

INCA COMMUNITY SERVICES, INC.

Personnel & Agency Policy and Procedure Manual



Approved July 27, 2009

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Chairman of the Board

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INCA Community Services, Inc.
Personnel Policies, Affirmative Action & Employment at Will
Acknowledgment

I have been made aware of INCA Community Services, Inc. Policies and Procedure Manual and Affirmative Action Plan and recognize that it is my responsibility to familiarize myself with the agency's policies and procedures contained in these documents and to be guided by them. I have been made aware as of this date that a copy of these documents are on INCA's website www.incacaa.org and accessible at each designated county office and centers for use by agency personnel.

I understand that these manuals and plans are intended for informational purposes only. Neither this manual nor any language contained herein will be construed as creating a contract or limiting the rights of INCA and the employee to end the employment relationship at any time. Employees of INCA are considered to be employed at will and are not hired for definite periods of time. This means that the employee or the Agency can terminate employment for any reason and at any time.

No other policy, practice, document or statement may be construed as creating an implied or expressed promise or contract that commits the employee or the agency to continue employment at INCA for a specific period of time.

Name (Please Print) _____

Signature: _____

Date: _____

INTRODUCTION

- I. **PURPOSE:** To establish general guidance, policy, and procedural instructions for the administration of various personnel programs incident to Personnel management, compensation and benefits for the INCA Community Action programs. Procedural instructions, as written, provide a standard and uniform system whereby all employee rules, regulations, and benefits will be administered on a fair and impartial basis and in accordance with Federal, State and Local guidelines and statutes.

- II. **GENERAL:** Personnel Policies and Procedures at this Agency emanate from Federal and State regulations, and through internal development with the approval by the Executive Director and the Board of Directors. Policies, as approved by the Board, are final and will not be deviated from, unless amended or revised by the Executive Director. The chapters of this manual contain both the policies and procedures applicable to the appropriated subject matter.

- III. **APPLICABILITY:** This manual applies to all employees of INCA Community Services, Inc. a Community Action Program.

- IV. **MANUAL REVISION:** Personnel Policies and Procedures will be revised, amended or superseded on an as-needed basis. Employees are encouraged to submit recommended changes or additions to this manual at any time. Such recommendations should be transmitted to the Executive Director, for presentation to the appropriate approval authorities. The Director of the Agency will be responsible or a higher designated person for reviewing the Personnel Manual to insure compliance with newly enacted laws and/or applicable federal regulations. In addition to this personnel manual, memos and instructions regarding personnel policies issued by all cognizant funding sources may be considered a part of the personnel policy manual, whenever necessary and applicable.

- V. The agency offers no employment contracts nor does it guarantee any minimum length of employment. The agency reserves the right to terminate the employment of any employee at any time “at will” with or without cause. This applies to all employees whether or not they have completed an orientation period. A supervisor or program director of the agency has no right what so ever to make any contrary representation to any employee.

RESPONSIBILITIES

I. BOARD OF DIRECTORS:

- A. Appointing the Executive Director;
- B. Determining the rules of procedure for the Board;
- C. Selecting the officers and committees of the Board;
- D. Determining the policies under which the Board and Agency shall operate;
- E. Evaluating the Executive Director annually;
- F. Determining within regulations and policies, the major fiscal, personnel and program policies;
- G. Reviewing and approving the personnel policies regarding hiring, evaluation, compensation and termination of all personnel including the Executive Director, Head Start Director, Director of Human Resources and Chief Financial Officer or any other person in an equivalent position with the agency.
- H. Reviewing and approving programs and expenditures for each month;
- I. Recruiting volunteers and space for programs and activities;
- J. Mobilizing resources from the entire community;
- K. Considering and approving all program proposals and budgets;
- L. Enforcing compliance with all conditions on grants;
- M. Determining overall program plans and priorities;
- N. Determining the use of all discretionary money;

II. The role of the Board of Directors shall include such things as:

- A. Being a catalyst for positive change for the community. Bringing problems and needs of the community to the board for discussion;
- B. Looking at options for solving some of the problems or fulfilling the needs of the community;
- C. Examining issues that affect the quality of life in the community;
- D. Raising money;
- E. Serving as advocate for clients and being a catalyst for institutional change in institutions that serve them;
- F. Serving as a link between the Board of Directors and the people or groups represented;
- G. Serving as a good public relations advocate for the programs, projects and activities of the agency.

III. EXECUTIVE DIRECTOR:

Insures that necessary procedures are established to implement the personnel actions.

IV. PROJECT DIRECTORS, MANAGERS, COORDINATORS AND SUPERVISORS:

Administer Agency rules, regulations, and benefits in accordance with the Personnel Management Policies and Procedures established in this manual.

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

- I. INCA Community Services, Inc. a community action program, is an equal opportunity/affirmative action employer and is committed to ensuring that all qualified applicants and current employees are afforded an equal opportunity to exercise all rights and to participate in all benefits and privileges the Agency has to offer.
- II. The community action program shall not discriminate either in favor of or against any person because of his/her age, sex, race, color, religion, national origin, physical impairment or political affiliation with regard to employment, training, promotions, terminations, or in the granting of benefits and privileges associated with employment. This Agency will comply with all applicable federal, state and local laws pertaining to equal opportunity.
- III. An affirmative action plan has been published for this Agency and an Equal Opportunity Officer has been appointed. Management will insure that the Affirmative Action Plan has been discussed with all employees. The Equal Opportunity Officer is available to all employees desiring to discuss or submit a discrimination complaint. Procedures for submission of discrimination complaints are contained in the Agency Affirmative Action Plan.

GENERAL PERSONNEL POLICIES

I. EMPLOYEE ETHIC POLICY:

- A. This Agency expects its employees to conduct themselves in both an ethical and business like manner and to represent this Agency both on and off duty in a way that will not bring discredit on themselves or the Agency. It is mandatory that staff project an image within the community that is above reproach.
- B. Information regarding clients is strictly confidential and is not to be discussed with anyone not directly involved in their well being, either inside or outside the Agency not directly in the situation or having an absolute need to know.
- C. Employees who are approached by members of the news media requesting information regarding Agency operations will refer them to the Office of the Executive Director.

II. EMPLOYEE POLITICAL ACTIVITY POLICY:

Employee political activity is governed by federal and/or state regulations. All employees will ensure that they are knowledgeable of said regulations. Supervisors will ensure regulations are available for review by employees. Required interpretations or assistance with regard to this policy will be directed to the Executive Director.

III. EMPLOYEE UNLAWFUL DEMONSTRATION, RIOTING AND CIVIL DISTURBANCES POLICY:

Employee limitations with respect to the above actions are contained in federal and/or state regulations. The policy stipulates that no employee or volunteer will use their position in the program to plan, initiate, participate in, or otherwise aid or assist in the conduct of any lawful demonstration, rioting or civil disturbances. Required interpretation or assistance with regard to this policy will be directed to the Executive Director. Employees who violate applicable regulations are subject to termination.

IV. PERSONAL TELEPHONE CALL POLICY:

The use of Agency telephones for personal long distance calls at expense to the Agency is specifically prohibited and the use of the Agency telephone, in general, for personal matters will be limited to a reasonable period of time as determined by the employee's supervisors.

- V. **PERSONAL CELL PHONE POLICY** - While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of company phones. Personal calls during the work hours, regardless of the phone used, can interfere with employee productivity and be distracting to others. This policy outlines the use of personal cell phones at work, the personal use of business cell phones and the safe use of cell phones by employees while driving

- A. Employees are to make personal calls during breaks and lunch period and to ensure that friends and family members are aware of the agency's policy.
- B. The agency will not be liable for the loss of personal cellular phones brought into the workplace.

VI. DRESS CODE POLICY:

Dress and personal appearance requirements may be made by Program Directors and the Executive Director. However, in all cases, dress shall be neat, clean and applicable to the professional environment in which the employee works. Flagrant violations of the dress code will be called to the attention of the employee by supervisors. (See Head Start Classroom Dress Code, Transit Driver Dress Code)

VII. GIFTS AND GRATUITIES POLICY:

Employees (including volunteers), members of an employee's immediate family and board members are prohibited from accepting gifts, money and gratuities from persons in a position to benefit from an action of the Agency. Gifts of nominal value of \$25.00 or less may be accepted by an employee or immediate family. Program cash donations will be turned in to the bookkeeping department. Immediate family members are: Husband, Wife, Mother, Mother-in-law, Father, Father-in-law, Brother, Brother-in-law, Sister, Sister-in-law, Son, Son-in-law, Daughter, Daughter-in-law, Step Children, Step Parents, and Step Brothers and Sisters and Grandchildren.

VIII. MEMBERSHIP IN SUBVERSIVE ORGANIZATION POLICY:

Membership in any organization whose objectives include the overthrow of the government of the United States is not permissible within this Agency.

IX. SOLICITATIONS ON AGENCY PROPERTY POLICY:

Solicitation of or by employees, volunteers, or visitors, in or on Agency premises is prohibited, except for those activities specifically approved by purchasing procedures or for activities approved by the Executive Director.

X. OUTSIDE EMPLOYMENT POLICY:

- A. Employees of this Agency are permitted to engage in outside employment activities and/or business pursuits and to accept direct compensation for such activities and/or pursuits within specified limits. The following restrictions pertain to outside employment:
- B. Outside employment shall not involve a conflict of interest, conflict with employees' duties, or otherwise affect the operations of the Agency.
- C. Outside employment shall not interfere with the efficient performance of duties including availability for regular or assigned meetings which take place outside the regular work schedule.
- D. Employees will be either on vacation leave or leave without pay when engaging in outside employment during duty hours.

- E. Outside employment policies are applicable to all personnel.
- F. Employees desiring to accept part-time employment must first obtain the approval of the Executive Director. A Request for outside employment form #1H will be forwarded through the appropriate supervisor and program director to the Executive Director.
- G. The employee will be advised of the approval/disapproval of the request and a copy will be placed in the appropriate personnel record.

XI. **EMPLOYEE PERSONAL DEBT POLICY:**

Employees are expected to pay their just debts and conduct their personal financial matters so as not to bring discredit upon this Agency. Employees are encouraged to seek legal or other consultation when their financial affairs become unmanageable. Employee creditor inquiries and verification of employment will be directed to the Central Office for action. Creditors will be instructed to place all debt complaints in writing for submission to the Central Office.

XII. **CONFLICT OF INTEREST:**

No employee, agent, consultant, officer, elected or appointed official or board member of the Agency may obtain a financial interest, or have an interest in any contract, subcontract or agreement for themselves or those with whom they have family or business ties, during their tenure. Exception may be granted by the Oklahoma Department of Commerce following the procedure outlined in Requirement #110, Conflict of Interest, in the Community Action Association Implementation Manual.

XIII. **SMOKE FREE POLICY** - The smoke-free workplace policy is designated as a health and safety protection measure and assures the comfort of employees, visitors and users of INCA's services. All employees must follow these guidelines:

- A. Smoking will not be permitted in front of clients or within 25 feet of the front entrance of any agency building.
- B. Head Start Centers - Smoking is not permitted in Head Start centers or on Head Start playgrounds.
- C. INCA offices - Each INCA office may designate a specific "smoking area" which will be away from where business is generally conducted.
- D. Vehicles - Smoking will not be permitted on INCA vehicles, either by drivers or passengers. This rule applies even when there are no passengers on the vehicle.

XIV. **WHISTLE BLOWER POLICY**

- A. INCA Community Services is committed to operating in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by any of its board members, officers, employees, or volunteers. This policy outlines a procedure for employees to report actions that an employee reasonably

believes violates a law, or regulation or that constitutes fraudulent accounting or other practices. This policy applies to any matter which is related to INCA's business and does not relate to private acts of an individual not connected to the business of INCA.

- B. If an employee has a reasonable belief that an employee or INCA has engaged in any action that violates any applicable law, or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the employee is expected to immediately report such information to the Executive Director. If the employee does not feel comfortable reporting the information to the Executive Director, he or she is expected to report the information to the Chairman of the Board.
- C. All reports will be followed up promptly, and an investigation conducted. In conducting its investigations, INCA will strive to keep the identity of the complaining individual as confidential as possible, while conducting an adequate review and investigation.
- D. INCA will not retaliate against an employee in the terms and conditions of employment because that employee:
 - 1. Reports to a supervisor, to the executive director, the Board of Directors or to a federal, state or local agency what the employee believes in good faith to be a violation of the law; or
 - 2. Participates in good faith in any resulting investigation or proceeding, or
 - 3. Exercises his or her rights under any state or federal law(s) or regulation(s) to pursue a claim or take legal action to protect the employee's rights.
- E. INCA may take disciplinary action (up to and including termination) against an employee who in management's assessment has engaged in retaliatory conduct in violation of this policy. In addition, INCA will not, with the intent to retaliate, take any action harmful to any employee who has provided to law enforcement personnel or a court truthful information relating to the commission or possible commission by INCA or any of its employees of a violation of any applicable law or regulation.

XV. INCLEMENT WEATHER POLICY

- A. INCA is committed to the safety and security of its staff, program participants and visitors. As such, the decision whether the agency should close or remain open is based on the overall concern for the communities we serve. The Executive Director will make the decision if a site is to be closed. Head Start classrooms will be closed to the students in conjunction with decision made by the local school district.

- B. In general, however, INCA's practice will be to remain open and to conduct business as usual during periods of inclement weather, except as noted in this policy statement. Therefore, unless otherwise directed, all employees are expected to report to work at their regular time and to remain at work throughout the course of their regularly scheduled workday. If an employee believes s/he cannot commute safely between his/her home and place of work during periods of severe weather, the employee is required to notify his/her supervisor and use annual leave to cover the time off.

SAFETY PROGRAM

I. ACCIDENTS / INJURIES REPORTING

- A. **PURPOSE:** To protect the safety and health of all employees and to comply with applicable federal and state laws. INCA is concerned about the safety of all employees.,
- B. **SCOPE:** This Policy applies to all locations.
- C. **POLICY:** It is the responsibility of all employees to report job-related injuries and illnesses, regardless of severity, immediately to the supervisor and medical attention obtained if necessary.
- D. **PROCEDURE:** Safety is everyone's responsibility. Employees should report any unsafe conditions or circumstances to their supervisor to prevent accidents. failure to report any injury will result in disciplinary action.
- E. Job-related injuries or illnesses should be reported immediately to the employee's supervisor.
 - 1. If emergency medical attention is needed and first-aid treatment is not immediately available, telephone the nearest emergency medical system.
 - 2. If immediate medical attention is not needed, the employee must report to the supervisor for evaluation and appropriate documentation and, if necessary, referred to medical attention.
- F. **Protective Equipment:** Certain work activities and equipment used, may cause injury to the employee if precautions are not taken.
 - 1. All employees who, work with hazardous equipment will be issued safety devices to be used or worn by the employee and training on it's proper use. Such equipment may be, but not limited to, goggles, gloves, back support belts, hard hats, etc.
 - 2. An employee who has been issued safety equipment and is found not to be using or wearing it will be in violation of Agency Policy, and disciplinary action will be taken.
- G. **Safety Investigations:** All accidents are to be investigated by the immediate supervisor and have an accident report completed.
 - 1. Employees complete the employee's report of the incident and the supervisors complete the supervisor's evaluation section.
 - 2. This report will be given to the Executive Director for review.
 - 3. Reports should include the exact nature of the accident, the person or persons involved, the events that led up to the accident, any

witness and their accounts and what can be done to prevent it from recurring.

- H. **Workers Compensation:** INCA is covered by worker's compensation insurance.
1. Should an injury occur while on the job site which requires medical attention, the supervisor should make every effort to see that proper treatment is obtained as soon as possible.
 2. The County Director and/or Program Director should be immediately notified.
 3. The Supervisor should then monitor the employee's status and consult with the medical authorities involved in order to determine any accommodations necessary for the employee's return to work.
 4. If the accident causes personal injury to a staff member, which results in a loss of work time or requires medical attention away from the work site, an Incident Report should be completed and forwarded to the Human Resource Director or Administrative Assistant as soon as possible.
 - a. This Incident Report will be sent to the Worker's Compensation Insurance Carrier as soon as possible.
 - b. Failure to report any injury will result in disciplinary action.
 - c. If an employee is injured on the job and is deemed compensable under workers' compensation, the insurance company will not pay the employee for the first three consecutive calendar days the employee is incapacitated. Sick leave may be used if available.

II. SAFETY TRAINING

- A. **PURPOSE:** To inform employees about safety rules, regulations and to train each employee how to maintain a safe work environment. A safety program will help assure compliance with all acceptable safety regulations. It will help reduce the possibility of accidents, lost time of employees and equipment, as well as reduce insurance premiums.
- B. **SCOPE:** This policy applies to all employees.
- C. **POLICY:** Each employee will abide by described safety rules, precautions and posted working regulations.
- D. **PROCEDURE:** All employees will be required to attend at least 1 hour annually of safety training.
- E. Program directors will be required to plan the training and schedules and implement the safety plan.

- F. All safety training will be documented as to the date, content and who was in attendance and turned into the chairman of the Safety Committee.
- G. Employees not attending safety training will be in violation of agency policy of requirement duties.

III. **ACCIDENT PREVENTION AND SAFETY INCENTIVE**

- A. **PURPOSE:** To protect the safety and health of all employees by the prevention of accidents or incidents.
- B. **SCOPE:** This policy applies to all locations and all employees.
- C. **POLICY:** A safety committee will be appointed to make safety checks of program sites and recommend safety training for employees. An incentive program has been established to help keep employees aware of working safely.
- D. **PROCEDURE :** A four person Safety Committee will be appointed by the Executive Director.
 - 1. The Safety Committee will elect their own chairperson who will be responsible for reporting to the Executive Director all findings and recommendations from the Committee.
 - 2. The Safety Committee will be required to make an annual visit to evaluate sites as to any safety hazard. They will prepare reports for the Executive Director and make recommendations for any changes or corrections to the sites.
 - 3. A plan for safety training will be designed by the Safety Committee and submitted to the Executive Director. Program Directors will be required to carry out the suggested training by the Safety Committee.
- E. **INCENTIVE PROGRAM:** An incentive program to encourage employees to think safety and act safely will provide a fringe benefit of an extra day of annual leave.
 - 1. Each employee will be assigned to a group of employees such as a Head Start Centers, all Office Staff, Weatherization / Housing Staff, County Transportation Staff, and Career Opportunities.
 - 2. Beginning January 1, 2005, any group that does not have an injury that requires medical attention for three (3) consecutive calendar years will receive two (2) days of annual for each person in that group. The extra

day of annual will be prorated for members of the group who have not been employed for the full calendar year.

ALCOHOL AND DRUG ABUSE POLICY TO INCLUDE CHEMICAL TESTING AND THE DRUG-FREE WORKPLACE

- I. INCA Community Services recognizes that the use and abuse of drugs and alcohol in today's society is a very serious problem which has also found its way into the work place. INCA also recognizes the significant threat that a drug-impaired employee working in a community action program can pose to the safety of the worker, co-workers, customer and the general public.

INCA drug and alcohol testing program is incorporated in an overall Anti-Drug Plan that is designed to create a drug free working environment. The Plan has been developed in compliance with existing federal regulations in a manner which ensures accurate and reliable test results, and thereby contains procedures designed to recognize and respect the dignity and privacy of all of our employees. More importantly, we recognize that our employees are our most valuable resource and we want to assist any employee who feels that he or she may have a problem with substance abuse.

- II. Policy and procedures covers the use, possession, sale or distribution of illegal drugs or drug paraphernalia, or the improper or abuse use of legal drugs, alcohol or other intoxicating or mood altering substances, while on agency property or other work locations during work hours and/or at any time which affects the employee during working hours and/or in the performance of his/her duties is strictly prohibited.
- III. The drug-free work place policy applies to all INCA employees. Drug and alcohol testing applies to all employees. The agency will utilize all reasonable measures to maintain a drug free workplace for its employees, customers, and the General Public.
- IV. Cooperation and compliance with INCA's drug and alcohol testing policy and the drug free workplace policy is a condition of acceptance and continued employment for all employees.
- V. All collections and testing procedures are intended to follow governing enactments and regulations. INCA will test all employees for pre-employment, reasonable suspicion, and post-accident.
- VI. INCA is responsible for the implementation and conformance of INCA's drug and alcohol testing policy and compliance with governing enactments and regulations. Employees have responsibilities:
 - A. Each employee is responsible for reporting to his/her supervisor, the use of all prescribed, controlled or non-prescribed substances which potentially can adversely affect ability to safely perform all work functions, plus providing

INCA with a written notice from his/her physician which states that he/she can safely perform his/her work functions while using such substance(s).

- B. All INCA employees are required to notify a Supervisor or Executive Director when reasonable suspicion of an employee abusing drugs or alcohol or participating in prohibited activities is presumed. Failure of an employee to comply may lead to disciplinary action up to and including termination from employment.

VII. **Prohibited Behavior** - Among these prohibitions are:

- A. the use of alcohol while performing work functions;
- B. use of alcohol within four (4) hours prior to performing work functions;
- C. consumption of alcohol for the specified on-call hours for flex drivers;
- D. use of alcohol by any covered employee required to take a post-accident alcohol test for four (4) hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

VIII. **Test Refusals** - Employees may not refuse required testing. Definition of test refusal is to be used for every testing category except for pre-employment (i.e., random, reasonable suspicion, post-accident, return-to-duty and follow-up).

- A. Test refusals common to drug and alcohol testing include:
 - 1. Failure to appear for a test in the time frame specified by the agency;
 - 2. Failure to remain at the testing site until the testing process is completed;
 - 3. Failure to provide a urine specimen, saliva, or breath specimen, failure to provide a sufficient volume of urine, or breath without a valid medical explanation for the failure;
 - 4. Failure to undergo a medical examination to verify insufficient volume;
 - 5. and failure to cooperate with any part of the testing process
- B. Test refusals specific to drug tests include:
 - 1. Failure to permit the observation or monitoring of specimen donation when so required;
 - 2. Failure to take a second test required by the agency or collector;
 - 3. and a drug test result that is verified by the Medical Review Officer (MRO) as adulterated or substituted.
- C. Test refusals of an employee will result in termination of employment.

IX. **Drug Testing Thresholds:**

- A. The thresholds for positive confirmation for GC/MS are as follows:

Marijuana Metabolite	15NG/ML
Cocaine Metabolite	150NG/ML
Opiates	300NG/ML
Phencyclidine	25NG/ML
Amphetamine/Methamphetamine	500NG/ML
- B. When the initial screen is positive (has exceeded the established screening threshold) a second confirmation test gas chromatography/mass spectrometry

(GC/MS) will be completed. The testing should be of a urine sample obtained at a collection site and forwarded to a certified testing laboratory.

X. Alcohol Testing:

- A. Alcohol testing will be conducted by utilizing an evidential breath testing device (EBT) which meets the requirements established by the conforming products list published in the Federal Register.
- B. Test Results: A reading of .02 or greater, but less than .04, on the EBT will result in the individual not being allowed to return to his/her work position and will result in the necessity of a second test occurring within 20 minutes in order to make a determination of positive.
- C. A second EBT Test result of .04 or greater will result in immediate termination of employee.
- D. An initial EBT reading of .02 to .03999 will result in a second EBT test within the time frame noted above.
- E. If the second test falls within the same range the individual will be removed from his/her position until the start of the next regularly scheduled duty period, but not less than 24 hours following the administration of the test.

XI. Collection Sites

- A. Collection sites for drug screening specimen collection will be established by Drug Collection Agent for all staff.
- B. Drug testing of the specimen will be an established and accredited laboratory that has completed certification to conduct drug testing.
- C. Random testing will be done on site.
- D. Alcohol testing will be conducted by a certified Breath Alcohol Technician (BAT)
- E. Strict chain of custody practices will be adhered to regarding specimen collection transportation to the laboratory, in-laboratory analysis, medical review officer (MRO) review and reporting to the agency.
- F. An applicant or employee will be required to sign the necessary drug/alcohol screening consent forms established by the company or authorized by the collection site agency. Refusal to sign required drug/alcohol screening consent forms will be considered refusal to submit to a drug/alcohol screening test as a condition of employment and will be considered the equivalent of receiving a “positive” result for employment.
- G. All urine specimens collected will be separated into two containers to create two separate specimens “split samples”. If a sample receives a negative result, the laboratory should discard both samples. If a sample receives a positive result it and the other sample should be kept at the laboratory to enable appeals to be made.
- H. An applicant or employee shall be informed of the drug/alcohol screening specimen collection location and time. The applicant or employee shall be responsible for reporting to the collection site, at the scheduled time, with a photo ID, and comply with the directions of the specimen collector. Failure to comply/cooperate may be considered as a positive test result.

- I. Negative drug testing report results will be reported, to Drug Collection Agent, within 24 hours of specimen receipt at the laboratory. Positive drug testing results will be reported to Drug Collection Agent, within 48 hours of receipt at the Laboratory (unless there is difficulty reaching the person being tested, by the MRO).
 - J. All tests will be reported by Drug Collection Agent to the Executive Director of INCA Community Services.
 - K. In no instance will the test go unreported longer than 5 days from the time the specimen is received from the laboratory by Drug Collection Agent. Reports of breath alcohol tests will be reported immediately to the employee (SSE) and the employer.
- XII. **Confidentiality** - will be applied to every aspect of the anti-drug program.
- A. After the MRO contacts the employee to discuss a positive confirmatory test result and a final decision is reached regarding the positive result, the Executive Director shall serve as the sole point of contact and Drug/Alcohol Testing Program.
 - B. All drug and alcohol testing information will receive the highest level of respect in relation to confidentiality.
 - C. Information regarding an individual's testing results or rehabilitation may be released only upon the written consent of the individual, except that such information must be released regardless of consent to the Administrator or the representative of a state agency upon request as part of an accident investigation.
 - D. Statistical data related to testing and rehabilitation that is Administrator or the representative of a state agency upon request.
 - E. All records relating to drug and alcohol testing will be kept in a separate, locked file from the other employee records.
- XIII. **Training** -
- A. Employees who supervise employees or who have responsibility to administer the agency's drug and alcohol screening policies and procedures shall receive annual training on behavior, physical symptoms and performance indicators of probable drug and alcohol use.
 - B. All employees will receive appropriate instruction regarding INCA's Drug and Alcohol Testing Policy. This shall amount to annual training on mandated requirements; the effects of alcohol and drugs; the process of testing; and the ramifications of a positive test.
- XIV. **Testing Conditions** - The following conditions establish who may be screened and under what circumstances the drug and alcohol screening may occur:
- A. **Condition of Employment:**
 - 1. An individual offered employment and/or reassigned to any position shall be required to take and pass a drug and alcohol screening test as a condition of employment or continued employment.

2. Participation in the drug and alcohol testing program is a condition of employment.
 3. An applicant who receives confirmed positive drug screen result or the equivalent shall have the offer of employment withdrawn and shall be subject to disqualification from application for company employment for a period of 2 years from the effective date of the disqualifying action.
 4. An employee who receives a confirmed positive test result or the equivalent shall be terminated and disqualified for rehire for a period of two years.
- B. **Reasonable Suspicion:** Any employee may be required to submit to a drug screening test by a trained supervisor, based upon reasonable suspicion of substance abuse or prohibited activity by the employee as reported to or observed by an agency supervisor.
1. All employees are required to notify a Supervisor or the Executive Director when reasonable suspicion of an employee abusing drugs or alcohol or participating in prohibited activities is presumed.
 2. However, only trained supervisors may make reasonable suspicion referrals.
 3. Determination that reasonable suspicion exists is based on specific, contemporaneous, observations concerning the appearance, behavior, speech, or body odors of the covered employee.
 4. A supervisor(s), or other company official(s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.
 5. Reasonable suspicion involved a judgment made regarding the employee's ability to perform his/her job or which may pose a threat to the safety or health of him/her, of other employees, or of the general public, r evidence found or reported and may be based on, among other circumstances, one of the following:
 - a. Direct observation
 - b. Physical on/off the job observation of substance abuse or prohibited activity by the employee.
 - c. Documented deterioration in the employee's job performance which is possibly attributable to substance abuse or prohibited activity by the employee.
 - d. An on/off the job incident or occurrence where possibly the incident or occurrence was in whole or in part the result of the employee's actions or inactions and/or the employee exhibited behavior possibly indicates substance abuse or prohibited activity.
 - e. and/or the employee cannot be reasonably discounted as a contributing factor to the accident/incident/occurrence.
 - f. Other circumstances not specifically stated.

6. Supervisors have the right to ask an employee to submit to a drug/alcohol screening test under the circumstances of reasonable suspicion.
 7. An employee required to be tested shall not be allowed to perform work duties until properly cleared to do so by the Executive Director.
 8. Under no circumstances should an employee be allowed to work if he/she has consumed alcohol within four hours of reporting for duty.
 9. If an alcohol test is not administered within two hours of this determination, a record should be prepared stating the reasons for not administering the test.
 - a. Attempts to test should cease at four hours, and the individual should be removed from work duties until a test result of less than .02 is confirmed or until twenty-four hours have passed.
 - b. A written record should be made of the incident and placed in the employee's file.
 10. Refusal to be tested will be grounds for termination of employment.
 11. Any employee requested to provide a drug specimen under the signs of reasonable suspicion will be transported to the collection site.
 - a. An employee who is removed from the work site pending the results of a drug screening test because the employee is deemed by their immediate supervisor to pose a threat to safety or health shall be eligible for available annual pay (if available) until results are returned.
- C. **Random testing** - At least 50% of the average number of the "pool" of employees maintained by the contractor will be tested on a random basis annually under the drug testing requirements. Under the alcohol testing requirements at least 25% of the average number of employees in the "pool" of employees, shall be tested on an annual basis.
1. The contractor will determine the time of testing and which employees will be tested on each occasion.
 2. INCA will make available to the contractor all current names, driver's license number and SSN's of all employees to be covered in the random program each month.
 3. The list of persons to be tested for the next month will be created through the contractor's computerized random number program.
 4. The name of the person identified to be tested will be relayed to the contact person of the employer by the afternoon prior to the test date.
 5. The employees will be notified prior to the test to report to the collection site.
 6. Notification to report for testing shall include adequate amount of travel time.
- D. **Post Accident/Incident** - The following circumstance will require drug testing and/or alcohol testing, as is appropriate, as soon as possible for each employee who is involved in a vehicular accident/incident while on work duty:
1. If the accident involved the loss of a human life.

2. If the employee received a citation under state or local law for a moving violation arising from the accident.
3. If the accident/incident was in whole or in part the result of the employee's actions or inactions,
4. and/or the employee exhibited behavior possibly indicating substance abuse or prohibited activity,
5. and/or the employee cannot be reasonably discounted as a contributing factor to the accident/incident.
6. Unless prescribed at the time by a licensed physician, an employee required to take a post accident/incident test shall not consume alcohol or any mind/mood altering substance for four hours following an accident/incident or until a breath alcohol test can be administered and confirmed results are obtained or a specimen for a drug test successfully collected.
7. Failure by an employee to conform to this may be considered as a positive test result.
8. The employee who is subject to a post accident/incident testing, shall remain readily available for testing and keep their supervisor updated on their location. Necessary medical attention may be secured. Failure to remain available can be interpreted as a positive test result.
9. If an employee does not require medical attention but an alcohol or drug test is appropriate, that employee should be transported to a specimen collection site/breath alcohol testing site as soon as possible and the specimen collected and/or the breath alcohol test administered.
10. If an employee is unconscious and/or unable to consent to being tested, he/she should be transported for medical attention.
11. If an employee requires medical attention following an applicable accident/incident and is determined that drug testing should be done, the Executive Director or designated staff should notify the hospital or medical facility of the need for the collection of a testing sample.
12. Results of a breath test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State, or Local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or Local requirements, and that the results are obtained by the employer.
13. If an employee is unconscious and/or unable to consent to furnishing a testing sample, the medical facility should collect the same and retain it until the employee is able to consent. Treating physician should determine if the employee is or is not able to understand the request for consent.
14. If an employee is conscious, able to understand a request for a sample, and able to provide the sample (in the opinion of a medical professional) and refused to be tested, that employee's refusal to submit to a drug test will be considered equivalent to receiving a confirmed "positive" test resulting in termination of employment.

15. If an employee requires medical attention and a test for alcohol is deemed necessary, a breath alcohol test should also be administered in these same circumstances.
16. An EBT test can be administered up to 8 hours after the accident/incident and should be obtained as early as possible preferable within 2 hours of the accident.
17. Failure to obtain a breath alcohol test within 2 hours and a drug test within 32 hours will result in the agency preparing and maintaining on file a record stating the reasons for not promptly administering a test.

XV. Medical Review Officer (MRO)

- A. All drug test results, whether positive or negative, will be reviewed by the MRO. in accordance with 49 CFR Part 40.33.
- B. In the event of a presumptive position the MRO will contact the person who's specimen it was to determine what medications and or reason the test was returned positive.
- C. The MRO, based on his review of the information will make the final determination of confirmed positive or negative.
- D. It is only after the MRO review that INCA will be notified of the outcome of the test.

XVI. Consequences of a positive test result -

- A. An employee who receive a confirmed positive drug or alcohol test result or the equivalent will be terminated.
- B. An employee who receives a confirmed positive drug or alcohol test result may be apprized of an area Substance Abuse Professional which the employee may contact if he/she so desires.
- C. INCA will in no way be responsible for expenses arising from any such referrals or subsequent activity.

XVII. Tampering -

- A. Any applicant for an agency position who intentionally tampers with a sample provided for drug screening, violates the chain of custody or identification procedures or falsifies test results shall have the conditional offer of employment withdrawn.
- B. Such actions will be grounds for disqualification for all positions in INCA Community Services, Inc.
- C. Any current employee who intentionally tampers with a sample provided for drug screening, violates chain of custody or identification procedures or falsifies a test result shall be subject to dismissal.

XVIII. Drug Testing Appeals -

- A. If an employee or applicant challenges the validity or accuracy of the confirmed "positive" results, they may appeal in writing to the MRO within 72 hours of the employee/applicant having been notified of the positive result,

so that arrangements for a second analysis process can be initiated on the split sample.

- B. All positive specimen samples will be kept at the laboratory for a period of one year, and at the employees request may be kept longer.
- C. The challenging employee must also notify the Executive Director of the appeal request.
- D. The employee will be responsible in advance for any associated retest costs in advance and will be reimbursed by INCA only if the retest is negative and conducted by a certified laboratory acceptable to INCA.
- E. Requirements for retention of samples and retesting are specifically spelled out in the contractor's Manual for Drug Testing.
- F. The MRO will have discretion to authorize a retest by the original or a different laboratory on the split specimen, if it determined that the technical standards established for test methods or chain of custody procedures were violated in deriving a confirmed positive result or has other appropriate cause to warrant a retest.

COMPUTER/INTERNET/E-MAIL

I. **POLICY:**

In order to facilitate communications at our agency, we have installed computer systems that includes e-mail capability and internet connection. The e-mail system has been provided for use in connection with the conduct of the agency's business or agency related matters. The agency owns and has access to all of the information stored or received on our computers. The agency has legitimate reasons for monitoring files stored on our computers or on machines connected with our equipment through and we reserve the right to examine them at any time.

II. **Internet:**

A. The internet is a valuable tool for both communications and research and its use should be encouraged in the agency. The internet is a completely wide-open forum that is unregulated, which has both its advantages and disadvantages. Owing to the ease of availability and the potential for good and for harm, we must adopt certain very specific rules and regulations for internet use.

1. Limited to Agency Business: As a general rule use of the internet from the agency's facilities or with the identification codes (e-mail address or IP addresses) associated with the agency should be limited to agency business purposes. Access to the internet for personal reasons should not be performed using agency equipment or with agency identifications. In particular, access to the internet using agency facilities or using agency identification codes for potentially offensive materials (including sexually or racially offensive or sexually explicit materials) is strictly prohibited. The primary reasons for this policy are appropriate representation of the agency and avoidance of sexual or other forms of harassment.
2. Internet Browsing: The most important consideration concerning the use of the internet for browsing and other non-e-mail services are representation of the agency and professional conduct. When agency personnel participate in discussion groups or "chat sessions" or post messages on the Internet, they may be regarded as representing the agency. In all instances, communications must be professional, appropriate to the agency and its reputation, and not offensive or discriminatory in tone or content. Nothing should ever be stated or posted on the Internet that an employee would not want to appear, next to your picture, in the newspaper.
3. Downloading Information: Employees are not allowed to upload or download copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization. Employees may not use a code, access a file or retrieve any stored information unless specifically authorised. The reasons for this policy are that it limits the agency's exposure to claims of copyright

infringement which could arise if software programs are downloaded. It also eliminates the possibility of downloading potentially offensive materials that might contribute to sexual harassment. Finally, it minimizes, although it does not eliminate, the possibility of the agency's systems becoming infected by a virus attached to files on the Internet.

4. List Service : Individuals should not subscribe directly to list services, i.e., services that automatically send e-mail. Request for list services should be made to the Executive Director, which will be responsible for entering subscriptions. While many list services may be useful to the agency in its operations and administration, unless the volume of services are monitored, the agency could receive literally thousands of messages a day for list services, all of which (including multiple copies of the same messages) would need to be stored on our computers. With the volume of subscriptions reasonably regulated, any messages received from a list service can be automatically distributed to all interested persons in the agency through the use of our internal E-mail system, thus minimizing bottlenecks in electronic Internet connections and decreasing our storage requirements.
5. Personal Passwords: Employees must give their personal passwords for the agency's computers and e-mails to the appropriate assigned manager in order to ensure compliance with the agency policy.

B. **Internet Electronic Mail**

1. Use of E-Mail: Employees should limit the use E-mail for private or personal messages and employees have no privacy rights with regard to messages they place on the e-mail system. It is very important to compose e-mail messages that are professional, business-like and in good taste. You should compose e-mail messages with the same care as hard copy correspondence.
2. Harassment: Foul, inappropriate, or offensive messages such as racial, ethnic, sexual, or religious slurs are prohibited on E-mail. Violation of this policy will lead to discipline which may include discharge.
3. Solicitation: E-mail shall not be used to solicit for outside business ventures, personal parties, social meetings, charities, membership in any organization, political causes, religious causes, or other matters not connected to the agency.
4. Monitoring: The agency reserves the right to monitor, retrieve and read all e-mail messages. Violations of agency's policies detected through such monitoring can lead to discipline, up to and including termination.
5. Virus Scan: Employees are to scan for viruses.
6. Disclosure of E-Mail: The agency reserves the right to inspect and disclose the contents of any individual's E-Mail, but will do so only when it has a business need as determined by the Executive Director. For example, the contents of E-Mail may be inspected in the course of

an investigation triggered by indication of impropriety, including, but not limited to, possible violation of any of the agency's policies. The agency also reserves the right to disclose the content of any E-mail to law enforcement officials, without notice.

7. Security: E-mail is only to be used by authorized persons. If you have not been issued an E-mail box/password, you may not use the E-Mail system. Employees are not to use unauthorized codes, passwords, or other means to gain access to E-mail belonging to others. Employees shall not disclose their codes or passwords to others. An employee may not access another employee's e-mail without the employee's permission. Finally, you should be aware that E-Mail could be subject to discovery in court proceedings and the copies of E-mail may remain in the E-Mail system for months after the author believes that have been deleted because:
 - a. Recipients, as well as author, must each delete their copy of E-Mail;
 - b. Deleted E-Mail is merely moved to one's "Trash" file where it is held for a period of time, normally 30 days, before it is automatically removed from the E-Mail system.

EMPLOYEE PERSONAL INFORMATION

I. POLICY:

Personal records maintained in the central office are confidential. Personnel transactions that are handled by central office staff are also confidential and will not be discussed with anyone outside the central office without the specific approval of the Executive Director. All personnel records on individual employees including insurance and pay records will be kept in the strictest confidence.

II. PROCEDURES:

- A. The only individuals who have access to individual personnel files will be the following:
1. An employee, but only his/her individual file and only in the personnel office.
 2. Executive Director;
 3. Administrative Assistant;
 4. Human Resource Director;
 5. Program Directors and County Directors, but only for employees under their direct supervision;
 6. Equal Opportunity Officer, when processing a discrimination complaint;
 7. Authorized government officials.
 8. Program Directors who are considering transferring an employee from one department or component to another will be authorized to review past performance evaluations;
 9. Auditors;
 10. Authorized Federal or State grant monitors may have access to personnel files funded by the their department;
- B. The central office which maintains personnel records will receive all calls and written request from outside the Agency concerning both present and past employees. The following guidelines will be followed in answering verbal and written requests for information:
1. Authorized personnel to distribute information is the Executive Director, Administrative Assistant, Human Resource Director or bookkeeping.
 2. **Telephone or Verbal inquires:** The only information authorized to be released in response to a verbal request is the employee's name, job title, and dates of employment.
 3. **Written Inquires:** The same rules set out above for verbal inquiries applies to written inquiries unless the employee has authorized in writing and by his/her signature, the release of other information such as salary, age, work performance, etc.
 4. Exceptions to these rules can only be granted by the Executive Director.

INDIVIDUAL EMPLOYEE PERSONNEL RECORDS

- I. **POLICY:**

A separate and confidential personnel file will be established for all employees of the Agency. Records will be maintained in the Personnel Office in accordance with established federal, state, and local laws. It should be remembered that personnel files are the property of the agency and not the employee. The maintenance and control of personnel records is the responsibility of the Human Resource Director.

- II. **PERSONNEL FILE:** The following minimum types of documents may be maintained and constitute the personnel record:
 - A. Application for employment and resume.
 - B. Payroll information.
 - C. Performance evaluations.
 - D. Personnel Policy and Affirmative Action receipt forms.
 - E. Confidentiality Statement
 - F. Training information.
 - G. Letters of reprimand, warning, or other adverse actions relating to employee's conduct of efficiency.
 - H. Letters of commendation.
 - I. Correspondence with regard to unemployment benefits.
 - J. Driving record verifications.
 - K. Awards.
 - L. W-4 Forms - Employee's withholding Allowance Certificate.
 - M. Current address and emergency information
 - N. Other documents as approved by the Executive Director.
 - O. Some of the above information may be maintained in a separate file due to bulk and funding requirements. Example: Head Start Training Information

- III. **ADDITIONAL FILES** - The following employee records will be maintained within the Central Office:
 - A. I-9 forms
 - B. Medical Information
 - C. Criminal History Files
 - D. Drug/alcohol Testing Reports
 - E. Garnishment Information
 - F. Confidential files relating to grievance procedures, harassment claims and/or disciplinary action.
 - G. Leave and Compensatory time records
 - H. Worker's Compensation Form
 - I. Time and attendance records.

- IV. Employee records will not be removed from the Administrative office. Employees may copy material contained in their regular personnel file in the presence of the Administrative Assistant or Human Resource Director.

- V. Access to special secured files (see "Additional Files" above) is limited to Executive Director, Administrative Assistant, Human Resource Director, and appropriate Program Directors.

- VI. It is the right of each employee to review his/her record.
- VII. Upon termination of an employee, all documents constituting the records will be gathered and placed in the inactive files. These records will be maintained in the Personnel Office for one year, then retired to the record holding area.
- VIII. All personnel files are the property of the agency and the agency is not required to release information to former employees or third parties, wether the employment was terminated through personal or agency choice unless required to do so by Oklahoma statute or court order.

IX. RELEASE OF INFORMATION IN PERSONNEL FILES

Information concerning a current or former employee will be released only under limited circumstances as follows:

- A. Bookkeeping or the Executive Director may answer requests regarding an employee's earnings. Verification of earnings may be confirmed by telephone; specific amounts will be released upon written request of the employee.
- B. Information regarding earnings in relations to garnishments will be answered by Bookkeeping or the Executive Director.
- C. The Human Resource Director or Administrative Assistant will verify employment dates.
- D. It will be an Agency policy that the questions, "Is the employee eligible for rehire?" will not be answered.
- E. Former employees may request a letter of recommendation from the Executive Director, Program Manager, County Director and/or immediate supervisor. These letters will be written at the discretion of the appropriate person.

EMPLOYEE EVALUATIONS

I. Policy:

Employee evaluation is a process of appraising job performance and involves the analysis of the employee's work by the employee and his/her supervisor. Evaluations are an essential part of staff development. Through this process, the employee's interest and the supervisor's attention are directed toward developing the skills and abilities of the employee. It affords an opportunity for the supervisor and the employee to review progress. The employees' evaluation process is essential to career development and upward mobility programs.

II. PROCEDURES:

- A. Permanent employees will be evaluated annually. Evaluations will be prepared during a designated month by the Executive Director each year.
- B. Employees will be evaluated upon completion of the introductory period of 180 (six months).
- C. Employees progress will be reviewed upon the completion of the first 90 days (3 months).
- D. Special evaluations may be prepared by supervisors when the employee's job performance warrants documentation of exceptional, meritorious service or become so inadequate that it dictates placement on probation or recommendation for termination. Special evaluations may also be prepared as determined by the Executive Director.
- E. Evaluations are not required for temporary employees and consultants.
- F. Forms to be used for employee evaluations will be obtained by the supervisor from the Human Resource Director or agency web site. The same evaluation forms will be used by all programs. Evaluation forms will not be designed by individual divisions or sections. If a specific mission or project requires additional items of rating, addendums to evaluation forms, if approved by the Executive Director may be designed.
- G. Evaluations will be prepared by the immediate supervisor, reviewed and approved (maybe hard copy or electronically) by the Program Director and Executive Director before the evaluation is given to the employee. At their discretion, management staff may comment in the designated section of the evaluation form or attach comments.
- H. Evaluations will be discussed with the employee and he/she will be afforded the opportunity to comment on the evaluation form in the designated section. Evaluations will be signed by the employee, supervisor, program director and Executive Director. If an employee refuses to sign an evaluation, the supervisor will note this fact in the section where the employee would normally sign.
- I. Employees will not be furnished a copy of their evaluation form until it has been completed and reviewed by all parties concerned.
- J. It will be the responsibility of each supervisor and management to periodically evaluate and counsel employees under their supervision in regard to their

strengths and weaknesses. This action must be affected on a recurring basis and not solely at the time of the required evaluation.

LEAVE POLICIES AND PROCEDURES

I. POLICY:

Leave is a benefit extended to employees of this Agency. Leave represents money for both the Agency and the employee and must be stringently controlled. It is the inherent responsibility of each supervisor to ensure that leave requests are submitted for the absences of each employee. In order to maintain a high state of morale, employees must be authorized leave throughout the year, dependent upon mission requirements.

II. Annual/Vacation Leave:

Accrued by permanent and introductory employees at the rate of 10 hours per pay per month or 120 hours per year for employees with continuous service. For purposes of this rule, continuous service shall mean total service in a permanent or introductory status with no break in employment status. Mandatory summer breaks required for Head Start employees will be construed as a break in service.

- A. Permanent and introductory employees shall accrue annual/vacation leave pro-rated in accordance with the percentage of time they are appointed to work.
- B. Annual/vacation leave must be requested in advance by the employee and approved by the county director or designated supervisor who shall designate such time or times when it will least interfere with the efficient operation of the agency.
- C. Annual/vacation leave earned during pay period shall be pro-rated in accordance with the days an employee is on the payroll.
- D. The Executive Director may require an employee to take vacation leave whenever, in his/her administrative judgement, such action would be in the best interest of the Agency.
- E. Annual/vacation leave shall be cumulative for no more than 80 hours that can be carried over as of the "PYE" date of each year on a year to year basis. For example: an employee having 100 hours leave on "PYE" date would lose 20 hours leave and be credited with 80 hours of current year beginning date. Part-time employees can carry over a prorated number of hours based upon the number of hours employed. Carryover leave will also be prorated based on the number of hours worked per day or on the period of the actual work year.
- F. Annual/vacation leave may not be taken in advance of that accrued.
- G. Annual/vacation leave shall not accrue to any employee on leave of absence without pay or suspension.
- H. Employees who are separated from this Agency will be paid for their accrued annual/vacation leave. In the event of death, accrued leave will be paid to the employee's estate. Payment of accrued leave may be withheld pending settlement of a legal debt to this Agency.

- I. Annual/vacation leave shall be taken upon a workday basis. Holidays falling within a period of vacation leave shall not be counted as work days.
- J. Authorized absences of less than an hour, but 30 minutes or more will be counted as one hour.
- K. Should an employee become ill during a period of annual/vacation leave he/she may be charged with sick leave for the applicable days if certified by a physician. For such cases a revised leave request will be submitted.

III. Sick Leave:

- A. Sick Leave is accrued by permanent and introductory employees at the same rate per pay period as for annual/vacation leave.
- B. Sick leave is defined to mean a period in which the employee is incapacitated for the performance of his/her duties by sickness or injury or for medical, surgical, dental, or optical examination or treatment, or where, by reason of his/her exposure to a contagious disease, the employee's presence at his/her post of duty would jeopardize the health of others.
- C. Sick leave is to be used for personal illness only.
- D. Sick leave shall not be used for annual/vacation leave.
- E. Sick leave may not be taken in advance of that accrued.
- F. The maximum sick leave balance will be 500 hours.
- G. Absences of more than two(2) consecutive work days or more must be supported by a statement from a doctor.
 - 1. Supervisors who believe that certain employees are abusing the sick leave policy may require a supporting doctor's statement for any period of absence chargeable to sick leave.
 - 2. Supervisors are authorized to verify statements with the applicable doctor and may deny sick leave when supportive facts show that an employee is abusing sick leave privileges.
- H. Employees requiring absences due to illness will call their supervisor or a representative designated by their supervisor no later than fifteen minutes after their designated start time on the business day.
 - 1. Employees that fail to comply with this rule will be carried as "Absent Without Leave" and receives no pay for the day or days absent.
 - 2. Unless incapacitated, the employee will and not a family member or friend.
- I. The Executive Director may require an employee to take sick leave whenever, in his/her administrative judgement, such action would be in the best interest of the Agency.
- J. Any employee using three or fewer days (24 hours) sick leave in a calendar year shall receive an additional two days (16 hours) annual/vacation leave on present year beginning date. For employees not working an eight-hour day, additional leave will be pro-rated based upon the number of hours worked each day
- K. Sick leave shall be taken on a workday basis. Holidays falling within a period of sick leave shall not be counted as work days.
- L. Sick leave shall not accrue during leave of absence without pay or suspension.

- M. Sick leave will be earned at a rate of 10 hours per month by permanent and introductory employee.
- N. Permanent part-time and introductory part-time employees accrue sick leave pro-rated in accordance with the percentage of time they are appointed to work.
- O. All sick leave shall expire on the date of an employee's separation from this Agency and no employee will be paid for unused sick leave. Unused sick leave will not be reinstated in the event an individual is re-employed by this Agency.
- P. In case of absence due to illness for which time is lost and Oklahoma State Workers' Compensation benefits are received, and sick leave may be utilized.

IV. **Leave of Absence Without Pay:** Such leave is applicable to all categories of employees and may be charged or granted as follows:

- A. When an employee is absent from work without authority and has been declared absence without leave (AWOL).
- B. For suspensions administered in accordance with disciplinary action.
- C. For temporary or other categories of employees who do not accrue vacation or sick leave under agency policy leave.
- D. For employees who require an absence and have utilized all accrued vacation and sick leave, and another type leave is not applicable.
- E. County directors or designated supervisors may recommend the termination of those employees who continuously abuse the leave system by exhausting all typed of accrued leave and continuously using leave without pay.
- F. Twenty days without pay in a twelve-month period is considered excessive.
- G. An employee may request a leave of absence without pay in writing to the County Director or designated supervisor at least five working days prior to the requested starting date of such leave.
 - 1. The request shall specify the reason for leave, the date of leaving, and the date of return to the job.
 - 2. The Executive Director may grant the request leave, but shall not be required to do so.
 - 3. Vacation, holiday and sick leave benefits shall not accrue during a leave of absence without pay.
 - 4. Failure on the part of an employee to report upon the expiration of a leave of absence will be caused for dismissal.

V. **Absent Without Leave (AWOL):**

Whenever an employee is absent from work without proper authority, he/she will be carried as AWOL and receive no pay for the period of absence. An employee who is absent from duty for two consecutive working days without proper notification or proper authorization shall be deemed to have resigned his/her position effective the last moment on the job and will be terminated. Such termination action may not be appealed by the employee.

VI. **Holidays:**

- A. All full time and full time/part time employees are eligible for authorized holidays. An employee must work the scheduled work days immediately preceding and following the day taken as a Holiday, unless the absence is specifically approved by the employee's supervisor, in order to receive pay.
- B. If a holiday falls on a Saturday, the preceding Friday will be observed. If a holiday falls on a Sunday, the coming Monday will be observed.
- C. Holidays falling within a period of an authorized leave will not be charged to the period of leave.
- D. The following holidays will be observed by the Agency:

New Year's Day	Columbus Day
Martin Luther King Day	Veterans Day
Washington's Birthday	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Eve Day
Labor Day	Christmas Day

 Observance of other or local holidays may be allowed at the discretion of the Executive Director if the normal day to day operations of the Agency are not seriously disrupted.
- E. JAMM transit will provide services on all Holiday except:

Thanksgiving	Christmas Day
Fourth of July	New Year Day

 JAMM transit flex drivers are eligible for leave on the four holidays listed above if they have worked a minimum of 87 hours during the month (30 days) preceding the holiday.
- F. After the completion of one year of service, the employee shall be eligible for a floating birthday holiday which may be taken at any time that is mutual agreeable to the employ and the employee's supervisor, but must be taken within the month of birthday.
- G. Employees working on any of the above Holidays shall be eligible for a floating holiday which may be taken at anytime that is in mutual agreement to the employee and the employee's supervisor and must be taken within the month of the Holiday.

VII. Funeral Leave:

- A. Authorized for permanent and introductory employees. In the event of death in the immediate family of an employee, a maximum absence of up to three working days may be authorized, without loss of pay, to attend the funeral of the following relatives: spouse, child, mother, father, brother, sister, grandchildren, and grandparents of the employee or the employee's spouse. Such leave is not chargeable to accrued sick or vacation leave.
- B. Compensation for the time an employee is required to miss work by reason of the attendance at funerals will be based on the regular rate of pay, but will not exceed eight hours for each day's absence, for maximum of three days. If a

funeral occurs on a non-scheduled work day, holiday, or vacation, the employee shall not be entitled to funeral pay for those days.

- C. The funeral time herein provided for applies only when the family death in fact does require the time off from regular scheduled duty, and does not contemplate nor grant an accrual of other permissible leave with pay.

VIII. **Administrative Leave:** Authorized for all categories of employees as approved by the Executive Director. Such leave is not chargeable to accrued vacation or sick leave and is granted for absences such as a voting, inclement weather, etc. Authorized administrative leave will be announced by the Executive Director. An employee will receive full pay for authorized administrative leave if the employee was in a pay status prior to the period of authorized administrative leave. The term pay status includes all except AWOL, Sick Leave Without Pay, or Leave Without Pay.

IX. **Court and Jury Duty:** Authorized for all categories of employees who in obedience to a subpoena or direction by proper authority, appears as a witness or a jury member for the Federal Government, the State of Oklahoma, or a political subdivision thereof or this Agency. When an employee is subpoenaed by private litigation by some party other than those outlined above or due to the employee's own personal conduct, the time absent shall be taken as vacation leave or leave without pay.

A. Jury Duty – Employees required to serve on jury duty will receive compensation from the Agency for each day of jury duty equal to eight hour pay at their regular straight time rate, or such lesser amount if the employee would not have otherwise worked an eight-hour day. In order to be eligible for such pay, employees required to serve on jury duty will give to the Agency any pay received from the governmental entity requiring his/her attendance. Specific reimbursements for mileage, parking fees and meals may be retained by the employee. Employees who are released from jury duty before two hours before the end of their work shift will immediately report to work. Failure to so report will relieve the Agency of any duty to pay that employee for that days jury duty.

B. Witness Pay – Any employee who is subpoenaed, or required by proper authority, to appear as a witness to testify on behalf of the Federal Government, the State of Oklahoma, or this Agency, will be entitled to a maximum of eight hours pay at his/her regular straight time rate for all hours in which the employee was actually required to be absent from work pursuant to the subpoena or direction by proper authority. Any witness fee received from the government unit requiring the employee's attendance will be turned over to the Agency.

X. **Military Leave:** Military Leave for temporary military training encampments shall not be counted against vacation time. This leave would not normally exceed fifteen working days in any program year. If an employee takes military leave for temporary military training encampments, the Agency will make up any deficit between his/her

military base pay and the Agency pay. If the military pay is higher, there will be no Agency compensation.

- A. Leave of absence for any military school, training, or duty as a member of a military reserve or National Guard unit which is not mandatorily required and at the desire of the member shall be charged as vacation leave or leave without pay at the discretion of the applicable Executive Director. Such absence will not exceed fifteen days during any one calendar year.
- B. All leave for extended full-time military service resultant from the draft, enlistment, or activation of Reserve or National Guard members shall be granted in accordance with State and Federal Laws in effect at that time that the action takes place.

XI. Request for Absences:

- A. "Leave Request and Authorization" form will be used to request and report all types of absences. Subject form is used by the bookkeeping department to record absences on the employee's leave record, to recoup pay for any period of leave without pay and to serve as a permanent record to verify absences reflected on time cards. Forms will be filed within the leave record maintained by that division and may be reviewed by the employee upon his/her request.

B. Daily Activity Report /Time Cards:

- 1. A daily activity report will be initiated and completed for each employee of this Agency. Daily activity reports will be prepared by the appropriated work sections. Daily activity reports will be posted on a daily basis and reflect each type of absence incurred by the employee.
 - 2. Time Keepers and County Directors are responsible for ensuring that time sheets are submitted on each assigned employee. In order that the payroll can be processed, time sheets must be completed, accurate, and signed. When the payroll section receives an improperly completed time sheet, the appropriate supervisor will be notified. Erroneous time sheets will be corrected in the bookkeeping in conjunction with the employee and supervisor. Paychecks will not be released until time sheets are complete and accurate.
- C. Leave Requests for personnel on approved leave should be completed before the individual departs and must be submitted on the proper date. Leave Request for personnel on unauthorized leave must also be properly completed and submitted with a notation in the employee's signature block "on unauthorized leave".

XII. Family and Medical Leave: INCA Community Services, Inc. is covered under the Family and Medical Leave Act of 1993. Under the FMLA, eligible employees are

entitled to take up to 12 weeks of unpaid, job protected leave each year for specified family and medical reasons.

- A. **Eligibility:** To be eligible for FMLA benefits, an employee must:
1. Work for INCA;
 2. Have worked for INCA for a total of at least 12 months.
 3. Have worked at least 1,250 hours over the previous 12 months and;
 4. Work at a location where at least 50 employees are employed by the INCA within 75 miles;
- B. Will grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12 month period for one or more of the following reasons;
1. For the birth or care of the newborn child of the employee (up to 12 weeks);or
 2. For placement with the employee of a son or daughter for adoption or foster care (up to 12 weeks);or
 3. To care for an immediate family member (spouse, child, or parent) with a serious health condition (up to 12 weeks); or
 4. To take medical leave when the employee is unable to work because of serious health condition (up to 12 weeks); or
 5. To handle qualifying exigencies that arise because of active duty (up to 12 weeks);or
 6. To care for a family member who is covered servicemember who received a serious injury or illness in the line of duty (up to 26 weeks).
- C. **Spouses employed by INCA** are jointly entitled to a combined total of 12 workweeks of family leave for
1. The birth or placement of a child for adoption or foster care;
 2. and to care for a parent (but not a parent-in-law) who has a serious health condition;
- D. **Military Family Leave:**
1. **Covered Servicemember** is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious illness or injury.
 2. **Military Care Giver Leave:** Eligible employees who are family members of covered service members will be able to take up to 26 workweeks of leave in a single 12 month period to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.
 3. **Next of Kin:** For the purpose of the 26 weeks of leave, an employee must be the spouse, son, daughter, parent, or next of kin of a covered service member. "Next of kin" is the nearest blood relative of the individual. Next of kin includes the following: Those who had legal custody, siblings, grandparents, aunts/uncles, first cousins. The servicemember may specifically designate in writing another blood relative as his or her nearest blood relative. However, when no such designation is made, all next of kin may take leave to provide care to the service member.

4. **Qualifying Exigency:**
 - a. Qualifying exigencies are situations that require a rather immediate response as exigencies make urgent demands. Qualify exigencies include the following:
 - (1) Short-notice deployment (seven days or less);
 - (2) Military events and related activities;
 - (3) Childcare and school activities;
 - (4) Financial and legal arrangements;
 - (5) Rest and recuperation (five days)
 - (6) Counseling;
 - (7) Post-deployment activities (90 days);
 - (8) Other agreed upon between employee and executive director;
5. Time for child care allows employees to arrange for alternative child care, or to provide childcare on an urgent, immediate need basis, but not on a routine, regular, or everyday basis.
6. Qualifying exigencies is not available to employees who family members are career military members.

E. **Intermittent Leave**

1. Under some circumstances, employees may take FMLA leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.
2. If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to INCA's approval.
3. FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.
4. An employee must do re-certification of an ongoing condition every 6 months in conjunction with an intermittent absence.
5. Where reasonable job safety concerns exist, the agency may require a fitness-for-duty certification before an employee may return to work when the employee takes intermittent leave.

F. **Substitution of Paid Leave:** FMLA leave is unpaid. Employees may take any accrued sick or annual concurrently with FMLA leave. An employee electing to use any type of paid leave concurrently with FMLA leave must follow the same terms and conditions of leave policy that apply to other employees for the use of such leave. The employee is always entitled to unpaid FMLA leave if he or she does not meet the condition for taking paid leave.

G. **Schedule Treatment:** When leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt INCA's operation.

H. **Light Duty:** Time spent in "light duty" work can not be counted toward any portion of the 12 weeks of FMLA, and if an employee is voluntarily doing light duty, he or she is not on FMLA leave.

I. **Definitions:**

1. **“Serious health condition”** means an illness, injury, impairment, or physical or mental condition that involves;
 - a. Any period of incapacity requiring absence of more than three calendar days from work, or other regular daily activities that also involve continuing treatment by (or under the supervision of) a health care provider.
 - (1) Continuing treatment is defined as two visits to a health care provider, the two visits must occur within 30 days of the start of the incapacity and the first visit must take place within 7 days of the first day of incapacity.
 - b. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
 - c. **Chronic Serious Health Conditions:** continuing treatment by (or under the supervision of) a health care provider for chronic or long term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days, and for prenatal care. In addition employees with chronic serious health conditions must visit a healthcare provider at least twice per year
2. **“Health Care Provider”** means doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices; or
 - a. Pediatrics, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subjugation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law; or
 - b. Nurse practitioners and nurse – midwives authorized to practice, and performing within the scope of their practice, as defined under state law;
 - c. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

J. **Maintenance of Health Benefits**

1. The agency is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave.
2. In some instances, INCA may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

K. **Job Restoration**

1. Upon return from FMLA leave, an employee must be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.
2. In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using the FMLA leave.
3. Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, INCA may refuse to reinstate certain highly paid "key" employees after using FMLA leave during which health coverage was maintained. In order to do so INCA must:
 - a. Notify the employee of his/her status as a "key" employee in response to employees' notice of intent to take FMLA leave;
 - b. Notify the employee as soon as INCA decides it will deny job restoration and explain the reasons for this decision.
 - c. Offer the employee a reasonable opportunity to return to work for FMLA leave after giving this notice; and
 - d. Make final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.
 - e. A "key" employee is a salaried "eligible" employee who is among the highest paid ten percent of the employees within 75 miles of the work site.

L. Notice and Certification

1. Employees seeking to use FMLA leave may be required to provide:
 - a. 30 day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable;
 - b. Medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
 - c. Second or third medical opinions (at INCA's expense) and periodic re-certification ;
 - d. Employee must call-in and report periodically during FMLA leave regarding the employee's status and intent to return to work. No more than two weeks should expire between reporting to the Human Resource Department.
 - e. A fitness-for-duty report certifying that the employees is able to resume work.
2. Upon notification by the agency the need of certification the employee has 15 days to provide it. If the employee provides an incomplete or insufficient certification, the human resource department will provide the employee, in writing, what the certification needs to make it complete and/or sufficient. The employee then has seven days to provide corrections.

3. Employees who do not provide enough information to INCA in regards to leave may risk denial of the leave.
 4. Upon obtaining enough information to determine whether the absence qualifies for FMLA, the Human Resource Director will provide the employee with a Designation Notice. This will include information on whether the leave will be designated as FMLA qualifying, requirements for fitness-for-duty certification. The agency will provide a list of essential function of the job for the health care provider to address for the employee to return to work.
 5. If information is needed from an employee's health care provider the Human Resource Director, Administrative Assistant and Executive Director will be the only staff authorized to indicate contact to insure confidentiality.
- M. **Records:** The Human Resource Director is responsible for maintaining separate file from an employee general personnel files relating to medical certifications, re-certifications, or medical histories of employees or employees' family members. All employee medical information is kept confidential. FMLA records are to be kept for at least three years.
- N. **Waiver of Rights:** Employees may voluntarily settle or release their FMLA claims without court or department approval.

EMPLOYEE ATTENDANCE / WORK SCHEDULE

I. **POLICY:**

This Agency expects its employees to report to work on time when scheduled and to devote full attention and efforts to the job while on duty.

II. **Attendance:** Any employee who consistently fails to report to work as scheduled, who is consistently tardy to work, or who leaves his/her work station during scheduled duty without proper notification or authorization will be subject to disciplinary action which may include termination.

III. **Work Schedule:**

A. The normal work week of this Agency is eight hours per day, forty hours per week. An unpaid meal period will be provided during the normal work period. The meal period will be as close to the midpoint of the normal work period as practical giving due consideration to the efficiency of the Agency's affairs. Each employee shall be entitled to two fifteen-minute breaks, one to be taken before meal period and one after meal period. Such breaks will not be used to extend lunch hours or to shorten the normal work period. It is the inherent responsibility of each supervisor to enforce this work policy and to discipline employees that do not adhere. Program directors desiring to deviate from the normal work schedule will obtain the approval of the Executive Director.

B. In accordance with provisions of the Fair Labor Standards Act, the official work week of INCA Community Services, Inc., shall consist of a calendar week which begins at 12:01 a.m. Sunday and ends at midnight the following Saturday night.

1. INCA Career Opportunities - The individual HTS work schedule will be determined by the specifications of the IHP of the respective consumer, in coordination with the Department of Human Services Case Manager and the consumer's family or guardian. The work schedule, in some instances, may be variable from week to week, but in no event will the work schedule be in excess of forty hours within any given work week unless such excess work has been specifically requested through the plan of care, case manager and/or emergencies not expected.

C. All hours over forty will be requested through the Executive Director. The Executive Director will authorize in writing only.

STAFF POSITIONS/ JOB DESCRIPTIONS

- I. **POLICY:** The agency maintains updated job descriptions of each staff position, addressing as appropriate, roles and responsibilities, relevant qualifications, salary ranges, and employee benefits.

II. **PROCEDURES:**

- A. The agency maintains adequate, up-to-date descriptions of each job position authorized. Job Descriptions will be developed by program directors for occupations pertinent to their area of responsibility. Job descriptions applicable to the administration of the agency will be developed by the Executive Director.
- B. Job Descriptions will be reviewed by the Program Director for policy compliance and compliance with existing Federal and State laws and regulations.
- C. There will be no personnel actions effected on a particular position until a job description has been approved by the Executive Director.
- D. Qualifications standards will be used to effect recruitment and personnel actions and may be waived only by the Executive Director.
- E. Each employee will be furnished a copy of their job description by the staff enrolling a new employee during their initial in-processing. Supervisors will furnish employees with copies of revised job descriptions.
- F. The Human Resource Director shall maintain a master set of all approved job descriptions. The Executive Director shall cause the review of all job descriptions on an as needed basis to insure accuracy and update.
- G. **Head Start Personnel:** Proposed changes to job descriptions must be submitted to Policy Council for approval.
- H. **INCA Career Opportunities Personnel:** The INCA Career Opportunities Director will furnish the INCA Career Opportunities Human Rights Committee with a copy of all job descriptions for INCA Career Opportunities and insure that new and revised job descriptions are furnished on a timely basis.

I. **Employee Classifications**

1. **Regular Full Time** - A regular full time employee is one who works a full forty hour week, whose employment is not time limited and who has completed the introductory period of six months.
2. **Regular Part Time** - A regular part time employee is one who works less than a forty-hour week on a regularly scheduled basis and whose employment is not time limited, and who completed the probationary period of at least six months.
3. **Temporary Full Time** - A temporary full time employee is one who works a full 40 hours a week, but whose duration of employment is limited to a definite number of days, weeks or months to be worked.
4. **Temporary Part Time** - A temporary part time employee is one who works less than 40 hours a week on a regularly scheduled basis, whose employment is limited to a definite number of days, weeks or months.
5. **Flex/Substitutes** - Temporaries not having a regularly scheduled tour of duty.

6. Consultant - A person serving with, or without compensation, who provides expertise in a particular field.
7. Exempt Employee - Those employees who are paid on a salary basis, are not eligible for overtime pay, and whose positions meet specific test established by the Fair Labor Standards and state law.
8. Non-exempt Employees - Those employee whose positions do not meet the FLSA exemption from overtime test and who are paid one and one half times their regular rate of pay for overtime as required by state and federal law.

EMPLOYEE FRINGE BENEFITS

- I. **POLICY:** This Agency will comply and provide the mandatory fringe benefits directed by federal, state and local laws. It is also the policy of this Agency to provide other benefits related to employee morale and welfare within the limits of available funds per program.

- II. **PROCEDURES:**
 - A. **Social Security:**

All employees of this Agency are without option covered by the Federal Social Security (FICA) Retirement and Disability Program. The mandatory contributions to FICA are shared by the Agency and the employee in the amounts specified by the Federal Government.

 - B. **Unemployment Compensation:**

This Agency will contribute for State Unemployment Insurance at the rate prescribed by the Oklahoma Security Act (Title 40, Chapter 6, Oklahoma Statutes 1961) as amended and as administered by the Employment Security Commission. Eligibility for benefits is determined for each individual case and claims are processed by the applicable employment office. The periods and reasons for disqualification from receiving such benefits as established by State Law are as follows:

 1. Leaving work voluntarily without good cause; discharge for misconduct connected with work; failure to apply for or accept suitable work until re-employed and earns ten times weekly benefit amount.
 2. Labor dispute – duration.
 3. Receiving Social Security benefits or retirement benefits under an established plan – duration.
 4. Receiving unemployment benefits under another law – period payment are made.
 5. Misrepresentation to obtain benefits.
 6. Incarceration under State Department of Corrections – duration.
 7. Employee, whether in instructional, research, or principle administrative capacity, or non-professional capacity, who perform services for non-profit or public institution in one academic year or term.
 8. Professional athletes between season.
 9. Alien unless lawfully admitted for permanent residence or permanently residing under code of law.

- III. **Group Insurance Plan:**
 - A. This Agency provides a Group Insurance Plan (Health, Life) for eligible permanent employees in programs where funds are available. Both employees and their family members are eligible to participate in this plan as soon as the employee has completed six months of work. Full-time Part-time employees must work at least thirty hours per week to participate in the plan. Enrollment in the plan is voluntary and premiums

- are paid through the payroll deduction plan. The costs of premiums are shared by both the Agency and the employee. Dependent coverage cost shall be born by the employee.
- B. INCA Career Opportunities: HTS employees can participate in INCA Career Opportunities group health and life insurance plan at the employee's expense. Coverage will begin on the first of the month following satisfactory completion of the introductory period. Premiums will be payable by payroll deduction with a properly executed form.
 - C. Employees that enter into any type of leave without pay or leave with pay that is not covered by Family Medical Leave Act or if pay earned is not sufficient to pay their share of the premium, must reimburse the Bookkeeping Department for the appropriate premium so that insurance benefits may remain in effect.
 - D. Head Start employees that only work ten-months per year must also reimburse the Agency for the employee and employer's share during their time off and prior to their last duty day before the summer break. Reimbursement will be made in the form of personal check or money order, payable to the agency and sent to the Bookkeeping Department for deposit into the fund from which insurance premiums are paid. The failure of the employee to effect payment action will cause the insurance to be terminated and re-enrollment procedures followed before he or she can be re-insured.
 - E. Responsibility for administering the Group Insurance Plan is assigned to the Administrative Assistant. Assistance required in this subject area should be directed to the Administrative Assistant. Employees must submit all claims as soon as possible so as to insure the timely payment of medical bills.
 - F. It is the responsibility of each employee to add or delete dependent coverage from the Group Insurance Plan. These actions may be effected only through the authorization of the employee.
 - G. Each eligible employee will be advised of Group Insurance Plan benefits by the Central Office.
- IV. Workers' Compensation:
- A. All employees of this Agency, regardless of category, are covered by the Worker's Compensation Insurance is fully borne by the Agency at no cost to the employee. Workers' Compensation is administered by the State Insurance Fund and within this Agency is the responsibility of the Administrative Services Division. The amount of compensation received is determined by the Worker's Compensation Court. This insurance is applicable to only on-the-job accidents or for those employees who get sick from diseases caused by the job
 - B. The success of the Worker's Compensation Program is dependent upon timely submission of applicable forms. Form submission is required as follows:
 - 1. Employer's First Notice of Injury, must be filled out as soon as the supervisor is notified of an injury or an alleged injury. Even if the validity of the claim is in doubt, it is mandatory that supervisors

complete this form using the information that the employee claims as fact to fill out the questions. Failure to file a employer's first notice of Injury will result in no compensation payments.

2. Employees First Notice of Injury, should be completed if the employee is going to be off work more than three days without pay. Again, no compensation payments will be awarded until this form is completed and filed. If the injury requires payment of medical treatment only, it is only necessary to complete an Employer's First Notice of Injury. The Employees First Notice of Injury is mandatory only if the employee is going to miss three days of work without pay or is permanently impaired.
3. Both forms will be submitted to the Human Resource Director or Administrative Assistant. Do Not send forms directly to the State Insurance Fund.

V. **Retirement Program:**

- A. The retirement program has been put into place for employees wanting to participate. An employee must be permanent full time, permanent defined as those working a minimum of nine (9) months during the year (4) hours per day. Contract employees will be on an introductory status for six (6) months before they are eligible. After eligibility is established, the employee may be initiated into the program at the beginning of the fiscal year, if funds are available.

EXEMPT EMPLOYEES

- I. **Purpose:** The purpose of this policy and procedures is to provide for accurate time and attendance records for staff who are exempt from the wage and hour provision of the Fair Labor Standards Act (FLSA) and who earn annual and sick leave.
- II. **Exempt Employee** - are those employees exempt from the overtime provisions of the Fair Labor Standards Act under an executive, professional, or administrative exemption. The work of employees in exempt positions is not measured solely by the hours worked. Employees in exempt positions are expected to work the hours necessary to complete assignments on a schedule that satisfies the requirements of the job. A full-time commitment typically requires a minimum of 40 hours a week.
- III. **Leave Policies and Procedures**
 - A. **Policy:** Staff whose duties and responsibilities are such that they:
 1. are determined to be exempt from the wage and hour provisions of the FLSA, and
 2. earn annual/sick leave, are expected to follow the agency's Leave Policies and Procedures.
 - a. They must account for periods time away from work by submitting approved time sheet and leave slips to the payroll department. This procedure establishes work schedules, work hours, and procedure for recording leave for Exempt Employees.
- IV. **Work Schedule** - A typical work schedule for Exempt employees will be eight hours daily, Monday through Friday, with a standard schedule approved by the supervisor. The standard work schedule shall be confirmed in writing when an exempt employee is hired.
- V. **Hours Worked** - include any hours that the agency requires or permits an employee to work.
- VI. **Requirement to Record Time** - Exempt employees must complete time records on a bi-weekly basis. Exempt employees should record actually worked and hours absent during the workweek. Employee shall record leave usage (such as Annual Leave, Sick Leave, Holiday Leave) absences during regularly scheduled duty days will require the recording of leave, either paid or approved leave of absence without pay.
- VII. **Partial Day Absences** - It is expected that exempt employees routinely report to work for a minimum of a forty hour work week and are expected to work until their work is completed.

- A. An absence of two hours or less in a two-week pay period is not recorded on an Exempt Employee's time sheet, provided that the employee is able to satisfy the requirements of the job during the remainder of the biweekly pay period, as certified by the supervisor. This is considered a temporary schedule change and shall be recorded on the Daily Activity Sheet.
- B. Any absence of more than two hours in a pay period must be recorded under the appropriate leave category on the time sheet during the bi-weekly pay period and proper paperwork completed.
- C. If an exempt employee's supervisor perceives patterns of abuse of partial day absences in order not to claim sick or vacation leave hours, counseling on the abuse will be initiated and possible disciplinary actions taken.

VIII. **Excessive Work Period** - In exceptional circumstances, an employee, who is exempt from FLSA and whose duties require work in excess of forty-eight hours in a peak work week, may, with the prior approval of the supervisor, be authorized to take a specified amount of time off from work without reporting annual or sick leave. However, such time off shall be taken within a period of two weeks after the period in which more than forty-eight hours are worked.

IX. Circumstance in which pay deductions can be made:

Full day deductions from pay are permissible when an exempt employee:

- A. Absences from work for one or more full days for personal reasons other than sickness or disability after annual leave balance has been exhausted.
- B. Absences from work for one or more full days for sickness or illness after sick leave balance has been exhausted.
- C. Absences of one or more full days due to court appearance for personal reasons
- D. Absences of one or more full days due to military leave and annual leave has been exhausted.
- E. Deductions for the first and last week of employment, when only part of the week is worked by the employee.
- F. Deductions for unpaid leave taken in accordance with a legitimate absence under the Family and Medical Leave Act.
- G. Penalties imposed by infractions of safety rules of major significance.
- H. Unpaid disciplinary suspensions of one or more full days under agency's disciplinary policy. In these circumstances, either partial day or full day deductions may be made.

X. Circumstance in which pay deductions cannot be made:

Deduction from pay cannot be made as a result of absences due to the circumstances listed below:

- A. Jury Duty.
- B. Attendance as a witness

- C. Temporary military leave
- D. Absences caused by the employer
- E. Absences caused by the operating requirements of the business
- F. The amount(s) of compensation received by the employee for jury or witness duty or military leave may be applied to offset the pay otherwise due to the employee for the week.
- G. Partial day amounts other than those mentioned above.

TRAVEL AND TRANSPORTATION

I. POLICY:

Within budgetary limitations, this Agency will authorize and pay for employee travel incident for attendance at meetings, conferences, conventions, training symposiums, etc., when such attendance is a direct benefit to the achievement of the objective related to the Agency's mission. Attendance at such activities will not be authorized when the primary benefit is to the individual employee rather than to the accomplishments of the Agency's mission. Attendance will not be authorized in lieu of personal benefits, incentives, or rewards for past or present performance. This Agency will also reimburse employees for mileage from the required use of personal vehicles in the accomplishment of their assigned duties.

II. PROCEDURE:

A. Travel:

1. Per diem and mileage rates will be consistent with state and federal instructions. Mileage rates for use of privately-owned vehicles, both within and outside the city, will represent per diem and mileage rate set by the State.
2. Local travel is defined as travel to locations that are within fifty miles of the agency's service area border. Out of area travel is defined as travel to locations that exceed fifty miles from the agency's service area border.
3. Employees shall gain approval prior to their departure from the Executive Director or his/her designated representative for out of area travel for which they are expecting reimbursement. Approval may be given in written or electronic communication
4. Upon the conclusion of travel, all employees must complete and submit a travel claim to the Bookkeeping Department. Documentation and receipts with regard to transportation costs, special registration fees, copy of approval, etc., must be attached to the travel claim.
5. Travel monies for out-of-town travel may be advanced when requested on the properly authorized form up to an amount equal to the estimated cost shown therein. No advance of monies will be made for local travel. Such advances will be authorized only when necessary. Amount of monies advanced will be based on the prudent estimates of the cost of the trip. Travel advances are recorded in the accounting records as accounts receivable from employees. The disposition of travel monies advanced will be reported to the Bookkeeping Department within five days after the travel is completed and any unused portion of the travel advance returned at this time. The Bookkeeping Department will ensure that all travel advances are accounted for promptly and cleared from records. Employees who fail to comply with these

procedures will have the travel advance recouped from their wages.

6. Requests for local travel will be completed and forwarded through supervisory channels to the Bookkeeping Department no later than the last day of the month. All expenditures will be furnished for each segment of travel along with points visited each day. Travel claims will cut off on the last day of each month and will be paid by the 5th day of the following month. Late claims will be paid during a subsequent processing cycle. Incomplete claims will be returned unprocessed.
7. Local travel claims will be approved by County Directors or Program Directors.

B. Transportation:

1. Vehicles purchased and maintained by this Agency are to be used in the accomplishment of specific program missions. Vehicles will not be used for any of the following purposes:
 - a. To further personal or pleasure purposes under any circumstances.
 - b. To enable persons to participate in any form of direct action which is designed with the intent to involve physical injury to persons.
 - c. To take voters to and from polls to vote in any election except for public transportation vehicles in which the rider requests his/her destination and pays appropriate fare.
 - d. To transport persons to and from registration centers to register to vote, except for public transportation vehicles in which the rider requests his/her destination and pays appropriate fare.
 - e. To conduct any of the lobbying activities prohibited by the funding agencies.
 - f. To commute on a regular, daily basis between residence and place of business. (Unless approved by the Executive Director).
 - g. To conduct or assist any other activity forbidden by federal guidelines, grant conditions or provisions, which are in violation of Federal, State, or Local court.
2. Employees who violate the above vehicle use restrictions will be subject to disciplinary actions.

PROMOTIONS / TRANSFERS/ VOLUNTARY DEMOTIONS

I. **POLICY:**

It is the policy of this Agency to provide deserving and qualified employees with upward mobility and progression opportunities and the latitude to change positions and duty locations.

II. **PROMOTIONS/TRANSFERS:**

- A. **Promotion** is defined as a position where the salary range is higher than the former position and range. In the case of promotion, the employee will be eligible for an increase to the new position's minimum salary, or an increase calculated to fit in the new range. A new six month introductory period will begin with the date of this change.
- B. **Transfer** is a lateral move to a different position with little difference in the wage and salary. The employee's rate will not change. A new six month introductory period will begin with the date of this change.
- C. **Benefit Accruals:** If an employee transfer results in an employee becoming benefit eligible, then benefit accruals will begin effective with the change at the first of the month. Health and Dental benefits will become effective after the six-month waiting period, as done for new hires.
- D. All interested employees are encouraged to apply for promotions and transfers. Any decisions made after the interviewing process will be based upon the ability, qualifications and the performance of the candidates for the open posted positions.
- E. Employees interest in a posted position must fill out an application. The applications are placed in the desired recruitment packet and screened for interviews.
- F. Current employees must have successfully completed their six-month probation period before applying for a posted position unless waived by the Executive Director.
- G. All employees who meet the required qualifications will be interviewed by the appropriate interview committee. All other qualifications and abilities being equal, priority consideration will be given to internal candidates for available positions.

Head Start: Interview/screening committee for positions will include a parent appointed by the Policy Council.

- H. The Executive Director is the final approving authority on all promotions and transfers. In justifiable circumstances the Executive Director may: 1) wave interviews for internal candidates, if there is only one in-house applicant for the posted position; 2) waive the six-month probation period time; 3) waive the waiting period for health and dental benefits.

III. VOLUNTARY DEMOTION:

- A. Voluntary Demotion: is defined as a position where the salary range is lower than the former position and range. A new six month review cycle will begin with the date of this change. Such action may only be effected at the concurrence of the employee. Voluntary demotions will not be effected for disciplinary reasons.
- B. The employee must meet the job qualifications for the positions to which demotion is requested. Voluntary demotions are not subject to appeal. A voluntary demotion does not preclude the employee from competing for future promotions.
- C. The employee's rate of pay upon demotion will be set by the Executive Director. The rate may be set at a rate nearest to the current salary received before demotion or at a lower rate of the position to which demoted. A higher rate of pay cannot be set.
- D. A position vacancy must exist for the job classification to which demotion is requested.
- E. The following document is required to effect a voluntary demotion:
A letter signed by the employee requesting a voluntary demotion to include the expected salary rate.
- F. The Executive Director is the approving authority for all voluntary demotions.

IV. INTER-AGENCY TRANSFER:

- A. An employee may request in writing a change of duty location from one agency site to another within his/her same job classification. *For example: from the West (Murray County) to the East (Atoka County).* Such requests will be submitted through immediate supervisors to the appropriate program director. Such directors may disapprove requests without referral to the Executive Director. Disapprovals will be in writing to the employee with a copy filed in the personnel record. The Executive Director has the final approval authority.
- B. The Executive Director has the prerogative to transfer an individual to another duty location when in the best interest of the individual and the agency. Such transfers are not subject to appeal.

REDUCTION IN FORCE

I. **POLICY:**

In the event of a staff cutback, reduction in hours, or layoff due to a direct result of the discontinuation of or cutbacks in program funds, cost containment, or structural reorganization within the agency, staff will be affected by the downsizing. All decision will be free of unlawful discrimination and disparate impact.

II. **PROCEDURES:**

- A. When confronted with the requirement for reduction, affected employees may choose to elicit and consider a voluntary reduction of hours or days of work, or reduce, eliminate or reallocate a service or function.
- B. **Voluntary Reduction of Hours:** When the program deems it necessary to reduce the number of work hours for a particular shift, classification, or program, the following procedures will apply:
 - 1. All recruitment, hiring and transfers to the affected job classification will be frozen.
 - 2. Any reasonable request of time off without pay will be considered.
 - 3. Employees will be encouraged to take accrued vacation time off.
- C. **Involuntary Reduction of Hours.** If a voluntary reduction in employees' hour is not deemed appropriate or is not sufficient to meet the program's needs and objectives, it may implement an involuntary reduction in hours or days of work. Such reductions will be administered to maximize productivity and efficiency and can be made on a temporary, indefinite or permanent basis. A plan established within the affected program to best satisfy the current and projected needs may specify a rotation of those to ve affected by the reduction in hours.
- D. **Layoff:** If the program determines that the options noted above are insufficient or inappropriate to meets its needs and objectives, it may decide to implement a layoff. Layoffs involve terminating employees for non-disciplinary reasons, and will be final. For six months following a layoff, priority in rehiring will be given to those employees laid off, based on the factors considered in the layoff process. If re-employed with the program within six months, the employee will be reinstated to the position.
- E. Although the program may vary the order of layoffs to meet their needs and objectives, layoff will normally be administered in the following sequence:
 - 1. Temporary employees, flex, substitutes
 - 2. Part time without group benefits employees
 - 3. Other employees, as deemed necessary
- F. Individuals withing each of the employment statuses identified above will be selected for layoff based on the following factors, and in the following sequence:
 - 1. Skill and ability to perform the work
 - 2. Job performance history, including performance evaluations, documented achievements, such as participation in special projects, and documented disciplinary warnings.
 - 3. If there is no significant difference in skill and job performance, then job tenure within the program will be considered. Job tenure is defined as

length of service in the program, minus any no-work related leaves of absence.

- G. NOTICE: Employees will be given a minimum two-week notice, in writing, of a layoff situation, or pay in lieu of notice.
- H. Employees terminated by reduction in force have no appeal right.
- I. All proposed layoffs are subject to review and approval by the Board of Directors.
- J. *Head Start*: Proposed layoffs are subject to review and approval by the Policy Council.
- K. *Career Opportunities*: Employment of the HTS is determined ultimately by the requirements of the consumer. Should the consumer no longer require the services of the HTS, due to death, relocation, or other causes, the HTS will be placed in a status until such time as he/she can be placed with another consumer.

INCLEMENT WEATHER POLICY

INCA is committed to the safety and security of its staff, program participants and visitors. As such, the decision whether the agency should close or remain open is based on the overall concern for the communities we serve. The Executive Director will make the decision if a site is to be closed. Head Start classrooms will be closed to the students in conjunction with decision made by the local school district.

In general, however, INCA's practice will be to remain open and to conduct business as usual during periods of inclement weather, except as noted in this policy statement. Therefore, unless otherwise directed, all employees are expected to report to work at their regular time and to remain at work throughout the course of their regularly scheduled workday. If an employee believes s/he cannot commute safely between his/her home and place of work during periods of severe weather, the employee is required to notify his/her supervisor and use either annual or personal leave to cover the time off.

RECRUITMENT AND HIRING PRACTICES

I. POLICY:

This Agency fills vacancies with the most qualified candidates while providing equal opportunities to all.

II. Recruitment procedures:

- A. The Central Office will announce or advertise vacancies only at the request of the applicable directors. Due to budgetary limitations, certain vacancies may not be filled immediately upon being vacated.
- B. The minimum qualifications for the position are listed on the job opening announcement. It must include the appropriate contact information for how potential applicants should apply.
- C. Announcement of job opening is made through any combination of the following methods as determined by management staff. Recruitment methods may include, but are not limited to, the following:
 - 1. Job Opening Notices
 - 2. Posted in county offices.
 - 3. Widely circulated among staff through flyers, faxes and e-mails.
 - 4. Flyers posted in the community
 - 5. Walk-In Applicants.
 - 6. News medial advertisements. All advertising will include the statement “An Equal Opportunity Employer.”
 - 7. Letters mailed to Head Start Parents
 - 8. Announcements through special publications / newsletters
 - 9. Phone calls/faxes to community partners
 - 10. Job fairs
 - 11. Internet web site.
 - 12. Contact with local and state agencies to include minority and handicap organizations and state employment offices.
 - 13. INCA Career Opportunities will maintain a roster of qualified HTS providers.

III. CATEGORIES OF EMPLOYEE:

For the purpose of recruitment, hiring, and the assignment of benefits, the following categories of employees are established and defined:

- A. **Introductory:** Hired for the purpose of filling a permanent Agency position, either full or part-time. A six-month period introductory is applicable. An introductory employee is eligible for all assigned Agency benefits for that position after six (6) months. At the satisfactory completion of the introductory period, the individual enters into a permanent status.
- B. **Temporary:** Hired either full or part-time for a specific position and for a specific period of time. This category of employees must compete with all other applicants if they desire to be hired to fill a permanent Agency position. The only benefits afforded a temporary employee are Workers Compensation and Social Security.
- C. **Flex:** A temporary employee not having a regular tour of duty. Employee benefits are not applicable except as contained in the specific program.
- D. **Consultant:** A professional person hired to provide expertise or a service within a specific program or area. Employee benefits are not applicable.
- E. **Contract Personnel:** Individuals that enter into a contract with this Agency to complete a work project or to provide continuing required service necessary to accomplish a specific Agency mission. Employee benefits are not applicable except as contained in the specific contract.
- F. **Wavered Service Contract Employee:** (Career Opportunities) An employee who works irregular hours based on the specifications of an IHP and the determined needs and preferences of the consumer's family or guardian.

IV. INTERVIEW AND SELECTION PROCESS:

- A. Selection procedures may include written tests, oral tests, performance test, physical agility test, assessment centers, training and experience evaluations, any combination of these, or others.
- B. Selection procedures must be practical, job related, and constructed to sample the knowledge skills, ability and/ or the personal attributes required for successful job performance.
- C. The central office or designated county office will accept "Application for Employment" forms until the cutoff date as established in the announcement or advertisement. The Executive Director has the authority to reject applications submitted after the cutoff date.
- D. The central office or designated management staff will screen all applications to insure that applicants meet the minimum qualifications set forth in job descriptions. Applicants that do not meet the job qualifications will not be scheduled for interviews unless waived by the Executive Director.
- E. Before an employee is hired, the program conducts an interview with the applicant.
- F. The program director will coordinate the date and times to interview the applicants. The designated management staff will notify applicants of the date, time, and place they are to report for an interview.

- G. Before an employee is hired applicants must consent to a criminal history investigation. The agency will conduct a state or national criminal record check. If it is not feasible to obtain a criminal record check prior to hiring, an employee will not be considered permanent until such a check has been completed.
- H. For personnel selected for employment, the Central Office or designated management staff will notify them of the fact that they were selected and the date and time to report for work.
- I. The agency is subject to and will maintain compliance with Section 504 of the Rehabilitation Act of 1973 in the hiring, promotion, and in general relations with otherwise qualified disabled candidate and employees.

V. HIRING OF HEAD START PERSONNEL:

- A. Before a Head Start employee is hired permanently, the agency conducts a verification of personal references. Introductory employee will submit their references to the Head Start Director.
- B. The Head Start Program Director reviews and insure that only candidates with the qualifications specified in the Head Start Regulations (1304.52 and 1306.21) are hired.
- C. Current and former Head Start parents receive preference for employment vacancies for which they are qualified.
- D. Applicants in the Head Start program will be interviewed and ranked by the Interview Committee. The first choice for the position will be presented to the Policy Council who must approve or disapprove of the selection. The Policy Council disapproves of the individual recommended. The next ranked choice is presented for consideration. The Executive Director will make final decisions regarding employment in compliance with the Head Start Performance Standards 1304.50.
- E. The Head Start Policy Council must approve/disapprove the hiring of Head Start personnel. No individual will be hired on a permanent basis until notice is received by the Executive Director from the Chairperson of the Head Start Policy Council or his/her representative.
- F. Head Start staff hired while under the policy's six month introductory period can be terminated without Policy Council's approval.

VI. NON-SELECTION PROCESS:

Applicants shall receive a written response to their job application form the agency. They will advise those applicants who were not selected for the position. Notifications will not be made until the selection process has been completed.

VII. HIRING RESTRICTIONS:

- A. **Criminal Records:**

1. The agency requires that all current and prospective employees sign a declaration prior to employment that lists:
2. All pending and prior criminal arrests and charges related to child sexual abuse and their disposition;
3. Conviction related to other forms of child abuse and neglect; and all convictions of violent felonies. The signed declaration may exclude
 - a. Traffic fines of \$200.00 or less;
 - b. Any offense, other than any offense related to child abuse and/or child sexual abuse or violent felonies, committed before the prospective employee's 18th birthday which was finally adjudicated in a juvenile court too under a youth offender law
 - c. Any conviction the record show which has been expunged under Federal or State law; and
4. Any convictions set aside under the Federal Youth Correction Act or similar State authority.

B. Criminal Conviction: Conviction of a crime does not necessarily preclude employment within the agency; however, conviction may disqualify an applicant from holding certain positions. Full disclosure of any such record will be required and any false information entered on an application will be grounds for automatic disqualification. Applicants for employment will be required will be required to complete the section of the "Application for Employment" form disclosing any criminal convictions, pending felony charges, and charges related to child sexual abuse and their disposition Convictions related to other forms of child abuse and neglect. Arrests which did not result in a conviction need not be recorded. The employment of ex-offenders will be handled on an individual basis and considered in relation to the position to be filled. Assessment of an applicant's potential for rehabilitation will be considered. Since employment opportunities are essential to the rehabilitative process, opportunity will be provided to employ persons with criminal records after review of the individual case. The following criteria will be used in reviewing records:

1. Nature and seriousness of the offense
2. Circumstances under which it occurred.
3. How long ago.
4. Whether first or repeated offense.
5. Age at the time offense was committed.
6. Social conditions which may have contributed.
7. Evidence of rehabilitation.
8. Type position for which applicant is applying.

C. Nepotism:

1. No person may be hired for position or promoted to a new position while a member of his/her immediate family serves on the Board of Directors or on the

Policy Council Committee responsible for selecting or having personnel authority over his/her position. If a member of an employee's immediate family is elected or appointed to a board or committee subsequent to the date of initial hire, the board member must either resign or termination action of the employee effected. Such policy also applies to family members related through marriage.

2. No person may be hired for or promoted to a position over which a member of his/her immediate family exercises supervisory authority.
3. Relative within the third degree is defined as follows: Parents, Spouse, Nephew/Niece, Aunt/Uncle, Children, Grandchildren, Grandparents, Great Grandparents, Great Grandchildren, Brother/Sister, Spouse's Grandparents, Spouse's Great Grandparents, Spouse's Children, Spouse's Grandchildren, Spouse's Parents, Spouse's Brother/Sister, Spouse's Nephew/Niece, or Spouse's Aunt/Uncle.

D. **False Information:** If it is determined that an applicant has rendered false information on the "Job Application" form, he/she will be disqualified from further hiring consideration for any position within this Agency. If the determination is discovered after the employee has been hired, he/she will be immediately terminated with no appeal rights.

VIII. **Employment Favoritism:** Employment with this Agency will not be offered as a reward for political activity, the active support of a party of a political candidate, being a member of a specific organization or group or as a favor to a board member or committee member or an active employee of the Agency.

IX. **SPECIAL EMPLOYMENT QUALIFICATIONS:**

- A. **Physical Examinations:** As a condition of employment, this Agency may require a physical examination. Such examination will only be required if the position requires a specific physical capability. The cost of such examinations will be borne by the applicant unless approved by the Executive Director.
- B. *Head Start* employees who work with children must have a physical exam, cost to be employee's responsibility, and provide Agency with copy of results. This is to ensue that such employees are physically able to perform the work which goes with caring for young children.

INTRODUCTORY PERIOD

I. Policy

The introductory period is the final phase of the examination process and is utilized by the appointing authority for the effective adjustment of the new employee.

II. Procedure

- A. All appointments, whether for original entrance or promotion, are subject to an introductory period.
- B. All employees hired will be required to serve a six-month introductory period. The purpose of this period is to insure that the individual can satisfactorily perform in the job for which hired, follow the rules and regulations, and to examine and act on the results of the criminal record checks.
- C. Introductory periods may not be less than six months nor more than two years. Introductory periods in excess of six months may be requested by an appointing authority but are subject to approval by the Executive Director.
- D. The introductory period commences from the date of appointment.
- E. An introductory employee may be rejected from the service at any time.
- F. Introductory employees become permanent on the date ending their specified probationary period. If it is determined that an employee's performance has been unsatisfactory during the Introductory period, his/her termination will be effected without the right to appeal. Termination must be effected before the end of the introductory period or the employee will become permanent.
- G. Introductory employees that are required to be absent from duty for thirty continuous or more days due to sickness or other valid and authorized reasons will have their introductory period extended for the same number of calendar days. Such absence must not cause any undue stress to the program and be authorized by the Executive Director.

III. NEW EMPLOYEE IN-PROCESSING:

All new employment candidates will report to the appropriate county office for in-processing before they report to their duty section. As a minimum employee in-processing will consist of the following:

- A. The initiation of an employee record and the completion of required Agency forms.
- B. Pre-Employment Drug Testing.
- C. Review of Agency Personnel Manual and Procedures.
- D. Furnishing the employee with a copy of his/her job description.
- E. Explanation of employee benefits available.

IV. **ORIENTATION OF NEW EMPLOYEES:**

The Agency provides orientation for all new employees and re-hired employees.

- A. The purpose of the orientation is to provide identification with the agency and the programs as well as education regarding policies, procedures and employee responsibilities.
- B. Most positions at INCA require “on the job” training. It is the responsibility of each supervisor to provide new employees with a one-on-one orientation of their duties and responsibilities and agency’s rules and policies.
- C. Topics covered in new-employee orientations include, but are not limited to, the following: overview of the agency and programs, policies and procedures, community partners, program’s operations, program goals and philosophy and the ways in which they are implemented, paperwork/forms, safety training, responsibilities of employees, federal and state regulations and program’s performance standards and staff introductions.

WAGE AND COMPENSATION PLAN

I. POLICY:

Employee salaries and benefits will be based on local prevailing practices. Compensation will depict a fair and standard system regarding equal pay for equal work.

A. COMPENSATION PLAN

A compensation plan will be established for this Agency that will govern pay rates of all positions of this Agency.

1. Employees are paid salaries that reflect due regard to market rates in combination with internal budget requirements for job market competitiveness and job performance. No employee will be paid at a lower rate than the minimum wage as set by state and federal law.
2. Upon request by the Board of Directors the Executive Director or his designee will conduct a wage comparability study to insure compliance with the above policy.
3. A salary range will be established for all positions.
4. All personnel positions, periodic increases, promotions, or job changes shall not be in conflict with funding agency regulations.
5. Implementation of the comparability wage scale is dependent upon budget considerations and is within the discretion of the Executive Director.
6. All types of pay increases will be dependent on the availability of funds.
7. Updated salary ranges, new positions, re-classifications or upgrades must be approved by the Board of Directors. All Head Start new positions, re-classifications or upgrades must also be approved by the Head Start Policy Council.
8. Hourly non-exempt employees who work more than 40 hours in a workweek will receive compensation for the additional hours at 1 ½ times their normal hourly rate. Approval from the program manager is required

before any overtime is worked. Working unauthorized overtime will be subject to disciplinary action, up to and including termination.

9. The Wage and Compensation Plan will be followed only if funds are available.

B. SALARY ADJUSTMENTS:

1. **Salary Adjustments When Salary Ranges are Changed:** At any time a salary range is changed for a specific position, all employees in that position will receive an adjustment to the salary range. No person's salary may be reduced as a result of such change and all persons will be given uniform treatment.
2. **Salary When Promoted:** Employees who are promoted will receive at least a four percent increase in salary if funds are available.
3. **Salary When Transferred:** When an employee is transferred from one facility or program to another and there is no promotion involved, the salary will remain the same.
4. **Salary When Voluntarily or Involuntarily Demoted:** The final rate of pay will be set by the Executive Director. The rate maybe set at the current salary received before demotion or at a lower rate down to the lower end of the pay scale of the position to which demoted. A higher rate of pay will not be set.

C. MERIT INCREASE:

1. Certain employees are eligible for merit increases. Employees on a designated contract may be eligible for merit increases per the individual contract agreement.
2. Merit increases are awarded with a performance rating of "Satisfactory" or above at the following intervals:
 - a. At the completion of a new hire's six month introductory period, and annually thereafter.
 - b. Upon obtaining degree in a job related field.A rating of "Needs Improvement" will require a work plan and follow-up evaluations.
3. Merit increase percentage rates for each program are reviewed by the Executive Director with input and recommendations from the Program Directors on a yearly basis. Merit increases are only given if funds are available.

4. The first day of the pay period following successful completion of the evaluation period will be the date used for payroll processing of merit increases, provided that the completed performance evaluations have been successfully processed.

D. **PAY PERIODS:**

It is the policy of the agency to pay employees on a regular basis and in a manner so that the amount, method and timing of such payments comply with any applicable laws or regulations.

1. Payroll periods end on the 15th and the final day of the month. Paychecks will be distributed five (5) working days after the end of each pay period.
2. The Bookkeeping Department is responsible for the Agency Payroll. Paychecks will be distributed to the employee per his/her authorization form. Checks will not be held in individual sections or work sites. If an individual desires that another person pick up his/her check, they must initiate a written letter of authorization. Such letters will be maintained on file with the Bookkeeping Department. This will not be approved except in emergency basis.

- E. **Recoupment of Pay:** All overpayments of wages, salaries, or other benefits to an employee will be recouped as a just debt to Federal, State, City or other funding sources. Such action will be effected during the next regular pay period after the error has been identified. At the approval of the Executive Director, recoupment actions may be effected over more than one pay period. Employees should immediately notify the Bookkeeping Department of any known pay errors.
- F. **Approval Authority:** All personnel actions effecting wage and compensation changes will be approved by the Executive Director.

EMPLOYEE RESPONSIBILITIES

- I. Employees are expected to perform their duties to the best of their ability so as to achieve optimum productivity concerning any duties to which they may be assigned.
- II. **Start Time:** Each employee will be individually responsible to arrive at his/her assigned work location or facility in sufficient time to assume the responsibilities of his/her job at the scheduled starting time. Failure to comply with these provisions will constitute grounds for discipline up to and including discharge.
 - A. Any employee who is unable to report to work at his/her scheduled starting time, shall personally notify a responsible agency representative as far in advance as possible and, in any event, no later 15 minutes after their designated start time, or furnish a satisfactory reason for not doing so. Such notice: with explanation, or the reason for not giving such notice shall not, in itself, constitute permission for an excused leave. Such employee, when again able to return to work shall notify a responsible representative of the Agency.
 - B. Time-off due to chronic tardiness will be accumulated and totaled on a weekly basis, rounded to the nearest hour and counted as leave without pay.
- III. Each employee will use work time and Agency tools and equipment carefully and productively.

DISCIPLINARY ACTION

I. POLICY:

Rules, either written or unwritten, are necessary when two or more people come together for a common undertaking to control the activities of the persons involved and to assure the greatest possible success in the achievement of the common mission. The adherence to rules and regulations is the utmost importance. It is the responsibility of the employee to adhere to established rules and regulations. Disciplinary action results from failure to abide by these established rules and regulations. When warranted, disciplinary action will be fairly, equitably, and consistently administered in accordance with Personnel Policies and Procedures.

II. Disciplinary actions, in order of progressive severity, will be as follows

- A. **Verbal Warning:** A form of counseling or reprimand in which a supervisor discusses a violation of a rule, policy, procedure or a performance problem with a subordinate and issues a verbal warning against further violations. Supervisors must maintain a record of such actions.
- B. **Written Reprimand:** A warning notice through which a supervisor documents in writing problems with performance or behavior, the causes and effects of the problems, a plan of correction and the consequences of continued non-compliance. A meeting is held with the employee to discuss the counseling notice and to elicit commitment to improvement.
- C. **Probation:** When an employee's job performance becomes marginal or inadequate, or failure to honor the prescribed correction action plan, which is part of the written warning, an employee may be placed on probation for a minimum period of 7 days not to exceed 90 days. Upon recommendation, a Program Director, the Executive Director, shall effect such probation action and will notify the employee in writing. Such letter will describe:
 1. The specific reason (s) for the probation action,

2. The effective date and length of probation,
3. The corrective action which must be met for the satisfactory completion of the probation.

At the end of the probationary period, the supervisor will evaluate the employee and if the employee has met the requirements of the written corrective action plan. The employee will be informed in writing of the final action to be taken.

If it becomes apparent, at the end of the probationary period, that the employee has not met the requirements of the corrective action plan, the employee will be placed on suspension or terminated.

The employee will be informed of his/her rights to file a grievance under the Employee Grievance Procedures.

- D. **Suspension:** An action in which an employee is given a specific period of time off the job without pay. Suspension will be no less than 2 and not exceed a period of 60 calendar days at any one time. Employees suspended from work without pay will not accrue any benefits during the suspension. Upon recommendation, the Executive Director, shall effect the suspension of an employee and will notify the employee in writing. Such letter will describe.
1. The specific violation and/or events which warranted the suspension.
 2. Any previous counseling and/or disciplinary action for related violations
 3. Effective date and length of suspension.
 4. The employee's rights to file a grievance under the Agency's Grievance Procedures.
- E. **Demotion for Cause:** An action which an employee is demoted to a lower grade in response to a specific violation. A vacancy must exist in the job classification which the employee is demoted. In addition, the employee must be qualified in the job classification to which demoted. Any employee who is demoted, will have the salary reduced to the salary range to which he or she has been demoted. Upon recommendation, the Executive Director shall effect demotion of an employee and will notify the employee in writing. Such letter will describe.
1. The specific violation and/or events which warranted the demotion
 2. Any previous counseling and/or disciplinary action for related violations.
 3. Effective date of the demotion.
 4. The employee's rights to file a grievance under the Agency's Grievance Procedures

- F. **Termination:** An action in which employment is permanently terminated in response to a specific violation. Serious violations or misconduct may result in immediate termination without progressive discipline. the Executive Director, will effect the termination (discharge) or demotion of an employee and will notify the employee in writing via certified mail-return receipt requested, within five days of the termination action. Such letter will describe:
1. The specific violation and/or events which warranted the action.
 2. The effective date of the action.
 3. The employee's-rights to file a grievance under the Agency's Grievance Procedures.

III. **Violations warranting disciplinary action:** In order that all employees are disciplined fairly and equitably, the following, in order of progressive severity, will be considered violations warranting disciplinary action.

A. **Class One Violation:**

1. Failure to attend scheduled meetings.
2. Stopping work before time or leaving the premises during working hours without permission of the supervisor.
3. Inefficient or incompetent job performance.
4. Regularity of absenteeism, tardiness, extended meal or coffee breaks, established patterns indicating abuse of sick leave.
5. Failure to keep accurate time card or completing another employee's time card.
6. Repeated failure to be at the work station to work at starting time.
7. Creating or contributing to unsanitary conditions.
8. Neglect or mishandling of Agency equipment or supplies.
9. Waste or personal use of Agency supplies.
10. Failure to follow any other Agency policy, rule, regulation, or job requirement not specifically mentioned herein.
11. Failure to follow chain of command.
12. Misuse of agency's computer, electronic mail and/or internet.
13. Working unauthorized overtime

Penalties for Class One Violations:

- a. First Offense – Verbal Warning
- b. Second Offense – Written Reprimand
- c. Third Offense – Suspension without Pay
- d. Fourth Offense – Termination or Demotion

B. Class Two Violations:

1. Fighting of any type on Agency premises.
2. Attempting bodily injury to another.
3. Un-excused absence.
4. Sleeping on duty.
5. Disrespectful actions and/or attitudes towards supervisor or other employees.
6. Using obscene, abusive language or gestures towards supervisor or other employees.
7. Failure to perform required duties.
8. Transporting unauthorized passengers or cargo in Agency vehicles.
9. Conduct unbecoming to an employee of this Agency.
10. Failure to follow any other Agency policy, rule, regulation, or job requirement not specifically mentioned herein.
11. Personal use of Agency equipment.
12. Intimidation or interference with the rights or performance of another employee.
13. Violation of Agency policy with regard to the processing of contracts incident to the purchase of goods or equipment or the contracting of personnel services.
14. E-Mail that contains foul, inappropriate, or offensive messages such as racial, ethnic, sexual, or religious slurs are prohibited.

Penalties for Class Two Violations:

- a. First Offense – Written Reprimand
- b. Second Offense – Suspension without Pay
- c. Third Offense – Termination or Demotion

C. Class Three Violations:

1. Deliberately making or using falsified records, material requisitions, time cards, or other related documents.
2. Use or possession of intoxicating liquids or narcotics of any kind on Agency premises.
3. Reporting to work under the influence of alcohol or illegal narcotics.
4. Acts of insubordination.
5. Direct threats or physical violence against supervisors/clients/children.

6. Unauthorized disclosure of confidential information.
7. Conduct unbecoming to an employee that brings serious discredit to the Agency.
8. Gross neglect of duty.
9. Immoral conduct.
10. Possession of firearms or other illegal weapon on Agency property for personal benefit.
11. Willful destruction of Agency property.
12. Theft of Agency property.
13. Attempting to influence a board member to change Agency policy for personal benefit.
14. Unauthorized or misuse of Agency funds.
15. Participation or solicitation of bribery or kickbacks relating to Agency programs.
16. Participating in, advocating, inducing coercing, or encouraging others to participate in any strike, walkout, resignation, unauthorized absence, work stoppage, or any picket, boycott of, or interference with services, facilities or operations.

Penalties for Class Three Violations:

First Offense – Termination

- D. Appeals to disciplinary actions may be effected in accordance with the agency's Grievance Procedure. Verbal and written reprimands may not be appealed.

E. Termination of Head Start Personnel:

1. In the case of serious misconduct, in which the Head Start Program Director considers the employee a serious hazard to either participants, parents, staff or the program, or other conduct which appears to warrant immediate dismissal or removal from the work site, the employee should be informed that he/she is on suspension without pay pending investigation, effective immediately.
2. The appropriate Policy Council Committee members must be given confidential information by the Head Start Program Director about any employee's performance problems which have continued, or other violations of the Standards of Conduct, for a termination decision to be rendered. All Head Start terminations must be approved by the Policy Council in order for the termination to become final.

3. All discussions will take place in closed sessions to protect the confidentiality of the individual involved. **NOTHING** about an employee **should** be repeated outside the closed Policy Council session.
4. If the Head Start Policy Council disapproves the termination, the mediation plan will be utilized.
5. Once the decision has been made to terminate, the time sheet must be sent with the Supervisor's signature, with final on the last day worked, and forwarded to Payroll.

F. Hiring and firing criteria for Head Start Staff

1. As stated in the revised Head Start Performance Standards, 1304.50, Appendix A: Governance and Management responsibilities – to hire and fire Head Start Director of Grantee Agency – the Board has the general responsibility and the Head Start Policy Council must approve or disapprove.
2. As stated in the revised Head Start Performance Standards, 1304.50, Appendix A: Governance and Management Responsibilities - to hire and fire Head Start Staff of grantee agency, the Executive Director has the general responsibility, the Head Start Director has the operating responsibility, the Head Start Policy Council must approve or disapprove, and the Board may be consulted.
 - a. General Responsibility: The individual or group with legal and fiscal responsibilities guides and directs the carrying out of the function described through the person or group given operating responsibility.
 - b. Operating Responsibility: The individual or group that is directly responsible for carrying out or performing the function, consistent with the general guidance and direction of the individual or group holding general responsibility.
 - c. Must approve or disapprove: The individual or group (other than person or groups holding general and operating responsibility) must approve before the decision is finalized or action is taken. The individual or group must also have been consulted in the decision-making process prior to the point of seeking approval. If they do not approve the proposal cannot be adopted, or the proposed action taken, until agreement is reached between the disagreeing groups or individuals.

- d. **May be Consulted:** The individual or group may be called upon for information, advice or recommendation by those individuals or groups having general responsibility or operating responsibility.
 - 3. The Executive Director or his/her designated staff has full authority to place on probation or suspend Head Start Staff without approval of Head Start Policy Council.
 - 4. The Executive Director has full authority to suspend or place on probation the Head Start Director without approval of Head Start Policy Council.
- G. **Criminal Charges:** If an employee is formally charged with a felony, he/she will be suspended without pay pending final disposition. If an employee is formally charged with a misdemeanor other than a minor traffic violation, he/she may be suspended (depending on the gravity of the pending charge in relation to his/her position and the impact of such charges on program operations) without pay pending final disposition. If an employee is found guilty of a felony, he/she will be terminated and shall not be paid for the period of suspension. If an employee is found guilty of a misdemeanor, he/she may be terminated; however, if reinstated, he/she shall not be paid for the period of suspension. If an employee is acquitted of all charges against him/her, he/she shall be reinstated and receive such back pay as was denied by virtue of suspension.

EMPLOYEE GRIEVANCE PROCEDURE

IV. POLICY:

Agency policies and procedures shall be uniformly interpreted, applied and enforced. All employees will be treated fairly and in accordance with established policies and procedures. When an employee feels that he/she has been subjected to unfair treatment in violation of Agency policies, that employee shall have the right to participate in a grievance procedure. A grievance is defined as a dispute relating to the application or interpretation of Agency policies and/or procedures. In computing the number of days in the grieving procedure, Saturday, Sundays and Holidays shall be excluded.

V. EXCLUSIONS:

These procedures do not apply to discrimination complaints involving race, color, creed, sex, national origin, age, political affiliation beliefs, or handicap. Procedures to file discrimination complaints are contained in the Agency Affirmative Action Plan.

Also, excluded from this policy are complaints concerning:

- A. wages and salaries;
- B. performance-related dismissals during the initial probation period of employment;
- C. agency policy and rules; and
- D. Falsification of application (or resume) for employment and other employment related documents.

VI. PROCEDURES:

A. Step One:

An employee with a grievance must present it in writing to his or her direct supervisor. The statement of the grievance must set out the events complained about and the requested remedy, must specify the policy and/or procedure which are alleged to have been violated, and must be signed by the employee. The grievance must be filed within five days after the event on which the grievance is based.

B. Step Two:

If the employees direct supervisor does not settle the grievance to the satisfaction of the employee within three days after it is presented to him, the employee may appeal the grievance in writing to his/her Program/Project Director. This second step must be taken within ten days after the events on which the grievance is based. The Program/Project Director shall have five days after the grievance is received to give an answer. If a written answer is not given within a five-day period, the grievance shall be deemed to be denied

- C. Step Three:
If the Program/Project Director does not settle the grievance to the satisfaction of the employee within the stated five day period, the employee may appeal the decision by written notice to the Executive Director. The third step must be mailed certified, return receipt requested, within twenty days after the events on which grievance is based.
- D. Grievance Review Board - The Grievance Review Board will be convened by the Executive Director. This review board shall be composed of the following members:
1. Administrative Assistant serves as permanent chairman.
 2. Two supervisory employees appointed by the Executive Director to serve as members on the review board.
 3. When the grievance is filed by a Head Start employee, one of the two members selected will be a representative of the Policy Council.
 4. Grievance Review Board members shall not serve in a review capacity in grievances concerning employees under their supervision. In the event that a grievance is filed by an employee under a review board members supervision the Executive Director shall appoint a replacement for that hearing.
- E. An employee desiring to appeal an action has the following rights:
1. To review all pertinent documents to assist him/her with the appeal action and the right to review by the employee's representative.
 2. To be represented by a person of his/her choice.
 3. To present witnesses in his/her choice.
- F. The Grievance Review Board shall meet within ten days of receipt of the notice of appeal by the aggrieved employee. The Board shall review grievances, receive testimony and evidence of the parties, and provide a report of its findings and recommendations to the Executive Director. The review board may uphold the original action, recommend modification of the decision of the program/project director, or recommend that no action be taken.
- G. The recommendations of the review board are subject to the final decision of the Executive Director.
- H. Employees who wish to appeal disciplinary action administered by a Program / Project Director shall utilize the grievance procedure beginning with Step Three (i.e., notice of appeal should be filed directly to the Executive Director).

- I. Grievances originating from outside the Agency, i.e., the community, will be received by Program/Project Directors and action taken as stated in Step Three of the above procedures. Should the grievance be directed specifically against the Program/Project Director, the grievance will be received directly by the Executive Director.

- J. The Grievance Form will be used to process grievances within this Agency.

VOLUNTARY TERMINATIONS

I. **POLICY:**

It is the right of each employee to voluntarily terminate their employment with this Agency.

II. **PROCEDURES:**

- A. Unless extenuating circumstance exist and to resign in good standing, an employee should give the Agency at least fourteen calendar days prior notice. Letters of resignation should be addressed to the immediate supervisor with a copy sent to the Central Office.
- B. An employee planning to be a candidate for partisan public elective office must resign his/her position prior to announcement of his/her candidacy or commencement of substantial activities intended directly to promote said candidacy, whichever occurs first.
- C. If an employee submits a letter of resignation after he/she has been notified that they are being discharged for cause, the termination action will continue to be processed and the records of the Agency will officially show that the separation action was involuntary.
- D. Pay entitlement due an employee upon voluntary termination are contained in other chapters of this manual.

SERIOUS DISEASE - CAREER OPPORTUNITIES

I. POLICY:

It is the policy of the agency that employees with infections, long-term, life-threatening, or other serious diseases may work as long as they are physically and mentally able to perform the duties of their job without undue risk to their own health or that of other employees. Such serious diseases may include, but are not limited to cancer, heart disease, multiple sclerosis, hepatitis, tuberculosis, and acquired immune deficiency syndrome (“AIDS”).

II. COMMENT:

- A. The agency will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases.
- B. Employees afflicted with a serious disease are to be treated the same as any other employee. In addition, if the serious disease affects their ability to perform their assigned duties, such employees are to be treated like other employees who have disabilities that limit their job performance.
- C. Employees who are diagnosed as having a serious disease are to inform their supervisor or the Executive Director of their condition as soon as possible. The supervisor and Executive Director should respond with compassion and understanding, and review with the employee agency policy on such issues as employee assistance, leaves and disability, infection control, any accommodation the employee may request and the agency’s response to that request, the agency’s continuing expectations regarding the employee’s performance and attendance, and available benefits.
- D. Employee who has a serious disease are to provide the Executive Director with any pertinent medical records needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. The agency may require a doctor’s certification of an employee’s ability to perform his/her duties safely.
- E. The agency will attempt to maintain the confidentiality of the diagnosis and medical records of employees with serious diseases, unless required otherwise by law. Information relating to an employee’s serious disease will not be disclosed to other employees unless the information is, in the opinion of the agency, necessary to protect the health or safety of the employees, co-workers or others.
- F. The agency will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials. Universal precautions will be implemented to limit the spread of diseases in the work place.
- G. Employees concerned about being infected with serious disease by a co-worker, client or other person should convey this concern to their supervisor or the Executive Director. Employees who refuse to work with or perform services for a person known or suspected to have a serious disease, without first discussing

their concern with a supervisor, will be subject to discipline, up to and including termination. Where there is little or no evidence of risk or infection to the concerned employee, the employee may be assigned to work with or perform services for any other employee as required by the agency.

AGENCY POLICY AND PROCEDURES

APPLICANT APPEALS PROCEDURES

I. POLICY:

- A. INCA will maintain an applicant appeals procedure which will be used to determine applicant eligibility for any services and resources available under programs funded by Oklahoma Department of Commerce/Division of Community Affairs and Development ODOC/OCAD.
- B. A notice of the right to appeal shall appear on all application forms used to determine applicant eligibility for any services and/or resources provided with funds received from ODOC/OCAD.
- C. The appeals procedure guarantees that each person seeking services from INCA shall have the right to:
 - 1. File a formal application for services/resources upon request;
 - 2. A private and confidential interview pertaining to his or her case; and
 - 3. Not being denied assistance on the basis of race, color, gender, creed, religion, age, political preference or physical affliction.
 - 4. Receive a timely approval or disapproval of the application; and
 - 5. Receive written notification of appeal and appeal procedures.
- D. The appeals procedure also guarantees that each appellant shall receive written notification of appeal and appeal procedures including notices that:
 - 1. All aggrieved parties shall be afforded a reasonable opportunity for a fair hearing;
 - 2. The applicant or the representative of the applicant shall have access to records relevant to the appeals process; and
 - 3. The applicant shall have the right to a timely determination and prompt notice of hearing decisions.

II. PROCEDURE:

- A. An applicant who has been denied services or resources for a program funded by the ODOC/OCAD may submit a written appeal to the Executive Director and a request for hearing if desired. This must occur within 30 days of the denial.
- B. INCA's Executive Director or his designee must hold the hearing, if requested, and submit his/her decision in writing to the applicant within ten days of the request.
- C. If the applicant has still been denied access by the Executive Director or his designee, the applicant may then appeal that decision by submitting a written appeal to ODOC/OCAD. In that case, INCA and the applicant shall provide ODOC/OCAD with all relevant documentation.

III. FORMS:

A. Applicant Appeals Form

IMPASSE PROCEDURE

Policy:

The impasse procedure is designed to assist the Board of Directors and the policy council to find resolution in a conflict dispute.

Procedure:

The Executive Director shall oversee and provide guidance in the implementation of the Conflict/Dispute Resolution process. He/She may request the assistance of the chairperson of both the Board of Directors and the Policy Council as deemed necessary.

Time-lines: The Executive Director in the appropriate situation as described above will determine the time-line and any subsequent adjustments of time periods for resolution of the conflict/dispute allowing for the following:

The best interest of the organization to ensure uninterrupted services to children and families and avoid disruption of the program activities as well as the mental health of the organization personnel.

Reasonable time to reach a resolution is within a ninety (90) day period or less.

Both the Board of Directors and Policy Council with the majority vote of its membership, can call for the implementation of the Conflict/Dispute Resolution Procedure. Both bodies must participate once a call for this implementation has been initiated.

Once the formal resolution procedure is initiated, all involved are expected to:
Attempt to resolve the problem at the earliest stage, not to exceed 90 days;

All discussion should be targeted to the specific concern(s); and

All parties should be responsive to the health, safety and welfare of consumers and programs as a primary concern during the entire resolution process.

The Executive Director or designee shall be present at all proceedings.

In the event a resolution is not achieved, an independent certified mediator will be utilized from an organization such as Early Settlement Services. In mediation, an outside person will facilitate a hearing between the parties and assist both in understanding each other and in reaching an agreement. When the agreement is reached for resolving the dispute, both parties will sign a document to the effect and the decision of the mediator will be final.

Records - A record of all proceedings and action of both bodies and the Executive Director.

GRIEVANCE PROCEDURE - APPLICANT

I. POLICY:

Agency policies and procedures shall be uniformly interpreted, applied and enforced. Everyone will be treated fairly, equally and in accordance with established policies and procedures. When an individual feels that he/she has been subjected to unfair treatment in violation of Agency policies, that individual shall have the right to participate in a grievance procedure. A grievance is defined as a dispute relating to the application or interpretation of Agency policies and/or procedures. In computing the number of days in the grieving procedure, Saturday, Sundays and Holidays shall be excluded.

II. EXCLUSIONS:

These procedures do not apply to discrimination complaints involving race, color, creed, sex, national origin, age, political affiliation beliefs, or handicap. Procedures to file discrimination complaints are contained in the Agency Affirmative Action Plan.

II. PROCEDURES:

A. Step One:

An individual with a grievance must present it in writing to direct supervisor over area in which grievance occurs. The statement of the grievance must set out the events complained about and the requested remedy, must specify the policy and/or procedure which are alleged to have been violated, and must be signed by the individual. The grievance must be filed within five days after the event on which the grievance is based.

B. Step Two:

If the direct supervisor does not settle the grievance to the satisfaction of the individual within three days after it is presented to him, the individual may appeal the grievance in writing to his/her Program/Project Director. This second step must be taken within ten days after the events on which the grievance is based. The Program/Project Director shall have five days after the grievance is received to give an answer. If a written answer is not given within a five-day period, the grievance shall be deemed to be denied

C. Step Three:

If the Program/Project Director does not settle the grievance to the satisfaction of the individual within the stated five day period, the employee may appeal the decision by written notice to the Executive Director. The third step must be mailed certified, return receipt requested, within twenty days after the events on which grievance is based.

D. Grievance Review Board - The Grievance Review Board will be convened by the Executive Director. This review board shall be composed of the following members:

1. Administrative Assistant serves as permanent chairman.
2. Two supervisory employees appointed by the Executive Director to serve as members on the review board.
3. When the grievance is filed by a Head Start employee, one of the two members selected will be a representative of the Policy Council.
4. Grievance Review Board members shall not serve in a review capacity in grievances concerning employees under their supervision. In the event that a grievance is filed by an employee under a review board members supervision the Executive Director shall appoint a replacement for that hearing.

E. An individual desiring to appeal an action has the following rights:

1. To review all pertinent documents to assist him/her with the appeal action.
2. To be represented by a person of his/her choice.
3. To present witnesses in his/her choice.

F. The Grievance Review Board shall meet within ten days of receipt of the notice of appeal by the aggrieved individual. The Grievance Review Board shall review grievances, receive testimony and evidence of the parties, and provide a report of its findings and recommendations to the Executive Director. The review board may uphold the original action, recommend modification of the decision of the program/project director, or recommend that no action be taken.

G. The recommendations of the review board are subject to the final decision of the Executive Director.

H. The Grievance Form will be used to process grievances.

INCA Community Services Employee Grievance Form

Employee's Full Name: _____

Job Title: _____ **Location:** _____

Date and Place Grievance Occurred: _____

STEP 1 - GRIEVANCE

The issues are (use attachment if necessary):	
The facts supporting this are (use attachments if necessary):	
The relief I want is (use attachment if necessary):	
Date:	Employee's Signature:
An employee with a grievance must present it in writing to his or her direct supervisor. The statement of the grievance must set out the events complained about and the requested remedy, must specify the policy and/or procedure which are alleged to have been violated, and must be signed by the employee. The grievance must be filed within five days after the event on which the grievance is based.	

Date Received:

Response (Use attachments if necessary):

Date:

First Step Respondent's Signature:

**Second Resolution Step
Program Director**

If the employees direct supervisor does not settle the grievance to the satisfaction of the employee within three days after it is presented to him, the employee may appeal the grievance in writing to his/her Program/Project Director. This second step must be taken within ten days after the events on which the grievance is based. The Program/Project Director shall have five days after the grievance is received to give an answer. If a written answer is not given within a five-day period, the grievance shall be deemed to be denied.

Date Response Received: _____

I wish to advance my grievance to the second step.

Employee's comments (optional - use attachments if necessary)

Date:

Employee's Signature:

Date Received:

Date of Meeting:

Response (use attachments if necessary)	
Date:	Second Step Respondent's Signature:

**Third Resolutions Step
Grievance Review Board/Agency Executive Director**

If the Program/Project Director does not settle the grievance to the satisfaction of the employee within the stated five day period, the employee may appeal the decision by written notice to the Executive Director. The third step must be mailed certified, return receipt requested, within twenty days after the events on which grievance is based.

Date Response Received: _____

I wish to appeal.

Employee's comments (optional - use attachments if necessary)	
Date:	Employee's Signature:

Grievance Board

The Grievance Review Board shall meet within ten days of receipt of the notice of appeal by the aggrieved employee. The Board shall review grievances, receive testimony and evidence of the parties, and provide a report of its findings and recommendations to the Executive Director. The review board may uphold the original action, recommend modification of the decision of the program/project director, or recommend that no action be taken.

Date of Review Board Meeting:	
Recommendation: (use attachment if necessary)	
Date:	Review Board Signature:

Executive Director

The recommendations of the review board are subject to the final decision of the Executive Director.

Executive Director's Final Decision:	
Date:	Executive Director's Signature:

Full Grievance Policy available in INCA Community Services Personnel & Agency Policies and Procedures Manual. Manual available on INCA's website www.incacaa.org

COMMUNITY COMPLAINT POLICY

Policy:

This policy describes how community members and/or program participants may present complaints about an agency program or staff member. It is the policy of the agency to resolve all complaints made by community members in a timely and effective manner and, as far as is practical, to the satisfaction of the complainant. This procedure is a problem-solving mechanism in which every attempt is made to resolve issues at the lowest level of authority, with the least possible amount of program disturbance. For staff grievances, staff members are referred to the employee grievance policy.

Informal Resolution of Complaints:

1. Complaints about local program issues should be submitted first to the relevant staff person at the local center or office. Most complaints can be resolved by informal discussion between the complainant and the staff member or the local supervisor or other management staff in that location.
2. Before a formal complaint can be filed, direct discussion must take place between the person(s) involved in the complaint. More than one attempt to resolve the problem or conflict must be taken by the parties involved. The date(s) and time(s) of the informal discussion shall be noted.
3. Failing resolution at that level, the person with the complaint must attempt to resolve problems or concern at the local supervisor level. More than one meeting must occur prior to the issue becoming a formal complaint.

Formal Complaints:

1. Any community member may use the formal complaint procedure after informal discussion process fails.
2. Formal complaints pertaining to staff or the program shall go immediately to the program director. Complaints relating to the program director shall go immediately to the executive director and complaints relating to the executive director will be taken to the Board of Directors.
3. There will be no retaliation against a complainant for using the complaint procedure. Such alleged action shall constitute the grounds for a separate complaint.

Procedure:

The following procedures apply to processing a complaint which is not resolved locally.

1. Responsibility of person filing complaint
 - a. The person filing the complaint will put their complaint in writing using the agency's Community Complaint Form. Must have the complaining party's original, handwritten signature.
 - b. The complaint must include information on how to contact the person making the complaint.
 - c. The complaint must be specific and describe conditions or circumstances of their concern.
 - d. No anonymous complaints will be accepted or considered.
 - e. The complaint should be sent to the agency's administrative assistance located at the central office in Tishomingo who will see that the appropriate official receives the complaint. The names and addresses for any of the above officials can be obtained by calling any of the local offices or at our website www.incacaa.org.
 - f. Complaint Resolution Hierarchy
 - i. Originator
 - ii. Supervisor, manager or coordinator/designee
 - iii. Program Director
 - iv. Grievance Review Board
 - v. Executive Director
 - vi. Board of Directors
2. Responsibility of the Official Receiving the Complaint
 - a. The official will conduct a thorough investigation of the complaint which may include a meeting with the complainant. The content of all meetings will be kept confidential. They will then respond in writing to the complainant. This response should be in a timely manner and clearly state either:
 - i. That the official denies the validity of the complaint, or;
 - ii. That a plan for corrective action has been designed and will be fully implemented in a prompt manner.
3. Right to Appeal Decision
 - a. If a complaint is denied, the complainant will be advised that they have a right to a further hearing of their complaint if they are not satisfied with the response.
 - b. Appeal Process

- c. The complainant may appeal the decision by written notice to the Executive Director. The appeal must be mailed certified, return receipt requested, within ten days of receiving response.
- d. Complaint Hearing - The Grievance Review Board will be convened by the Executive Director. This review board shall be composed of the following members:
 - i. Administrative Assistant serves as permanent chairman.
 - ii. Two supervisory employees appointed by the Executive Director to serve as members on the review board.
 - iii. When the grievance is filed by a Head Start employee, one of the two members selected will be a representative of the Policy Council.
 - iv. Grievance Review Board members shall not serve in a review capacity in grievances concerning employees under their supervision. In the event that a grievance is filed by an employee under some review board members supervision the Executive Director shall appoint a replacement for that hearing.
- e. An individual desiring to appeal an action has the following rights:
 - i. To review all pertinent documents to assist him/her with the appeal action.
 - ii. To provide supporting information
 - iii. To be represented by a person of his/her choice.
 - iv. To present witnesses in his/her choice.
- f. The Grievance Review Board shall meet within a timely manner of receipt of the notice of appeal by the complainant. The Grievance Review Board shall review grievances, receive testimony and evidence of the parties, and provide a report of its findings and recommendations to the Executive Director. The review board may uphold the original action, recommend modification of the decision of the program/project director, or recommend that no action be taken.
- g. The recommendations of the review board are subject to the final decision of the Executive Director.
- h. Once the complaint has been taken through all levels, the complaint may not be returned to the lower level under any circumstances.

**INCA Community Services
Community Complaint Form**

Location: _____ **Program:** _____

Contact Information:

Your Name: _____ **Phone:** _____

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

What is the nature of your concern?

_____ (add additional sheet if needed)

Signature _____ **Date:** _____



Follow-Up and Conclusions

Date Received:

Official Title and Signature: _____ **Date:** _____

FORMS

Request/Approval of Outside Employment

In accordance with INCA Community Personnel Policies, I am requesting approval to work for _____ in addition to my employment with INCA.

I understand that by taking this outside employment it **can not**:

- a) Interfere with the efficient performance of my duties for INCA Community Services, including my availability for regular or assigned meetings which take place outside the regular work schedule.
- b) Involve a conflict of interest or conflict with my duties with INCA Community Services, Inc.
- c) Occur during my regular or assigned working hours unless I take annual leave or leave without pay.

Signature of Employee

Date

Approved by:

Supervisor

Date

Approved by:

Program Director

Date

Approved by:

Executive Director

Date

