

**OPTIONS IN COMMUNITY LIVING, INC.
PERSONNEL POLICIES**

Effective January 2017

1. POLICY IMPLEMENTATION AND MAINTENANCE

These policies have been prepared for informational purposes only. None of the statements, policies, procedures, rules, or regulations contained herein constitute a guarantee of employment, a guarantee of any other rights or benefits, or a contract of employment, express or implied. Options' employees are employed at will, and employment is not for any definite period. Options may modify or eliminate the provisions set forth in these policies at any time with or without notice. These policies supersede all previous statements, policies, procedures, rules, or regulations given to employees, whether verbal or written. These policies may only be modified by the Executive Director, or his or her designee, in writing.

Each employee will be given a copy of these policies and subsequent revisions.

Any changes to existing policies will follow appropriate procedure as described in these policies. The Executive Director may act to handle situations not covered by written policies and on questions of interpretation of written policies. If staff have concerns about the Personnel Policies, they should first approach the Executive Director. If the employee feels that concerns have not been addressed satisfactorily, or if the concerns involve the performance of the Executive Director, staff may approach the Board through the staff representative, or directly. However, nothing contained in this document changes the at-will employment relationship between Options and its employees.

Additionally, separate Worker Expectations will be maintained from the personnel policies, but should be viewed as part of the policies in terms of their effect on employment, discipline and potential termination of employment.

2. EQUAL OPPORTUNITY

Options in Community Living, Inc. will recruit individuals for volunteers, employment, and service on its Board of Directors without regard to race, religion, color, ethnicity, age, gender, marital status, national origin, cultural differences, ancestry, creed, handicap, sexual orientation, physical appearance, political persuasion, disability, arrest record or conviction record (except as permitted or required under applicable federal, state and local laws and regulations), military participation or membership in the National Guard, State Defense Force, or any reserve component of the military forces of the United States or this State.

This includes, but is not limited to, recruitment, hiring, employment, transfers, training, promotions, demotions, raises, disciplinary actions, compensation, and termination of employment.

Options will not discriminate against qualified individuals with a disability with regard to any aspect of employment and is committed to complying with the American with Disabilities Act, as amended. Options recognizes some employees with disabilities may require reasonable accommodations to perform the essential tasks of their employment. If you are disabled or become disabled (meaning you have a mental or physical impairment substantially limiting one or more of the major life activities) and you require a reasonable accommodation, you should address your concerns to your supervisor to begin the interactive process, which will include discussing your disability, limitations, and possible reasonable accommodations that may enable you to perform the functions of your position, make the workplace readily accessible to and usable by you, or otherwise allow you to enjoy equal benefits and privileges of employment.

3. EMPLOYMENT PROCESS

A. All applicants are required to complete an application for employment, either prior to or at the time of the first scheduled interview. This application will contain a section to collect information needed to fulfill the requirements of Options' Affirmative Action Plan.

- B. Investigation of qualified applicants will be made to verify employment history, education and credentials, military service, and/or other pertinent information relative to background, reputation, and character of the job applicant as deemed necessary for the specific position sought. All information provided on applications, resumes and in interviews is subject to verification.
- C. Decision to hire will be made by the Executive Director or his/her designee. He or she shall seek input from relevant staff.
- D. Two references are required for each new employee. A criminal background check will be completed for each prospective employee prior to hire. See Policy on Criminal Background Checks and Convictions for Prospective and Current Employees for additional information. The policy is available on request. Background checks may be repeated on an annual basis, or as needed to comply with funding contracts. Employees are required to immediately report to Options' business office any arrests or convictions that occur after their date of hire. Note that Options may inquire regarding, and base employment decisions on: (1) arrest records that are relevant to the employee's bondability when employment depends on bondability or other administrative regulation applicable to Option's services or (2) pending criminal charges if the circumstances of the charge are substantially related to the circumstances of the job. See Wis. Stat. §§ 111.33, 111.321, 111.335. Options will make such determinations on an individualized basis for each such disclosure made.
- E. Offers and terms of employment will be made in writing and signed by the Executive Director or his/her designee.
- F. Each new employee is required to return a signed Agreement to the business office confirming that he or she has read the employment letter containing terms of employment and all enclosures (job description, Personnel Policies, Worker Expectations, etc.)
- G. A separate, confidential personnel file will be maintained for each employee. All relevant information pertaining to each person's application, hiring, employment history, and termination will be included in the record. Each employee shall have the right to review the contents of his or her personnel file within one week of the request as permitted by Wis. Stats 103.13.

It is Options' policy to release outgoing employment reference information upon request. Information released may include, but is not limited to, position(s) held, dates of employment, and employee performance. Options does not release incoming employment references received from other employers prior to employment with Options. Other contents of the personnel file will not be released without prior written consent of the employee or as otherwise required by law.

Options will release wage and employment data to county, state and federal agencies when required by law to do so, or when requested to do so by the employee. Employees presenting wage verification forms from government entities are thereby giving consent for the release of information.

- H. Employees must notify Options' business office immediately when there is a change in the following; name, address, personal telephone number, email address or employment documentation status. Verification of name change and employment documentation status may be required.

4. INTRODUCTORY REVIEW

In addition to ongoing monitoring of performance, new employees will have their performance reviewed after six months. The employee will participate in an evaluation of his/her job performance with the immediate supervisor for the position, the Executive Director, or his or her designee. The person conducting this evaluation is encouraged to seek input from relevant staff.

Successful completion of the introductory performance review will not change the status of employment from that of employment at will.

5. CRIMINAL BACKGROUND CHECKS

- A. Criminal background checks will be completed using the name, date of birth, and Social Security number of the applicant. The employee is required to provide all variants of his or her name and any known aliases for this review.
- B. Arrest records will not be considered in hiring decisions except as allowed under Wisconsin law. However, conduct substantially related to the circumstances of the job will be considered regardless of whether it is or was the subject of arrest. Options reserves the right to undertake investigations of circumstances related to or revealed by an arrest or conviction.
- C. Failure to disclose convictions on the employment application is grounds for termination or denial of employment.
- D. Employees and applicants are advised that Options is prohibited by federal law from employing individuals who have been convicted of child or client abuse, neglect, or mistreatment, or of a felony involving physical harm to an individual.
- E. In general and without limitation to other potential concerns, Options will determine that a substantial relationship between a conviction and the position applied for or held exists if the crime relates to neglect, physical or sexual abuse, financial exploitation, or any other area that may jeopardize the safety and well-being of people supported by Options or our employees.
- F. Information received from criminal background checks will be considered confidential. Staff responsible for final hiring decisions will not be provided with the specific results of the background check unless it reveals convictions or pending charges which require or allow disqualification or termination.
- G. Options is required to disclose to a person supported or their guardian certain convictions on an employee's record if that employee is hired to provide personal care services (See DHS 12.115 for the list of applicable convictions). The disclosure must be repeated annually with the employee criminal background check.
- H. See the Criminal Background Checks and Convictions for Prospective and Current Employees policy for the procedure followed when background checks or self-reporting indicates a conviction or pending charge with a substantial relationship to the circumstances of employment may exist.
- I. Options will re-check criminal background information for all employees regularly, in compliance with our contracts.
- J. Current employees may be suspended from employment, without pay, if a criminal charge is pending that substantially relates to the position(s) held. Employees are required to inform management of pending charges as soon as practicable following arrest or filing.

6. PERFORMANCE EVALUATIONS

Employees must participate in written evaluations of job performance which may be conducted with each employee by his/her immediate supervisor, under the direction of the Executive Director, at least once annually and at a change in employment status. The person conducting this evaluation will be encouraged to seek input from relevant staff. When an employee changes his/her job classification within the agency, the Executive Director or his/her designee may evaluate the employee's performance as needed or after three months in the new position. Performance evaluations may be considered by the Executive Director as part of any wage increase system.

7. EMPLOYEE CATEGORIES

The method of compensating employees at Options is regulated by state and federal labor laws. Employees may be considered salaried "exempt", or hourly "non-exempt". Employees are informed of the employment category for their position at the time of hire.

As changes occur over time in the nature of work done by employees in these positions, the applicability of the different labor law provisions may also change. Refer to the state and federal labor laws for more information.

8. WORKWEEK, PAYROLL AND WAGES

The workweek for all employees is Sunday through Saturday.

Hourly employees will be paid time-and-one-half for hours worked in excess of forty hours per work week. Overtime hours may be worked only if prior approval of the Executive Director or his/her designee has been obtained. Overtime hours may include hours worked at varying pay rates; overtime pay will be calculated using a weighted average pay rate.

When working shifts of at least 24 hours, or living in, eight hours per day will be designated as unpaid sleep time and will not be counted toward work hours, as allowed by wage and hour laws. Employees living in or sleeping overnight on 24 hour shifts with unpaid sleep time will be provided with a private sleeping area. For Home Support Workers, when shifts are scheduled for less than 24-hour periods, or with more than eight hours off during a 24-hour period, sleep time is paid at the prevailing basic minimum wage.

For salaried employees, one hour of compensatory time will be allowed for each hour worked in excess of the regularly scheduled hours in each pay period. Compensatory time cannot be earned in a pay period in which benefit hours are used. All compensatory time earned must be taken within the calendar quarter in which it is earned. Salaried employees will not earn compensatory time for attending training events without prior approval from the Executive Director. Compensatory time is not vested when employment terminates, and may not be exchanged for wages. Salaried employees must obtain prior approval from the Executive Director or his/her designee prior to accepting work in other employment categories, as described in Section 7.

Wages will be paid at least monthly. All efforts will be made to accurately pay each employee. Errors and omissions will be corrected promptly when brought to the attention of the accounting department. Errors that are due to staff failure to clock in and out for shifts will be corrected on the next available pay date. In order to be paid, employees must submit work hours, either using a timesheet system for office-based employees or the telephone system in place for Home Support Workers and Paid Roommates. Employees are responsible for accurately reporting their work hours; employees must call Options' office as soon as they discover they have failed to clock in or out and report the missed phone call. Failure to clock in and out as scheduled, and from the required telephone number may result in disciplinary action. Approved drivers, using a mileage report form, must submit a written record of mileage traveled in their personal vehicle for reimbursement every two weeks, on scheduled pay dates. Mileage and expense sheets received more than three weeks past the due dates listed on the mileage reimbursement sheet will NOT be paid.

9. ABSENCES AND TARDINESS

All employees will be informed of their scheduled work hours, and must review and verify their schedules using the on-line schedule system. Options' expectation is that employees will work all scheduled shifts and arrive promptly. Options and the person(s) you support rely on you to work as scheduled. Cancelling a shift on short notice should only happen in cases of illness or family emergency. See Guidelines for Calling in Sick for details on how to report illness. Employees are required to speak directly to their supervisor or on-call staff if they are ill or otherwise unable to work. Employees **must never rely upon a voice message, a text or e-mail** as sufficient notification that they are unable to work as scheduled. Failure to follow this guideline will result in disciplinary action including possible termination of employment. Refer to the Worker's Expectations for additional employee responsibilities.

10. BENEFITS AND ELIGIBILITY

Options provides workers' compensation insurance which offers compensation in the event of an injury incurred by an Options employee while working. Employees **must** notify the business office or on-call staff **immediately** when an injury occurs. Options values a safe work environment for all workers. If an employee has concerns about his/her safety while working, the employee should contact his/her supervisor as soon as practicable.

Options maintains a robust return to work policy to support injured employees to return to work as quickly as possible.

Professional liability insurance is provided for all Options employees, subject to limitations contained in the policy, effective on the first day of employment.

Employees may be eligible for additional benefits. Please refer to the benefits and eligibility schedule for your position.

11. LEAVES OF ABSENCE

Family and Medical Leave Act (FMLA) Policy

In accordance with the Family and Medical Leave Act of 1993, and State of Wisconsin statutes, Options in Community Living, Inc. will grant job protected family and medical leave (FMLA) to eligible employees for up to 12 weeks within a 12-month period for one or more of the following reasons:

1. For incapacity due to pregnancy, prenatal medical care or child birth; or
2. To care for the employee's child after birth, or placement for adoption or foster care; or
3. To care for the employee's spouse, child, or parent who has a serious health condition; or
4. For a serious health condition that makes the employee unable to perform the essential functions of the employee's job; or
5. Military Family Leave;
 - a. To address qualifying exigencies for a spouse, parent, son or daughter who is a covered military member;
 - b. If you are a spouse, parent, son, daughter, or next-of-kin, up to 26 weeks within a 12-month period to care for a covered military member who has a qualifying serious injury or illness.

DEFINITIONS

- A. "*12-Month Period*" - means the 12-month period immediately preceding an FMLA request.
- B. "*Spouse*" - Does include unmarried domestic partners if the partnership is registered in Dane County or with the State of Wisconsin. If both spouses work for Options, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent.
- C. "*Child*" - means a child either less than 18 years of age, or 18 years of age or older who is incapable of self-care because of a cognitive or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes those of which are biological, adopted, foster or a stepchild.
- D. "*Serious Health Condition*" - means an illness, injury, impairment, or a physical or mental condition that involves:
 1. Inpatient care; or
 2. Any period of incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a health care provider; or
 3. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
 4. Prenatal care by a health care provider.
- E. "*Continuing Treatment*" - means:
 1. Two or more visits to a health care provider; or
 2. Two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider; or
 3. A single visit to a health care provider that results in a regimen of continuing treatment; or
 4. In the case of a serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of, but not necessarily being actively treated by, a health care provider.

F. "Covered military member" – means a spouse, son, daughter or parent of an employee who is a current member of the Armed Forces, including a member of the National Guard or Reserves.

FMLA ELIGIBILITY AND COVERAGE

- A. Eligible employees are those employees who:
1. Have worked for Options for at least 12 months or 52 weeks (not necessarily consecutive), excluding paid or unpaid leave; and
 2. Have worked a minimum of 1,000 hours, excluding paid or unpaid leave, in the 12-months immediately preceding the FMLA request.
- B. Eligible employees will be entitled to 12-weeks of leave in a 12-month period.
1. The 12-month period will be calculated as a "rolling" 12-month period, measured backward from the date of any FMLA usage by the eligible employee.

INTERMITTENT OR REDUCED WORK SCHEDULE

- A. An employee may take FMLA leave on an intermittent basis or through a reduced work schedule, due to a serious health condition of the employee or to care for an immediate family member with a serious health condition, only when "medically necessary."
1. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced work schedule, as certified by a health care provider.
 2. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment.
 3. An employee may take leave intermittently or on a reduced work schedule for birth, placement for adoption or foster care of a child only when approved by Options.
- B. For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro-rated basis. A weekly average of the hours worked over the 12 weeks prior to the beginning of the leave will be used for calculating the employee's normal workweek.

USE OF PAID LEAVE ON FMLA

- A. All benefited employees on FMLA leave will be required to use their accrued paid leave (sick, vacation, compensatory time, holiday time, etc.), to remain in a "full pay" status as much as possible when on FMLA leave. Paid leave will be granted in accordance with the terms and conditions of the Personnel Policy and will run concurrently with FMLA leave.
- B. If an employee's accumulated paid leave balance is insufficient to cover the full 12-week FMLA entitlement, the employee will remain entitled to unpaid FMLA leave for the remaining balance of the entitlement, through a leave of absence without pay. Employees will be subject to the terms and conditions set forth in the Personnel Policy for the duration of any leave of absence without pay while on FMLA leave.

NOTICE REQUIREMENT

- A. For all FMLA leave, the employee is responsible for providing proper notice of a requested leave, and receiving, ensuring the completion of, and submitting to Options all requested forms. Employees are required to give a 30-day notice to Options in the event of foreseeable leave. An Options Request for Time Off form must be completed by the employee and returned to the business office.
- B. In unexpected or unforeseeable situations, an employee should provide as much notice as possible. Verbal notice is acceptable if given within two business days after the need for leave becomes known, followed by a completed Options Request for Time Off form.
- C. If an employee fails to give a 30-day notice for a foreseeable leave with no reasonable excuse for the delay, the FMLA leave request may be denied.

D. Upon receiving notice from the employee that FMLA leave is requested, Options will notify the employee of his/her *eligibility* to take FMLA leave (WH-381) within five business days. If the employee is eligible for FMLA, written medical certification is then required. Upon receipt of the completed medical certification form, Options will notify the employee if the leave qualifies and is designated as FMLA leave (WH-382).

MEDICAL CERTIFICATION FOR FMLA

A. For all FMLA leave, the employee is responsible for requesting, receiving, the completion of, and submitting to Options one of the following medical certifications, as applicable:

1. Form WH-380-E "Certification of Health Care Provider for Employee's Serious Health Condition" (for an employee); or
2. Form WH-380-F "Certification of Health Care Provider for Family Member's Serious Health Condition" (for a family member); or
3. Form WH-384 "Certification of Qualifying Exigency for Military Family Leave"; or
4. Form WH-385 "Certification for Serious Injury or Illness of Covered Service member for Military Family Leave" (for a covered service member).

All forms are available from Options' business office. The applicable certification form will be mailed, or electronically sent to the employee. The employee is responsible for being available to receive documents pertaining to the leave, or to provide Options with the name & contact information of an alternate individual who is able to receive the documentation for the employee. The certification form completed by the health care provider must be forwarded to Options' business office within 15 days of the employee's receipt of the certification request from Options. If sufficient certification is not provided, the FMLA leave request may be denied and the employee subject to applicable policies regarding time and attendance.

B. Options may require additional medical opinions (at Options' expense) to validate or clarify the certification of the health care provider.

C. While on FMLA leave, the employee may be required to furnish periodic reports on the condition, status, intent to return to work and other documentation as may be appropriate. The employee is responsible for maintaining a method for which this communication may occur, while also preserving the employees' right to privacy.

D. All employees using FMLA leave due to their own serious health condition must provide medical certification of fitness to return to work at the end of their leave.

EFFECT ON BENEFITS WHILE ON FMLA

A. An employee granted a leave under this policy will continue to be covered under Options' group health insurance, life insurance and short and long-term disability plans (if applicable and enrolled at the time of leave) under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.

B. Employee contributions will be required either through payroll deduction or by direct payment to Options. The employee will be advised in writing that payments are due on the same schedule as they would be made via payroll deduction. The employee contributions are subject to rate changes that may occur while the employee is on FMLA leave.

C. If an employee's contribution is more than 30 days late, Options may terminate the employee's (and dependents, if applicable) insurance plan(s).

D. If Options pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse Options for delinquent payments (on a payroll deduction schedule) upon returning from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.

E. If the employee fails to return from unpaid family/medical leave, or returns at a level that is below benefit eligibility, for reasons other than (1) continuation of a serious health condition of the employee or a covered

family member or (2) circumstances beyond the employee's control (certification of the circumstances is required within 30 days of failure to return for either reason), Options may seek reimbursement from the employee for all amounts paid by Options on behalf of that employee during the period of leave, including both the employer contribution and the employee contribution, if any.

F. An employee is not entitled to seniority or benefit accruals while on unpaid leave. Seniority and benefits accrued prior to taking FMLA will not be impacted by FMLA leave.

JOB PROTECTION

A. FMLA

Upon return from FMLA leave the employee will be reinstated to the former position or a similar position with equivalent pay, benefits, status and authority.

1. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position had been eliminated or the employee had been terminated before the leave, the employee would not have the right to be reinstated upon return from leave.
2. If an employee fails to return to work following FMLA leave, the employee may reapply for the same or similar position, if available. If the employee's same or similar position is not available, the employee will be terminated.

B. JURY DUTY

Employees called for jury duty are entitled to receive a day off without loss of pay for each day of jury service, not to exceed two weeks, provided the following conditions are met:

- a copy of the call to jury service is furnished to Options,
- the days served on jury duty were previously or routinely scheduled to be worked, and
- checks received for jury service reimbursement are signed over to Options.

If jury duty is for a portion of any day, the employee will return to work to complete the work day. Leave of absence without pay may be granted by the Executive Director or his/her designee if the employee is on jury duty more than two weeks.

C. MILITARY RESERVES OR NATIONAL GUARD

Employees serving in U.S. or state military organizations may take the necessary time off without pay to fulfill their obligation. Employment status will not be affected by military leave. Employees may use vacation and holiday hours during military leave, but are not obliged to do so. Employees must provide notice and verification of the leave dates as soon as they are known.

D. OTHER LEAVE

Leaves of absence without pay or benefits may be requested. Such leaves will be considered on a case-by-case basis and will be evaluated by the Executive Director in terms of the reasons for the request and the impact on the agency services; unpaid leaves of absence will terminate any current benefit eligibility for the employee, and a new benefit qualification period will commence on return to work.

Employees without benefit eligibility must comply with all staff guidelines on calling in sick and requesting leaves of absence.

12. REIMBURSEMENT FOR WORK-RELATED EXPENSES

Reimbursement will be made to employees for reasonable expenses when authorized by the Executive Director or his or her designee and when incurred while on Options' business, as allowed in the State of Wisconsin Manual of Allowable Costs. This includes reasonable transportation expenses incurred during authorized travel.

Commercial transportation will be reimbursed for coach class or lesser fare, with documentation and receipts. Expense reimbursement requests must be submitted on time in order to be paid.

Authorization must be obtained in writing before incurring expenses. Receipts for authorized expenses must be submitted prior to reimbursement, except for per diems that may be established by the Executive Director or his/her designee for expenses while traveling, or for expenses for room and board for people being supported by Options when staying in the home of an Options employee. Original receipts are required for all reimbursements.

Because of Options' non-profit status, sales tax is not reimbursable, with one exception: when an employee is engaged in a community building activity with a person receiving support from Options present, sales tax on meals, tickets, or other related costs may be reimbursable if the use of a tax exempt certificate would be stigmatizing to the individual served.

13. STAFF EDUCATION AND TRAINING

For personal and career development that is job related, Options may reimburse employees for training costs, and/or allow paid time off from work, up to a maximum of 8 hours per day. Approval will be based on agency needs, and will be at the discretion of the Executive Director or his/her designee. Options may require some training events as a condition of continued employment. Required training may need to be scheduled outside of regular work hours for an employee. All travel time related to staff training may not be paid work time, per wage and hour laws.

14. BOARD OF DIRECTORS MEMBERSHIP

Employees who work 30 or more hours per week and who spend at least 51% of their work time in direct service to consumers are eligible for election to Options' Board of Directors; board by-laws maintain one board seat for an employee representative. Refer to the corporation by-laws for the nomination and election process. Staff serving on the board act as volunteers and, unless explicitly authorized by the Executive Director, may not use paid working time to prepare for or attend Board meetings. Employee Board members must maintain strict confidentiality on any discussions related to employment terms and conditions.

15. OUTSIDE CONSULTATION BY OPTIONS STAFF

This section applies to Options employees involved in training, consultations, presentations and general sharing of information regarding Options in Community Living, Inc., or any aspects of the organization's work.

- A. The Executive Director shall be notified of all outside requests for consultation, training and presentations.
- B. Decisions regarding staff participation in above activities will be made by the Executive Director. Staff may participate in training and consultation activities based on the following factors:
 - The employee's interest in participating
 - Demonstrated ability to communicate effectively in public
 - Demonstrated expertise in and understanding of Options' service model and value base
 - Demonstrated expertise in the topic area requested
 - Ability to represent Options in a positive light
 - Time available to prepare and participate in the activity, given current work demands
- C. If a consultation fee or honorarium is provided, the employee may retain the fee if all training, preparation and travel are done on personal, non-work time. In such cases payments should be made directly in the individual's name and the employee must assume responsibility for taxes. If activities take place during work time, fees must be paid directly to Options.
- D. When providing clinical consultation (case management, assessment, service plan development, etc.) that is not being performed on Options' time, staff members shall include in their contracts with the outside contracting entity language that indicates the consultant is acting in his or her own behalf and not as an agent or representative of Options in Community Living, Inc.

16. DRUG FREE WORKPLACE

- A. It is the intention of Options in Community Living, Inc., to maintain a drug free work place for the safety of our employees, and of the people supported. This policy serves notice to employees that the unlawful manufacturing, distribution, possession or use of a controlled substance is prohibited in the work place or on work time. Alcohol may never be consumed in a work place or on work time. Employees must never arrive for work under the influence of drugs not prescribed or alcohol. Criminal conviction pertaining to any of the above mentioned actions in the work place will result in disciplinary action that could include required participation in an approved drug rehabilitation program or termination from employment.
- B. All employees are required to notify their supervisors within 5 days of any criminal drug conviction where the violation has occurred in the work place.
- C. The agency, as required by law, will notify the federal contracting agency within 10 days of the receipt of the employee's conviction notice.
- D. Any employee who requires information on drug awareness, available drug counseling, rehabilitation or other assistance should contact his/her supervisor for referral.
- E. Since physician-prescribed use of narcotics, depressants, antidepressants, amphetamines, mood-altering drugs or other controlled substances can adversely affect work behavior or job performance, it is in the best general interest of all employees that Options know of such use. Prescription and over-the-counter drugs are not prohibited when prescribed by an authorized medical professional specifically for the employee, and when taken in standard dosage and/or according to the written prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing professional and/or pharmacist to ascertain whether the medication may interfere with safe performance of the job. If the use of medication could compromise the safety of the employee, fellow employees, persons supported or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g. call in sick, request a leave, request change of duty, notify supervisor) to avoid unsafe workplace practices. Failure to disclose the use of such prescriptions or over-the-counter medications with adverse side effects may result in disciplinary action. To the extent practicable, Options employee disclosure regarding the use of these drugs will be treated as confidential health information.
- F. A supervisor or management representative who has reason to believe that an employee, prior to reporting to work or while on the job, has used or consumed alcohol, drugs, or other controlled substances, may search for drugs, drug paraphernalia, and alcohol on company-owned or controlled property, or require the employee to report to a designated hospital or clinic for a fitness-for-duty examination. This examination will be during working hours, at Options' expense, and include urine and/or breath testing to determine whether drugs, alcohol, or other controlled substances are present in the employee's system. The employee will be transported to the collection site by a management employee and will then be transported home or to a place mutually agreed as safe. An employee who refuses to submit to an examination is deemed to be in violation of this policy, will be removed from the work site, and subject to appropriate disciplinary action up to and including discharge.
- G. If an employee with an alcohol or drug problem fails to keep his/her commitment to treatment and demonstrates substandard job performance, disciplinary action may be deemed appropriate up to and including discharge.
- H. No Options employee shall have in their possession any illegal drugs or have any alcohol accessible while on duty, on break or during meal periods while working. Illegal drugs, or drug paraphernalia found on or in property of Options or an Options client will be turned over to a local law enforcement agency by a supervisor or management representative for further investigation, which may result in criminal prosecution. Alcohol found on or in Options property or that of an Options client will be confiscated and destroyed, unless needed as physical evidence for an investigation, in which case it will be turned over to investigators or a local law enforcement agency by a supervisor or management representative for further investigation.

- I. Options maintains a no smoking policy at the agency office, and in the homes of people supported. Employees may not smoke or use E-cigarettes in the presence of people supported. Exceptions to this policy will be described in individual job descriptions.

17. TERMINATION OF EMPLOYMENT FOR NON-DISCIPLINARY REASONS

Terminations of staff may be necessary due to funding changes or changes in agency needs. Terminations will be made with consideration for agency needs and personnel qualifications. Terminated employees will be given one month's notice whenever possible. Decisions regarding employee lay-offs shall be made by the Executive Director.

Employees are expected to submit a written notice to their supervisor at least one month prior to resignation. Benefit termination dates will be based on the employee's last actual working day. Vacation and holiday hours previously earned will be paid, but will not affect the employment termination date. No vacation time will be approved after submission of notice of resignation.

18. HARASSMENT POLICY

Options strives to provide a work environment that is comfortable, and free from intimidation, hostility or other offenses which might interfere with work performance. Harassment of any sort -- verbal, physical, visual -- will not be tolerated by Options employees. Harassment may include, but is not limited to: words, signs, jokes, pranks, intimidation, physical contact, or violence. Harassment is not necessarily sexual in nature. Intimidation or hostility related to racial differences, gender differences, physical differences, or any other perceived difference will not be tolerated in the work place.

All Options employees have a responsibility for keeping the work environment free of harassment. An employee who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to his/her immediate supervisor or any other supervisory staff with whom the employee feels comfortable.

When Options becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the company to do so. All reports will be investigated with respect for the privacy of everyone involved. Any employee found to have harassed a coworker or person receiving services will be subject to disciplinary action and possible termination of employment. No adverse employment action will be taken for any employee making a good faith report of alleged harassment. Allegations made in bad faith will be treated as a disciplinary issue, and may be cause for termination of employment.

HARASSMENT OF EMPLOYEES BY PEOPLE RECEIVING SERVICES: Due to the nature of the services provided by Options in Community Living, employees may sometimes be asked to provide services to individuals who have acted in a harassing manner toward Options' employees in the past. If Options is aware that past harassment has occurred, the employee will be informed of the nature of the harassment and will be given training in how to manage the offensive behavior.

Employees must maintain communication with their supervisor and promptly inform their supervisor if harassing behavior escalates or if additional assistance is needed to sustain the working relationship. Employees may also inform their supervisor if a change in work responsibilities is needed due to harassment from an individual being supported.

If an employee experiences harassment without being forewarned, the harassing behavior should be immediately reported to the supervisor so that action can be taken to reduce the probability of a reoccurrence, to provide additional training, and to determine if other corrective measures are necessary.

SEXUAL HARASSMENT: The Equal Opportunity Commission defines sexual harassment as:

“unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the following is true: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,

Or
submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual,
Or
such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”

Additional information is included in Options' harassment policy. All employees are required to sign a statement that they have received and read a copy of the harassment policy at the time of hire.

19. ELECTRONIC COMMUNICATIONS

Electronic devices may be provided to assist in the conduct of Options' business. Employees must have no expectation of privacy when utilizing these devices, including e-mail using a work-provided e-mail address and e-mail passing through the business server. Use of electronic communication systems to view or send offensive or harassing materials, to engage in illegal activities or for any non-work reason is prohibited. Use of personal electronic devices including phones, laptops, earphones or ear buds, tablets, cameras, audio and/or video recording equipment, etc. is prohibited, except as instructed by your supervisor, and allowed as described in the Electronics Policy.

SOCIAL NETWORKING

Personal use of social networking sites during paid work time is prohibited, and should never be accessed from Options' server for personal reasons, even if on a work break. Additionally, all employees are expected to respect the confidentiality of their coworkers and the people Options supports by refraining from disclosing identifying information on social networking sites without explicit consent of the person and/or their guardian. This includes the sharing of photographs and videos on any public sites. The only exception to this policy is the appropriate use of Options' closed Facebook group, accessible only to current employees.

20. WORKPLACE PRIVACY

Employees are advised that there is no expectation of privacy in the workplace. This includes but is not limited to e-mail and voicemail messages, computer files and transmissions, facsimile transmissions, and items left on or in desks or offices. Be advised that personal items brought into the workplace are not insured or protected. Personal items may only be brought into the home of a person supported if they are in accordance with the individual's support plan and if the items are approved by the household supervisors. Personal items include food and drink items, personal medications, and personal electronic devices.

21. DRESS CODE AND SAFETY IN THE WORKPLACE

Appropriate footwear should be worn by employees at all times. Employees are responsible to wear proper footwear in the winter and when working to minimize the chances of a fall or injury on slippery surfaces, indoors and outdoors. Closed toed footwear must be worn when operating or assisting in the operation of wheelchairs, lifts, roll-in shower chairs, or other large, moveable objects. Dress that is clean, in good repair, weather appropriate, and that conforms with the job tasks is expected at all times. More rigorous dress codes in place in certain households are described in individualized job descriptions, and must be followed for the safety of all involved.

22. GIFTS FROM PEOPLE SUPPORTED

It is permissible to accept small gifts of nominal value from people supported when refusing the gift causes discomfort or prevents a person supported from participating in a reciprocal relationship. At times, the families of people supported wish to offer small gifts of appreciation to Options staff. Small gifts from family members may be accepted but must be reported to the supervisor. Acceptance of cash, checks, or gift cards from people supported is explicitly prohibited. Employees may not accept personal items from people supported, whether for

free or when compensating the individual, without involvement from a supervisor and guardian to monitor and manage the exchange so that an “arm’s length” exchange is made.

23. USE OF RECORDING DEVICES

Employees may not record conversations or activities on business premises, in a private residence of a person supported, in vehicles owned by Options or being used for work related purposes, or in a public environment while in the company of persons supported and/or employees of Options without authorization of all parties present and the Executive Director or his/her designee. Many people supported cannot give legal consent; their guardian must be contacted for consent. This includes all recording devices such as telephones, cameras, video and/or audio recording equipment, laptops, tablets and other electronic devices. Violation of this policy will result in disciplinary action, up to and including termination.

24. INCLEMENT WEATHER EXPECTATIONS

People supported rely on Options’ employees to attend work as scheduled. Their need for assistance does not lessen in times of inclement weather. It is expected that employees will plan ahead, and exercise all due diligence to make it to their work site during weather events. This may include taking alternative modes of transportation and/or problem-solving with your supervisor. Options may ask some employees to change their scheduled work shift in order to provide required services if employees are unable to get to work safely., Employees will be compensated for all hours they are required to remain at their work site if required to do so to provide services.

25. AGENCY REPRESENTATION IN THE MEDIA

Employees may represent the agency to the media only at the direction of the Executive Director.

26. FIREARMS AND WEAPONS

The possession, wearing, carrying, transporting, or use of a handgun, firearm, pellet gun or other item that is or may be used as a weapon is strictly prohibited on Options’ premises, and in the homes of, or in the presence of people we support. Employees are also prohibited from carrying a firearm or weapon while in the course and scope of performing their job, regardless of location. This policy also prohibits weapons at any function sponsored by Options in Community Living, Inc. This prohibition also extends to any person who may have received a government-issued permit or license. Violation of this policy will result in disciplinary action, up to and including termination. Weapons may be stored in personal vehicles parked within designated parking areas, but may not be removed from the vehicles or taken into any Options building or the premises of an Options client. Any weapon that is stored in the vehicle is required to be stored either in the trunk, vehicle storage area that is locked, or in the passenger compartment of a locked vehicle in a place that is not visible from the outside. However, in no event shall an employee store or transport a weapon in a personal vehicle if that vehicle is to be used, or may be required, to transport an Options client in the course of the employee’s work. This prohibition includes weapons that are stored in the vehicle out of sight, locked in the trunk or otherwise secured.

27. CONFLICTS OF INTEREST

Conflicts of Interest are inherent in Options’ work. To protect the safety and wellbeing of people supported, all conflicts of interest must be acknowledged and reported on the Statement of Conflict of Interest. More details are provided in the Policy on Conflict of Interest.

28. POLICY ON ANIMALS IN THE WORKPLACE

Options maintains a policy on bringing animals into the workplace. The policy is in place to protect the safety and wellbeing of people supported, employees and animals. Permission is required to bring an animal to work,

whether to the office or to the home of a person supported. The owner must provide current documentation of vaccines, licenses, and assume all responsibility for the behavior of the animal. See the policy for more details.

29. VEHICLES AND APPROVED DRIVERS

Employees must not drive while working without submitting a driver information form as application for approved driver status. Copies of employees' drivers' license and liability insurance coverage for their personal vehicle must accompany the form. Employee driving records will be verified. Certain violations, or combinations of violations, including OWI conviction in the past 5 years, will prevent approval to drive while working. Confirmation of approved driver status must be given before driving a vehicle for Options business.

Options requires that all employees who drive personal vehicles on company business carry a minimum of \$100,000/300,000/100,000 liability coverage on their vehicle OR maintain a personal liability umbrella policy with at least \$500,000 in coverage.

All employees using their personal vehicle for approved travel will be reimbursed for such use on a per mile basis at the rate(s) applicable on the date of travel by submitting a mileage expense report, on time; late reports will not be paid. This allowance is intended as compensation for operating expenses of your vehicle, including the cost of gas, oil, tires, maintenance and insurance. In the event of an accident the insurance on the car being driven is primary. Refer to the Worker's Expectations and Driver Information Policy for additional employee responsibilities.

- A. Vehicles owned by Options are to be used only for approved Options business, or at the discretion of the Executive Director or his/her designee.
- B. The driver must not operate an Options-owned vehicle, or personal vehicle being used for approved Options travel if they have consumed any alcoholic beverage, or if they have taken any prescription, over the counter medication, illegal drug or other substance that may impair driving ability.
- C. The driver and all passengers in the vehicle must use seat belts as designed at all times when the vehicle is in motion.
- D. The driver must obey all traffic laws, including speed limits. Drive defensively.
- E. The driver must not operate a cell phone or other electronic device while the vehicle is in motion.
- F. In the event of an accident: if able, evaluate yourself and passengers for injuries, and call for medical assistance if needed. If a person we support is in the vehicle, provide assistance and comfort if needed. All individuals supported must be medically evaluated to determine that no non-visible injuries occurred. The driver must notify his/her supervisor as soon as possible if an accident occurs, whether or not injuries are sustained, and cooperate with inquiries and accident investigation.

30. DISCIPLINE AND TERMINATION OF EMPLOYEES

- A. Termination of employment may occur at any time, with or without notice, and with or without cause, at Option's choice or that of the employee.
- B. Employees may be suspended from work without pay if an allegation of misconduct is made and a fact-finding investigation is required. Non-substantiated allegations will result in back pay to the employee and immediate reinstatement at the conclusion of the fact-finding process. Substantiated allegations will result in disciplinary action or termination of employment, depending on the facts. Termination is at the discretion of the Executive Director, or designee.
- C. The following employee behaviors will be subject to disciplinary action up to and including suspension from or termination of employment:
 - 1. failure to perform assigned duties
 - 2. failure to work cooperatively with supervisor, staff, people receiving services, family, or members of the community

3. failure to communicate respectfully
 4. absenteeism, tardiness, inappropriate or fraudulent use of sick time or leave(s) of absence
 5. dishonest or illegal behavior
 6. consumption of alcohol, controlled substances, illegal drugs, or other substances that substantially impair work performance during work time or coming to work under the influence of alcohol or other drugs if the employee is impaired or deemed impaired by such use
 7. any conduct that could be detrimental to the well-being of the people receiving services, staff, or the organization
 8. failing to fully participate in any fact-finding process initiated by Options or other providers
 9. providing fraudulent information on applications or resumes
 10. failure to follow the support plan/plan of care for individuals served
 11. failure to follow the time-off policy when taking time off work for personal reasons or vacation
 12. failing to arrive for work to any scheduled shift(s) the employee has agreed to work or canceling a regular or fill-in shift, except in cases of illness or family emergency, without required notice
 13. being late for work without informing Options that you will be late for a shift
 14. leaving the person with whom the employee is working unattended without prior consent from his/her supervisor
 15. recruiting people to work in the employee's absence without prior approval by his/her supervisor
 16. borrowing money from people receiving services
 17. theft of any type
 18. any conduct that violates Options in Community Living, Inc.'s Abuse and Neglect Policy, incorporated herein by this reference.
 19. altering, stealing, failing to administer as directed or ingesting the medication of a person receiving services
 20. harassment of coworkers or people receiving services
 21. failure to follow "Expectations for Agency Based Staff" and/or "Worker Expectations", incorporated herein by this reference
 22. excess unapproved absences, including use of earned sick time; excess use is over 6 instances in a rolling 12 month period.
 23. other good cause to be determined by the Executive Director, or his/her designee
- D. Upon the occurrence of any offense described in paragraph 28-A, the employee shall be given a warning, either verbally or in writing, suspended, or terminated as described in Section 28-C. Verbal warnings are intended to assist employees in immediately improving their work performance. Warnings shall be entered in the employee's personnel file.
- E. Cause for immediate termination of employment: An employee may be dismissed immediately by the Executive Director or his/her designee for behavior that jeopardizes the immediate health or well-being of a person receiving services, staff or agency, or for dishonesty or illegal behavior. Immediate termination may also occur if an employee is unable, following training, to perform their assigned duties.
- F. An employee may be subject to termination or, at the discretion of the Executive Director or his/her designee, to any lesser sanction, including suspension, if the employee receives more than one warning for *any* offense or combination of offenses in a twelve-month period. The termination date shall be set by the Executive Director.
- G. Employees terminated may appeal termination, in writing, directly to the Executive Director.