee applied for but did not obtain during the prior two years. If the prospective employee admits that he or she tested positive or refused to take a pre-employment drug or alcohol test, he or she will be unable to perform any safety sensitive functions at Bauer until he or she provides documentation of successful completion of the return-to-duty process according to the DOT regulations.

Also, as a condition of employment, prospective employees for safety sensitive positions must give written consent to Bauer to obtain certain information from prior DOT-regulated employers for the previous two years. Bauer will request from these employers information relating to:

1. Alcohol tests with a result of 0.04 or higher alcohol concentration;
2. Verified positive Controlled Substances tests;
3. Refusals to be tested (including verified adulterated or substituted Controlled Substances test results);
4. Other violations of DOT agency Controlled Substances and alcohol testing regulations; and
5. With respect to any employee who violated a DOT Controlled Substance and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirement (including follow-up tests).

If a prospective employee previously violated a DOT agency Controlled Substance or alcohol regulation and the previous employers do not have information about successful completion of the return-to-duty process, the prospective employee must show proof that he/she complied with the return-to-duty requirements of the DOT regulations. Bauer must review this information before a prospective employee begins to perform safety sensitive functions, if feasible, or within thirty (30) days of the employee beginning to perform safety sensitive functions.

If a prospective employee refuses to provide written consent for the release of information or does not provide proof of successful completion of the return-to-duty process, the offer of employment will be rescinded. Bauer reserves the right to rescind the offer of employment at any time.

## **B: Random**

Unless different rates are required by law, a minimum rate, or 50% of employees in safety sensitive positions, shall be tested annually for Controlled Substances, and 10% of employees in these positions shall be tested annually for alcohol.

Alcohol testing will be conducted just prior to, or immediately following performance of, a safety sensitive function.

Random Controlled Substance and alcohol testing may be combined. For example, when testing 50% of the employees in safety sensitive positions for Controlled Substances, 20% of the randomly selected drivers chosen for testing could be tested for both Controlled Substances and

alcohol. If a driver is chosen to undergo both Controlled Substances and alcohol testing on the same day, alcohol testing will be conducted prior to Controlled Substances testing.

Random testing selection requires:

1. That each employee remains in the testing pool.
2. The use of a valid random selection process.
3. That testing dates are not announced in advance.
4. Annually testing for Controlled Substances and alcohol at minimum rates specified by law.

Once a safety-sensitive employee is notified that he/she has been selected for random testing, he/she must proceed to the testing site immediately.

### **C: Post Accident**

Drivers are required to submit to Controlled Substance and alcohol testing as soon as possible following a Department of Transportation (DOT) accident which involves the loss of human life, or when the driver receives a citation under the state or local law, within the applicable timeframe, for a moving traffic violation arising from the accident and 1) as a result of an injury, a person immediately received medical treatment away from the accident scene, or 2) any involved vehicle had to be towed away from the accident scene or could not be driven from the accident scene.

A driver who is subject to post accident testing shall remain readily available for such testing, or he/she may be deemed by the Community Family Resource Center to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical treatment, or to delay obtaining necessary medical care.

Testing will be performed as soon as practicable after the accident. No driver required to take a post accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post accident alcohol test, whichever occurs first.

If a required alcohol test is not administered within two (2) hours following the accident, the employer will prepare and maintain on file a record stating the reason why the test was not administered. If the test is not administered within eight (8) hours following the accident, the employer shall cease all attempts and prepare and maintain the same record.

If a required controlled substances test is not administered within 32 hours following the accident, the employer shall cease all attempts to administer the test and prepare and maintain on file a record stating why the test was not administered.

The results of a test for the use of alcohol or Controlled Substances conducted by federal, state, or local officials having independent authority for the test shall be considered to meet the requirements for post accident testing if the results are obtained by the Bauer Family Resources.

Bauer may request an employee to sign a release form allowing Bauer to receive this information.

Actions to take in a post accident testing situation:

1. Treat injuries-arrange for medical help.
2. Work with law enforcement
3. Explain the need for testing.
4. Work with medical facility.
5. Collect specimens promptly.
6. Document events.

#### **D: Reasonable Suspicion**

The Bauer Family Resources is required to test for the use of alcohol and Controlled Substances upon “reasonable suspicion.” Reasonable suspicion is defined to mean that the Transportation Supervisor or his/her designee believes the behavior, speech, body odor, or appearance of an employee on duty is indicative of the use of alcohol and/or Controlled Substances. The conduct must be witnessed by the Transportation Supervisor or his/her designee, if so trained. The Transportation Supervisor or his/her designee will receive at least two (2) hours of training to further his/her knowledge of possible signs of alcohol and/or drug abuse that influences an employee’s fitness for duty.

Alcohol testing is authorized only if the observations are made during, just before, or just after the period of the workday of the employee. A written record shall be made of the observations leading to a reasonable suspicion of alcohol and/or Controlled Substance test. This record is to be signed by the Transportation Supervisor or his/her designee who requires a reasonable suspicion test and shall include all observations that culminated in the test(s) being administered.

A driver chosen for Controlled Substance or alcohol testing based on reasonable suspicion shall be immediately relieved of his or her duties.

If a reasonable suspicion alcohol test is not administered within two (2) hours following the observations, the witness shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly. In addition, if not administered within eight (8) hours, all attempts to administer the test shall cease. A record shall be prepared and maintained stating why the alcohol test was not administered.

A driver chosen for alcohol testing based on reasonable suspicion shall not perform safety sensitive functions until the driver tests less than 0.02 in an alcohol test or twenty-four hours have passed since the determination of reasonable suspicion.

#### **E. Controlled Substance and Alcohol Testing Procedures**

Controlled Substance and alcohol testing procedures are described in section 4.16. These procedures protect the driver and the integrity of the testing process, as well as, safeguard the validity of the test results and ensure that the appropriate test results are matched with the correct driver. Variations from these procedures may occur in accordance with the DOT Regulations, such as when directly observed specimen collections are required.

#### **F. Consequences of Adulterating or Substituting a Controlled Substance or Alcohol Test Result or Refusing to Take a Controlled Substance or Alcohol Test**

Drivers may not refuse to submit to a Controlled Substance or alcohol test. Refusal to submit includes:

1. Failing to appear for any test within a reasonable time;
2. Failing to remain at the testing site until the testing process is complete;
3. Failing to provide a urine sample for a Controlled Substances test or an inadequate amount of saliva or breath for an alcohol test;
4. Failing to permit the monitoring of a urine collection, if required;
5. Failing to provide a sufficient amount of urine for a Controlled Substances Test or breath for an alcohol test, and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure.
6. Failing or declining to take a second test as directed;
7. Failing to undergo a medical evaluation as directed;
8. Failing to cooperate with any part of the testing process; or
9. A verified adulterated or substituted test result by the MRO.

Such person will be immediately relieved of performing any safety sensitive duties. The employee will not be allowed to return to performing safety sensitive functions until he or she successfully completes the return-to-duty process according to the DOT regulations. See part H of this section for a discussion of the return-to-duty process. Any employee who adulterates or substitutes a Controlled Substance or alcohol test or refuses to submit to a Controlled Substance or alcohol test may be disciplined, up to and including termination.\*

#### **G. Consequences of a Positive Test Result**

Drivers who engage in any prohibited conduct or violate any provisions of this policy, including testing positive for Controlled Substances or alcohol (0.04 blood alcohol content or greater), will be immediately removed from performing safety sensitive functions and may be disciplined, up to and including termination. If a driver is allowed to return to performing safety sensitive functions, he or she will be required to complete the return-to-duty process described in part H.

Employees testing 0.02 blood alcohol concentration or greater, but less than 0.04 shall also not drive or perform safety sensitive functions until their next regularly scheduled shift, but not less than twenty-four hours following the administration of the test, and may be subject to discipline, up to and including termination.

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\* For all references to discipline in this policy, based on the Bauer's authority independent from the DOT regulations, Bauer may discipline drivers for engaging in prohibited conduct or violating any provision of this policy.



## **H: Return-to-Duty Testing**

Any employee who violates a DOT regulation shall not be able to perform safety sensitive functions until he or she completes a substance abuse evaluation, referral, and education/treatment process at the employee's expense as set forth in the DOT regulations. However, Bauer reserves the right to discipline an employee for violating a DOT regulation, up to and including termination. Successful completion of the education/treatment process is not a guarantee of employment. Bauer reserves the right to terminate the employee and refuse to allow him or her to perform safety sensitive duties.

Any employee who violates a DOT regulation and completes a substance abuse evaluation, referral, and education/treatment process as set forth in the DOT regulations must undergo a re-evaluation to determine if the employee successfully carried out the education and/or treatment recommendations. The Substance Abuse Professional (SAP) will notify Bauer in writing as to whether the employee successfully complied with the SAP's recommendations.

If the SAP states that the employee successfully completed the education/treatment process and if Bauer decides to allow the employee to return to his or her safety sensitive duties, the employee must test negative for Controlled Substances and/or test less than 0.02 alcohol concentration, before returning to performing safety sensitive duties. If an employee tests positive for Controlled Substances or tests above 0.02 alcohol concentration, he or she will not be allowed to return to performing safety sensitive duties and will be subject to discipline, up to and including termination.

## **I: Follow-Up Testing**

Any driver who violates a DOT regulation and participates in the education/treatment program described in part H will be subject to follow-up Controlled Substances and/or alcohol testing in accordance with DOT regulations. Such follow-up testing will follow the written plan created by the SAP, which shall consist of at a minimum of six tests in the first twelve months after an employee returns to duty. The follow-up testing must be conducted as directed by the SAP in order for the employee to be eligible to perform safety sensitive functions.

## **J. Retention of Records**

The Controlled Substance and alcohol testing service that is contracted by Bauer Family Resources will maintain employee testing records in accordance with Federal regulations.

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#### **4.19 Smoking and Use of Tobacco**

In an effort to promote health and wellness of all those involved with the Community & Family Resource Center, smoking and the use of smokeless tobacco products are prohibited in any building, vehicle, or grounds owned or occupied by the Agency. Additionally, employees are prohibited from using any tobacco products while working with clients including transporting clients in personal vehicles. Violation of this policy may result in disciplinary action, up to and including termination of employment.

## **4.20 Lost, Damaged and Stolen Property**

The Employer provides some employees with certain equipment and property to assist them in performing their job duties. Much of this equipment and property, such as keys, cell phones and computers, have value in excess of \$100. Employees who are provided with Employer-owned equipment or property, or who take Employer-owned equipment or property away from the workplace, have a responsibility to protect the equipment or property from being lost, damaged or stolen.

If the equipment or property, placed in the care of an employee, is lost, damaged or stolen because of the employee's negligence or willful disregard, the employee may be required to pay the cost of repairs or replacement. If the equipment is destroyed and covered by the Employer's insurance, the employee will reimburse the Employer an amount equivalent to any insurance deductible charged to the Employer.

The employee will make arrangements with the Employer to pay the Employer the amount owed. If the employee and the Employer can not agree on a payment plan, the Employer will take whatever legal steps are available to recover the value of the loss from the employee.

Additionally employees will be required to pay the processing charges for any lost checks, including payroll and job expense reimbursement. Re-issued checks will require additional processing time of approximately 48 hours. This processing fee will include additional processing and bank fees incurred by the Agency plus 10% to reimburse the Agency for expenses incurred.

## 4.21 Harassment

Bauer believes that employees should be able to enjoy a workplace free from all forms of discrimination, including harassment based on race, color, ethnicity, religion, gender, national origin, ancestry, age, veteran status, disability, and any other legally protected category. It is the policy of Bauer to provide an environment free from such harassment.

The Employer expects that employees will act in a courteous, respectful manner towards other employees and the public. The Employer prohibits and will not tolerate conduct that creates an intimidating, hostile or offensive working environment. This policy covers vendors, visitors, clients, and all others who enter our workplace as well as employees. Employees are prohibited from engaging in hostile conduct or harassment toward an individual because of his or her race, color, religion, sex (including pregnancy) national origin, age, disability, or genetic information, or any other legally protected category.

To make this policy clear: Employees will not use epithets, slurs, code words or any other terms or language to negatively describe, refer to, insult, make fun of or show hostility or aversion to applicants for employment, co-workers, clients, prospective clients, visitors, vendors, or volunteers, or to the public with whom the Employer deals. Employees will not threaten, intimidate, insult, make fun of, act in a hostile way toward, or act in a way that shows aversion to applicants for employment, co-workers, clients, prospective clients, visitors, vendors, volunteers, or to the public with which the Employer deals. Employees will not post or circulate in the workplace any written or graphic materials, sound or video recordings, or any electronic or other materials or objects that attack, defame, belittle, put down or show hostility or aversion to any applicants for employment, co-workers, clients, prospective clients, visitors, vendors, volunteers, or to the public with which the Employer deals.

Any employee who believes they are a victim of harassment or believes they have witnessed harassment should report this conduct immediately. Please see Section 4.23 that explains the harassment complaint procedure. Bauer will conduct a thorough and impartial investigation of any alleged harassment. After such an investigation, an employee found in violation of this policy by harassing any person including another worker, a client, prospective client, visitor, vendor, volunteer, or to the public with whom the Employer deals will be subject to disciplinary action up to and including termination. Any supervisor who has knowledge of such behavior, yet takes no action to end it, is also subject to disciplinary action, up to and including termination.

**For information specific to sexual harassment please refer to section 4.22.**

## 4.22 Sexual Harassment

Sexual harassment is unwanted sexual attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted. Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe to unreasonably interfere with an employee's job performance or create an intimidating, hostile, or offensive working environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- Promising, directly or indirectly, an employee a reward, if the employee complies with a sexually oriented request;
- Threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request;
- Denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request;
- Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome;
- Displaying, storing, or transmitting pornographic or sexually oriented materials, including sexually explicit music;
- Engaging in indecent exposure; or
- Making sexual or romantic advances toward an employee and persisting despite the employee's rejection of the advances
- Sexual relations, consensual or otherwise, are prohibited on employer premises

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Employees are prohibited from harassing other employees, visitors, vendors, clients, or all others who are affiliated with the Employer, whether or not the incidents of harassment occur on EMPLOYER premises and whether or not the incidents occur during working hours.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. Consensual sexual or romantic relationships between employees are deemed unwise and are strongly discouraged.

**Responsibilities:**

*If an* employee believes that they have been subject to sexual harassment, any unwanted sexual attention or have witnessed an act of sexual harassment, they should:

- Make their unease and/or disapproval directly and immediately known to the harasser;
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses; and
- Report the incident immediately following Policy 4.23 Harassment Complaint Procedure.
- All incidents of sexual harassment or inappropriate sexual conduct must be reported regardless of their seriousness. Publicizing information about alleged harassment without following the reporting procedures or filing a formal complaint might be considered evidence of a malicious intent on part of the accuser.

Bauer will conduct a thorough and impartial investigation of any alleged sexual harassment. After such an investigation, an employee found in violation of this policy by harassing any person including another worker, a client, prospective client, visitor, vendor, volunteer, or to the public with whom the Employer deals will be subject to disciplinary action up to and including termination. Any supervisor who has knowledge of such behavior, yet takes no action to end it, is also subject to disciplinary action, up to and including termination.

## 4.23 Harassment Complaint Procedure

Each of us is responsible for creating an atmosphere free of discrimination and harassment, whether of a sexual nature or otherwise and for respecting the rights of co-workers.

If an employee experiences job-related harassment based on race, color, ethnicity, religion, gender, national origin, ancestry, age, veteran status, disability, or any other legally protected category, or an employee believes he/she has been treated in an unlawful, discriminatory or harassing manner by a supervisor or co-worker, the Employer asks the employee to:

*Immediately contact your Supervisor, acting Supervisor and a Director. These persons will undertake an immediate fact-finding investigation.*

The employee is always able to report the conduct directly to the Executive Committee of the Board of Directors, following Policy 4.25 Whistleblower. All persons involved in the complaint and the investigation will keep all information related to the complaint and the investigation confidential to the maximum extent possible. This means all persons involved will share such information only with persons who have a need to know.

Should the Employer determine that an employee is responsible for harassing another employee or a member of the public with whom the Employer does business, appropriate action will be taken against the offending employee, up to and including termination of employment.

If an employee believes he/she has witnessed harassing behavior in the workplace, immediately contact the Supervisor and a Director. In addition, any Supervisor who becomes aware of harassing behavior must immediately report it to a Director and must immediately act to end the harassing behavior. If any employee who has been informed of harassing behavior does not report to a Director and take immediate action, they will be subject to discipline, up to and including termination.

***All instances of alleged harassment that come to the attention of management will be investigated.***

Employees are required to report any incidents of harassment. Your Employer prohibits any type of retaliation against any employee who in good faith files a complaint under this policy or against any employee who assists in the complaint investigation. Acts of restraint, interference, intimidation, discrimination, punishment, and harassment against anyone who reports harassment or participates in an investigation will not be tolerated. Any individual who engages in such conduct will be disciplined, up to and including termination of employment.

## 4.24 Workplace Violence

The Employer is concerned about the safety of its employees and provides the following guidelines to prevent violent acts in the workplace:

1. Jestering, bantering, and teasing that is offensive to another employee or to a client or customer of the Employer is prohibited.
2. Behavior that can lead to violence includes threats of violence, aggressive actions, offensive actions, and threatening and offensive words. Employees will not engage in this type of activity. Employees who witness this type of behavior in the workplace between co-workers will immediately report it to a Supervisor or member of management.
3. Employees will not bring firearms or other weapons onto the Employer's premises, to any location where the Employer conducts programs or to any event conducted by the Employer.
4. Employees will notify their Supervisor or another member of management if they know another employee has brought a firearm or other weapons to the workplace.
5. If an employee is aware that another employee appears troubled or irrational, the employee will report the observation to the Supervisor.
6. The employee will notify his/her Supervisor or other management employees of any visitor, vendor, customer or client on the Employer's premises, or at an event conducted by the Employer, who is behaving in a threatening, abusive or violent way. Failure to do so can result in disciplinary action, up to and including termination.
7. Any employee who engages in threatening or violent behavior, or who behaves in a way that could provoke violence, or violates this policy may be disciplined, up to and including termination of employment.

Employees are expected to be familiar with the Emergency Management Plan for the site(s) where they work.



## **4.25 Introduction to Misconduct and Discipline**

Occasionally it becomes necessary for a Supervisor or the Employer to take disciplinary action against an employee. Discipline will result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee violates work rules, or when an employee's work performance does not meet acceptable standards.

The Bauer Family Resources does not practice progressive discipline. The severity of disciplinary action depends on the nature and frequency of the offenses. Discipline may range from oral warning(s) to written warning(s) to temporary suspension from work to immediate termination.

Nothing in this policy or in this handbook is intended to limit in any way the Employer's right to terminate an employee at any time, with or without cause, and with or without advance notice.

## **4.26 Disciplinary Action**

There is no effective method of pre-determining the seriousness or effect of any one violation of this Employer policy or of making an exhaustive list of all possible violations of this policy. The Employer reserves the right to take *any* disciplinary action, including suspension or termination, in all cases it deems appropriate. The Bauer Family Resources does not practice progressive discipline.

The Supervisor will prepare a written memo or report of all the facts of any disciplinary action. A copy of this memo or report will be read and signed by the employee, indicating receipt of the report and placed in the employee's permanent personnel file. If the employee refuses to sign the document, the Supervisor will document this on the memo or report and place it in the employee's permanent personnel file.

Possible disciplinary actions include, but are not limited to:

### **Oral Warning**

When an infraction of work rules occurs, the Supervisor may discuss the incident with the employee. An oral warning alerts the employee that the behavior in question is unacceptable and gives the employee an opportunity to improve. The Supervisor will document oral warnings.

### **Written Warning**

A written warning may occur when the Employer considers the infraction too severe for an oral warning, or a written warning may occur when the employee has already been warned orally for the offense, but has failed to show acceptable improvement. The Employer may require the employee to develop a plan of correction. Please refer to the discussion below relating to plans of correction. The Supervisor will document written warnings.

### **Suspension with Pay**

In certain circumstances, an employee may be suspended from the workplace with pay. Normally, suspension with pay is used when a situation calls for the removal of one or more employees from the workplace for a temporary period. This may be protective action taken by a Supervisor to eliminate an immediate problem involving one or more employees and to allow proper time for investigation before taking further corrective action. Suspension with pay may also occur when the employee is required to develop a plan of correction (see below). The Supervisor will document any suspensions.

### **Suspension without Pay**

In cases where an employee has already received one written warning or where a violation of a work rule is severe, the employee may be given a disciplinary suspension, without pay, of one day to one week.

In instances where immediate action is necessary to deal with severe discipline problems (such as fighting, intoxication on the job or gross insubordination), the Supervisor may have the

employee leave the premises for a specified period of time. The Supervisor will document any suspensions.

### **Plan of Correction**

Following a written warning or suspension, the Employer may require the employee to develop a written Plan of Correction to correct his/her behavior or performance. This Plan of Correction will include:

- A brief statement of the conduct leading to disciplinary action or cause of poor performance
- A statement that clearly and specifically spells out the required correct behavior or performance
- A specific, limited time frame for the employee to comply or change
- An acknowledgment that the employee understands that failure to resolve the situation or improve work performance to an acceptable standard may result in further disciplinary action, up to and including termination
- The employee's signature and the date signed

### **Termination**

The Employer may terminate an employee for any reason, including unacceptable work performance or misconduct, or no reason at all.

If the termination is due to inadequate work performance, the Employer will attempt to notify the employee of such problems prior to the termination. An attempt will be made to give the employee advance written notice of work problems so that the employee might improve performance. If the services of an employee remain unsatisfactory, the employee will be disciplined, up to and including termination.

***Nothing in this policy or in this Handbook is intended to limit in any way the Employer's right to terminate an employee at any time, with or without cause, and with or without advance notice.***

## 4.27 Misconduct Examples

The following examples of misconduct are listed for the guidance of all employees. This list is not intended to be a comprehensive list of all prohibited activity. It is only a list of examples of conduct that may result in discipline.

***THIS LIST IS NOT ALL-INCLUSIVE AND IS IN ADDITION TO THE EXAMPLES OF MISCONDUCT CITED THROUGHOUT THIS HANDBOOK***

1. Failure to maintain the confidentiality of clients or the Employer.
2. Falsifying employment application or other employment records, such as time allocation sheets, billing documents, and/or expense reimbursement forms.
3. Excessive or habitual absenteeism or tardiness.
4. Using obscene, abusive or threatening language or gestures while on the Employer's premises or while representing the Employer.
5. Violating a personnel policy.
6. Reporting for work with a measurable quantity of alcohol, unlawful drugs or the illegal use of drugs.
7. Possession or consumption of any alcoholic beverage, unlawful drugs or the illegal use of drugs on or in the Employer's property.
8. Insubordination.
9. Carrying weapons of any kind on the Employer's premises.
10. Sleeping at work.
11. Disregarding or violating the Employer's safety rules or procedures.
12. Sexual, racial or general harassment of a fellow employee, prospective employee, client, prospective client, visitor, vendor, volunteer, or the public with whom the Employer deals.
13. Loitering or loafing during working hours.
14. Filling in another employee's time allocation sheet or permitting another employee to complete the employee's time allocation sheet.
15. Smoking or using tobacco products while performing duties for the Employer or while representing the Employer.
16. Repeated failure to be at a workstation ready to begin work at the appointed starting time.
17. Performing personal work on the Employer's time.
18. Unauthorized possession of or removal of, or cooperation in the unauthorized possession of or removal of property or possessions belonging to co-workers, customers, or the Employer or conversion of the Employer's property, records or documents.
19. Unsatisfactory work performance or conduct.
20. Consensual sex between employees or sexual relations on employer premises.

The above list ***does not*** include all possible actions that may be deemed unacceptable by Bauer. Any employee who engages in misconduct will be disciplined, up to and including termination of employment.

## **4.28 Employee ID Badges**

Employees will be required to wear identification badges whenever working, whether in the building or in a client's home. When employees are working with clients in the community for case management, therapy, supervised visitation, etc., employees are required to be discrete as to maintain the utmost confidentiality, respect, and dignity for clients. Employees will be provided their first badge at no charge and will be charged \$5 for each time a lost badge must be replaced.

## **5.1 Introduction to Benefits**

Bauer Family Resources has established a variety of time-off benefits, including paid holidays, vacations and sick time. The Employer also sponsors health and life insurance benefits and a retirement plan for employees.

**Your Employer reserves the right to amend or terminate any of these benefits, or to require employee contributions toward any benefits, at the Employer's discretion.**

**In addition, all policy statements in this Employee Handbook that describes various insurance benefit and retirement plans are merely brief summaries of the plans.**

**Details of each plan and the employee's opportunities are contained in individual plan summary documents. These documents are provided to employees who participate in the plans.**

**If any statements in this Handbook or in a plan summary document are in conflict with an official plan document, the official plan document will control.**

**The Chief Executive Officer has the right to adjust benefits for employment and employee retention. Adjustments outside the written policy will be documented and approved by Executive/Finance committee.**

## 5.2 Vacation

Bauer Family Resources believes that it is important for employees to take time to relax and spend time with their families. To support this belief, Bauer provides eligible employees with paid vacation benefits.

Vacation is a benefit of employment that eligible employees accumulate after the third month of employment. Vacation time for full-time employees with benefits will accumulate monthly according to their length of service, as follows:

	HOURS – Non Exempt		DAYS - Exempt	
	Annual Vacation	Carryover Limit	Annual Vacation	Carryover Limit
Less 3 Months	-	-	-	-
3 - 6 Months	40	12	5.0	1.5
6 - 12 Months	56	16	7.0	2.0
1 Years of Svc	80	20	10.0	2.5
2 Years of Svc	84	24	10.5	3.0
3 Years of Svc	88	28	11.0	3.5
4 Years of Svc	92	32	11.5	4.0
5 Years of Svc	100	36	12.5	4.5
6 Years of Svc	104	40	13.0	5.0
7 Years of Svc	108	44	13.5	5.5
8 Years of Svc	112	48	14.0	6.0
9 Years of Svc	116	52	14.5	6.5
10 Years of Svc	132	56	16.5	7.0
11 Years of Svc	136	60	17.0	7.5
12 Years of Svc	140	64	17.5	8.0
13 Years of Svc	144	68	18.0	8.5
14 Years of Svc	148	72	18.5	9.0
15 Years of Svc	172	76	21.5	9.5
16 Years of Svc	176	80	22.0	10.0
17 Years of Svc	180	84	22.5	10.5
18 Years of Svc	184	88	23.0	11.0
19 Years of Svc	188	92	23.5	11.5
20 Years of Svc	192	96	24.0	12.0

**During their first two years of employment, full-time employees with benefits are required to take three consecutive days of vacation per year. Beginning in the third year of**

**employment and for each subsequent year of employment, full-time employees with benefits are required to take five consecutive days of vacation each year.** Full-time employees with benefits may take any additional, accumulated vacation intermittently.

*Full-time, part-year employees with benefits* - refer to employee contract for vacation benefit.

*Part-time employees with benefits* will accumulate time based on a rate accrued at three-quarter time based on the minimum number of hours of the employees working status in relation to their completed length of service referenced in the chart above. For example, an employee with benefits working 30 hours a week (three-quarter time) would accumulate 3 hours per month of vacation time during the first year of employment. In the case of an employee having variable hours, for example 30-40 hours per week, *accumulation of vacation benefits will be based on the minimum number of hours of the employees working status.*

If the regular working hours of a part-time employee with benefits are increased or decreased, vacation time will be carried in hours as accumulated during the period of employment and conversion will occur as follows:

- A. If an employee's hours are increased, the total number of hours accumulated will be forwarded to the new position, for use in that position.
- B. If an employee's hours are reduced, the total hours accumulated will be forwarded to the new position for use in that position. If the accumulated hours are greater than the maximum that can be accumulated based on the reduced working hours, Bauer may elect to pay the employee the difference at the previous hourly rate.

In no case will the hours accumulated be increased or reduced from the balance earned under the previous working hours, except with appropriate payment as in (B) above. Once the employee's new hours are implemented, accumulation will continue at the new rate, as determined by the average daily hours worked per working day.

**The following general guidelines apply:**

- Working "days" are equivalent in hours to the employee's regular working day without considering overtime.
- Vacation pay is based on the employee's regular hourly rate of pay at the time the vacation is taken.
- An employee must be employed through the last day of the month in order to accumulate vacation leave for that month.
- **An employee can have "on the books" no more vacation time than identified in the above schedule at the end of the employee's service year. Once an employee accumulates the maximum amount of vacation per year, he or she may not accumulate additional vacation until previously earned time is taken. The**



**maximum amount is defined as the current year annual accrual plus any carryover up to the carryover limit.**

- New employees are not eligible to take vacation time until the completion of **three** months of employment.
- Exempt employees must take vacation time in whole or ½ day increments.
- Non-exempt employees are required to take vacation in hourly increments.
- No days will be accumulated while an employee is on an unpaid extended leave of absence (See 5.05).
- Conversion from the old vacation policy will require “grandfathering” employees under the old policy until the new policy is to the employee’s benefit.
- The change to a lower Carryover Limit will require a multiple year conversion period to minimize the impact on both the employee and company. Starting with January 1, 2015, employees who are above the carryover limit will not be allow to accrue vacation until the vacation carryover is below the limit defined in the table above.

Requests for use of vacation time should be made well in advance (at least one month if possible) of the anticipated time off. Use of vacation leave requires written authorization by the employee’s Supervisor. The Employer reserves the right to determine when employee vacations are actually taken.

Upon termination, employees will be paid for accumulated, unused vacation.

### 5.3 Personal Days

Bauer Family Resources also recognizes three **personal days** which staff can use each calendar year for any purpose.

The three personal days accrue to the active full time, full year employees who are benefit eligible at a rate of one day on the following dates:

January 1  
April 1  
September 1

The two personal days accrue to the active part time, full year employees who are benefit eligible at a rate of one day on the following dates:

January 1  
September 1

Full-time, part-year employees with benefits should refer to employee contract for vacation benefit.

- Personal days must be taken in whole day increments. Whole day is defined as the employee work day
- Staff should make arrangements in advance with their supervisor to use these personal days.
- Unused personal days will not carry over to the following calendar year.
- Additionally, unused personal days will not be paid out at the time of termination with the company.
- Bauer requires the employee to use personal days available before taking unpaid time off.
- An employee must be employed and in paid status on the accrual dates in order to accumulate personal day leave.

- **5.4 Holidays**

Bauer recognizes the following holidays for all employees:

New Year's Day	Labor Day	Christmas Eve*
Memorial Day	Thanksgiving	Christmas Day
Independence Day	Day After Thanksgiving*	New Year's Eve*

All eligible employees (those positions receiving benefits) will receive paid holiday time off, to be scheduled in accordance with programming service needs. For some employees, this will mean that their actual holiday may not coincide with that of other employees.

In the case of employees with variable work hours, holiday time off will be determined in consultation with the employee's Supervisor.

The Employer reserves the right to change dates the holidays denoted by a \* are observed.

## 5.5 Personal Health Leave

Paid Personal Health Leave is made available by the Employer to be used for absences from work that are due to:

- Personal illness
- Care for ill child or other ill family member
- Prevention of illness
- Treatment of a medically diagnosed condition of the employee, his/her spouse/partner, children, or parent

Personal Health Leave is a benefit of employment that eligible employees accumulate after the first month of employment.

***Full-time employees with benefits*** will accumulate Personal Health Leave at the rate of four (4) hours a month to a maximum of 240 hours (30 working days).

***Full-time, part-year employee with benefits*** will accumulate Personal Health Leave at the rate of four (4) hours per month for each month that they are working, to a maximum of 240 hours (working days)

***Part-time employees with benefits*** will accumulate Personal Health Leave based on a percentage of three-quarter time of a full-time employee with benefits. For example, an employee with benefits working 30 hours a week (three-quarter time) would accumulate 3 hours per month of Personal Health Leave.

Exempt employees must take personal health leave in 4 hour increments. Non-exempt employees must take personal health leave in one-hour increments. If no personal health leave or vacation time is available, employees must take the time as unpaid. If the employee does not have enough personal health leave to cover the time off, Bauer requires the employee to use vacation time available before taking unpaid time off.

If employees anticipate needing to take personal health leave in advance, they should submit a Request for Approval of Absence form in advance. Personal Health Leave may not be used for vacation.

The Supervisor may require an employee to provide a doctor's statement. Failure to comply with this request may result in disciplinary action, up to and including termination.

Unused Personal Health Leave benefits are not paid at termination of employment.

Employees will be required to submit FMLA paperwork after three consecutive days of personal health leave. If the employee does not qualify for FMLA, they must request a personal leave of absence request.

The Employer cannot guarantee that employees will be reinstated after returning from a personal health leave (unless the leave is covered by the Family and Medical Leave Act). The Employer will make an effort to reinstate employees based on business demands and staffing requirements.

## 5.6 Extended Leave

Two types of extended leave can be granted under special circumstances:

- Medical disability leave (including pregnancy), Family and Medical Leave Act
- Personal leave

### *Family Leave and Medical Leave of Absence*

The federal Family and Medical Leave Act (FMLA) permits certain employees who qualify to take *unpaid* leave with restoration to the same or equivalent job upon return to work and with retention of accrued benefits.

An employee may qualify for a family and medical leave of absence if:

- The employee has worked for Bauer Family Resources for at least 12 months, AND
- The employee has worked at least 1,250 hours for Bauer Family Resources during the 52-week period preceding the start of the leave of absence.

**NOTE:** Employees identified as “key” employees, as defined by the law, may not be eligible for the job restoration benefits of FMLA. A “key” employee is a salaried, eligible employee who is among the highest paid 10% of employees. The Employer will notify employees requesting FMLA of their status as a “key” employee at the time of the request.

Employees who qualify may take up to 12 weeks of unpaid leave in a rolling 12-month period, in the following situations:

- After the birth or adoption of a child or the placement of a foster child,
- To care for a child, spouse or parent who has a serious health condition, or
- When a serious health condition prevents the employee from performing the duties of his/her position with the Employer.

A “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, or
- A period of incapacity requiring absence of more than three calendar days from work, school or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider, or
- Any period of incapacity due to pregnancy, or for prenatal care, or
- Any period of incapacity (or treatment therefore) due to a chronic, serious health condition (e.g. asthma, diabetes, epilepsy, etc.), or
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer’s, stroke, terminal disease, etc.), or
- Any absences to receive multiple treatments (including any period of recovery that follows) by, or on referral by, a health care provider for a condition that likely would

result in incapacity of more than three consecutive days if left untreated (e.g. chemotherapy, physical therapy, dialysis, etc.).

Bauer Family Resources requires an employee to use accumulated personal health time and vacation time under this policy. A paid time off benefit used during the FMLA is provided in the same manner and under the same condition as it is when used separately from the FMLA. If an employee exhausts this paid time off, he/she will be eligible for unpaid leave to complete a maximum of 12 workweeks of paid and unpaid leave in a rolling 12-month period.

Employees who normally pay a portion of their health care premiums will be required to continue making this payment during the leave period. Arrangements for payment of these premiums will be provided in writing to the employee. Employees will have a 30-day grace period in which to make premium payments. If payments are not made in a timely fashion, the employee's elected health benefits may be cancelled. Employees will be given written notice of the date that health insurance coverage will lapse 15 days in advance.

***Requesting Family and Medical Leave*** should be done as far in advance as possible. Requests for a *leave that is foreseeable* (e.g. pregnancy, elective surgery) must be made at least 30 days in advance. The employee must submit to his/her supervisor a written request for leave, available from the Human Resources office. The request will be forwarded to the Human Resources Director, who will respond to the request *in writing* within two business days. For a *leave that is unforeseeable* (e.g. accident, medical emergency) notice should be provided as soon as possible. Notice for unforeseeable leave can be provided in person, by telephone, fax or other electronic means.

The Employer's written response to the request will provide the employee with information regarding:

- Requirements for furnishing medical certification for a serious health condition and the consequences for failing to do so
- Requirements to submit a fitness-for-duty certificate to be restored to employment
- Employee's status as a "key" employee
- Employee's right to restoration when leave is completed

During a Family and Medical Leave, employees:

- WILL be required to use accumulated paid time off
- Will NOT accrue any additional benefits after they are no longer in a paid status (exhausted accumulated benefit time.)
- Will NOT be paid for any holidays occurring during the leave period after they are no longer in a paid status (exhausted accumulated benefit time.)

For complete information about rights and obligations under this policy, employees should speak with their Supervisor or the Human Resources Director or his/her designee or review the information about the Federal Family and Medical Leave Act posted on the employees' bulletin board.

No statement in this Handbook is intended to conflict with the employee's rights or the Employer's obligations under the Federal Family and Medical Leave Act. If there is a conflict, the provisions of the Federal Family and Medical Leave Act will control.

### ***Personal leave***

The employee may request, in writing, an unpaid personal leave for a variety of reasons. The Supervisor and the Chief Executive Officer must approve this request. Personal leave will be granted based on the needs of the employee and the needs of the Employer at the time the request is made. Personal leave may not be requested unless the employee has no vacation time accumulated.

- No leave benefits will be accumulated during a Personal Leave, after the employee is no longer in a paid status (exhausted accumulated benefit time.)
- The employee will be required to continue to pay his/her portion of health insurance premiums as outlined in the FMLA section.



## 5.7 Jury Duty

Employees called for jury duty will not be penalized by loss of earnings, vacation time or personal leave. The Employer will pay employees at their regular rate of compensation for regularly scheduled work time. **Employees are required to sign over to Bauer any checks they receive for jury duty.**

## 5.8 Military Leave

The rights of employees recalled to military service, or otherwise engaged in military duties, will be protected in accordance with existing federal laws for job protection. Please see the Human Resource Director for additional information.

## 5.9 Bereavement Leave

Bereavement leave will be granted when a death occurs in the employee's family without loss of pay. Bereavement leave will generally be granted as follows:

5 days	Spouse, partner, children, parents, siblings
3 days	Grandparents, in-laws, grandchildren
1 day	Cousins, nieces, nephews, aunts, uncles

The Program Director must approve all requests for bereavement leave. The Employer may request verification of the need for bereavement leave.

## **5.10 Benefit Compensation**

Benefit eligible employees working at Bauer Family Resources will have the opportunity to enroll in a variety of insurance offerings including; health, dental, vision, life and other supplemental policies. Details of offerings, current company providers, and rates are updated annually and are available from Human Resources. Bauer also offers employees the opportunity to take advantage of a Section 125 Plan which permits deduction of health and some supplemental insurance as pre-tax from the employees pay, resulting in a savings to the employee.

## 5.11 Continuation of Health Insurance (COBRA)

COBRA provides eligible former employees, retirees, spouses, former spouses and dependent children the right to temporary health coverage under the Bauer Family Resources group health insurance plan when coverage is lost (or about to end) due to certain, specific events.

**Qualifying events** are certain events that would cause an individual to lose health coverage. The type of qualifying event will determine who the qualified beneficiaries are and the amount of time that Bauer must offer the health coverage under COBRA.

### **Qualifying events for employees:**

- Voluntary or involuntary termination of employment for reasons other than gross misconduct
- Reduction in the number of hours of employment

### **Qualifying events for Spouses:**

- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct
- Reduction in the hours worked by the employee
- Covered employee's becoming entitled to Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

### **Qualifying events for Dependent Children:**

- Loss of dependent child status under the plan rules
- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct
- Reduction in the hours worked by the covered employee
- Covered employee becoming entitled to Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

The employee, or the employee's eligible spouse, former spouse or dependents have the responsibility to notify the Human Resources Department of the Bauer Family Resources of the qualifying event and of the desire to continue insurance coverage within 30 days after the employee's death, termination, reduced hours of employment or entitlement to Medicare. A qualified beneficiary must make notification of a qualifying event within 60 days after divorce or legal separation or a child's ceasing to be covered as a dependent under plan rules. Bauer Family Resources will send plan participants and beneficiaries a COBRA election notice after being notified of the qualifying event.

The maximum length of continuation of coverage is 18 or 36 months, depending on the qualifying event. The employee, or the employee's spouse, former spouse or dependents will be responsible for paying the premium for the continued insurance coverage. The premium will be no more than the group rate (not the rate previously paid by the employee) normally due for the insurance.

Employees and other individuals who otherwise qualify for continuation of coverage will become disqualified if: the Employer ceases to provide any group health plan to any employee, the covered individual fails to make timely premium payments, the covered individual becomes covered under another group health plan, and the covered individual becomes entitled to Medicare.

Nothing in this policy statement is intended to conflict with provisions of any applicable federal or state law. If there is a conflict, the provisions of applicable federal or state law apply. Further information about your rights under federal and state continuation of insurance benefit law (also called COBRA laws) is available from the Human Resources Department in the Administrative Offices.

## **5.12 401 (k)**

Bauer Family Resources offers a 401(k) plan to employees who have completed one year of service with the organization and are 21 years of age or older.

The Bauer Family Resources provides a match to the employee's contribution of up to 1% of the employee's annual wages.

Contributions to the plan are pre-tax. Forms for this benefit are available from the Human Resources Department.

## 5.13 Donations of Personal Health Leave

### **Purpose:**

To allow employees who have exhausted all their accumulated leave to use leave donated by others when the employee will suffer a loss of income because of a medical emergency. The program can help to ease the emotional and financial burdens felt by an employee who is seriously ill or has a family member with a medical emergency and who has exhausted all of his or her vacation and personal health leave. The program allows coworkers to voluntarily transfer some of their annual leave to the qualifying employee.

### **Appropriate Use:**

Transferred leave should be used for the purposes of the medical emergency. It can be (1) used as though the individual had earned the leave, and/or (2) retroactively substituted for leave without pay.

### **Accumulation:**

The employee receiving the transfer of personal health leave is limited to receiving a total of 40 days (320 hours – 8 weeks) in a lifetime.

### **Medical Emergency:**

A medical emergency is a medical condition of an employee or a family member of the employee that is likely to require an employee's prolonged absence from work and would result in a substantial loss of income because of the unavailability of paid leave.

### **Substantial Loss of Income:**

A substantial loss of income is an absence from the job without available paid leave because of a medical emergency when the absence is expected to be at least three work days in duration (for a full time employee) or at least 30% of the average number of hours of work by a part-time employee or an employee with varied hours.

### **Application to Become a Recipient:**

The employee or a supervisor acting on behalf of the employee submits a request to the Human Resources Office. Such a request shall identify the name and position title of the potential leave recipient, the reasons transferred leave is needed, and the anticipated duration of the medical emergency (if it is a recurring one, the approximate frequency of the medical emergency). Additionally, the Agency may require the employee to submit certification from one or more physicians, or other appropriate experts, with respect to the medical emergency. In making a determination as to whether a medical emergency is likely to result in a substantial loss of income, the Agency shall not consider factors other than whether the absence from duty without available paid leave is (or is expected to be) at least 3 work days. The Human Resources Office reviews the application and, if approved, forwards the request to the Payroll Clerk for processing and notifies the employee's supervisor, who will notify the employee. The employee also is required to complete all other paperwork related to leave (FMLA or Personal Leave) as required by the Employee Handbook.

**Soliciting Hours:**

After the request is approved the Human Resources Office will send out an All-Agency announcement requesting donations of time for the specific individual with limited information regarding the employee's need. The recipient employee must approve in writing the release of the information.

**To Become a Donor:**

Employees wishing to make a donation will communicate directly with the Human Resources Department. The donated time will appear on the employee's next paycheck as a deduction from his/her accumulated time. The Human Resources Department will be responsible for keeping track of donated and received time. All donations of time will be anonymous.

**Limitations on Donations of Personal Health Leave:**

An employee may request that up to 10 days (80 hours) of his or her accumulated personal health leave be transferred to an employee who has exhausted all of their accumulated paid leave. The employee making the donation of time will remain anonymous to the person receiving the time. Leave cannot be donated to an individual's supervisor.

**Termination of Medical Emergency:**

The emergency is terminated when: the recipient's employment is terminated or when the employee notifies the Agency that the emergency is over. It is the Agency's responsibility to monitor the status of the medical emergency affecting the leave recipient to ensure that he or she continues to be affected. The Agency may require documentation from a physician regarding the employee's status.

After the emergency ends, any unused transferred annual leave remaining must be restored to the leave donors.

**Leave accrual:**

The employee receiving the donation of the leave time will continue to accrue benefit time.

## 5.14 Tuition Assistance

Bauer Family Resources believes it is important to equip staff to perform their job duties, as well as support staff in professional development to perform additional duties and advance within the organization. Bauer has created a tuition assistance fund as a concrete measure to show support for the staff's professional development. This is to encourage staff to seek higher credentials and education within the respective fields associated with services rendered by Bauer Family Resources. In conjunction with this incentive to staff, Bauer encourages each employee to consult with their supervisor and strategize ways to enhance professional development through applying for tuition assistance as well as examining other opportunities.

**To qualify for tuition assistance, the employee must be employed at Bauer Family Resources for a minimum of 6 months, work at least 30 hours per week, and be in good standing with the company, including achieving a "meets requirements" or higher on the employee's most recent performance review.** An exception may be made to the minimum tenure requirement by an employee's supervisor in order to meet the needs of the company.

Employees must complete an application to be considered for the program. Bauer will accept applications for tuition assistance twice yearly. **Applications must be turned into the HR Department along with a current transcript, statement about how the employee's education will benefit the employee, Bauer, and its clients, a recommendation letter from the employee's current supervisor explaining how the course(s) will benefit the company, and a copy of the employee's most recent performance review.**

The designated tuition assistance committee has 30 days to review all applications and approve or deny the application. **Based on available funds and the number of applicants**, the tuition assistance committee will evaluate the applications based on factors such as other sources of financial aid and how the requested course(s) are job-related or career-related. Course Work must meet one of the following criteria to be approved as job-related:

1. It is specifically required by Indiana law, funding requirements, or regulation to maintain salary, status, or job; or
2. It directly supports or improves skills required for current job assignments, duties or responsibilities.

Course work must meet one of the following criteria to be approved as career-related:

1. It directly prepares an employee for advancement within the employee's current title series or occupation;
2. It directly develops the administrative or managerial capacity of the employee;
3. For non-degreed employees, it is course work necessary to obtain an undergraduate degree to qualify them for job opportunities within Bauer Family Resources at the para-professional or professional level.

The tuition assistance committee will designate respective recipients.



**Bauer Family Resources has a set amount of money available for tuition assistance and associated educational expenses per year, and therefore, it is likely not all applicants will receive tuition assistance approval. Bauer does not guarantee ongoing tuition assistance to any employee.** Each round of applications will be reviewed independent of other previous applications.

Once accepted in the tuition assistance program, the employee **must** sign a Tuition Assistance Repayment Agreement and **submit** proof of payment for the approved course(s) and a copy of his/her final grade upon completion of the course(s) to the tuition assistance committee. The employee must receive a “C” or better grade (or a “pass” for a pass/fail class). Failure to meet these requirements will result in repayment obligations.

For every one dollar paid toward tuition assistance and related expenses, the employee is required to work one hour upon completion of the course the tuition assistance contributed toward. For example, if \$500 is provided for tuition assistance for a class to be taken January through May, upon completion of that class in May, the employee would need to work 500 additional hours to fulfill the employee’s obligation. Vacation, paid or unpaid leave, and other absences will not count toward the employee’s obligation. In this example, 500 hours is equivalent to 12.5 full-time work weeks or 3.125 months of full-time work.

Employees will be required to sign a promissory note promising to pay Bauer back if the employee resigns, is terminated for any reason, or breaches the tuition assistance policies or procedures prior to fulfillment of the employee’s service obligation described in the previous paragraph.

Bauer reserves the right to withdraw employees from the tuition assistance program at any time based on unethical conduct, breach of tuition assistance policies or procedures, or termination/resignation from employment, which would trigger repayment obligations under the promissory note.

## **5.15 Employee Assistance Program**

All Bauer employees are eligible to receive services through Lincoln Financial Group's EmployeeConnect Services and MetLife's Employee Assistance Program. These are confidential employee assistance programs that are free of charge or reduce rates.

Employees receive unlimited, free telephonic consultation with an EAP counselor available 24/7 by calling 877-757-7587. Referrals to local counselors are available. Employees may receive up to 3 face-to-face sessions with a counselor free of charge.

Articles that provide helpful information on topics like wellness, legal issues, financial planning are available at [www.eapadvantage.com](http://www.eapadvantage.com). Password: Connect for Lincoln's program or 800-511-3920 for MetLife's program. Employees can access both programs.