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## **CHAPTER I:** **EMPLOYEE ORIENTATION**

### **INTRODUCTION:**

We welcome you as an employee of **Economic Security Corporation of Southwest Area**. The part you will play as an employee is an important one, as we can only be as strong as the individual members of our team. We know that during the first few days of employment you will have questions regarding the agency and our policies. This manual will answer some of those questions and explain some of the working conditions and benefits of ESC. This manual will also serve as a resource for those questions that you may have now and in the future.

This manual is designed to communicate the policies and procedures of Economic Security Corporation to all employees. It explains the advantages, benefits, and rules for employees. We could not possibly cover everything in this manual, so please consult the Human Resources Department, who will provide additional information, if necessary.

**Unless otherwise provided by an applicable collective bargaining agreement, you are employed by ESC on an “at-will” basis. Accordingly, you are free to resign at any time, for any reason or no reason at all, with or without cause. Similarly, ESC may terminate the employment relationship at will, at any time, for any reason or no reason at all, with or without cause or notice, so long as there is no violation of any applicable federal or state law or contract.**

**Policies set forth in this handbook are not intended to create an employment contract or any other type of contract, nor are they to be construed to constitute contractual obligations of any kind. The provisions of the handbook may be amended or cancelled at any time, at the agency’s sole discretion, with or without notice.**

### **PURPOSE:**

The purpose of this manual is to establish a clear outline of the personnel policies and procedures of **ECONOMIC SECURITY CORPORATION OF SOUTHWEST AREA**, hereinafter referred to as “ESC”. It is also intended to ensure that qualified personnel pursue high standards of conduct to constitute the best public service. The rules shall be applied in accordance with this general purpose. It is also the purpose of these rules to establish a policy and framework for a system of efficient and effective personnel administration based upon principles of fair employment. The Chief Executive Officer has the sole authority to enter into oral or written contracts with employees.

The development of these Personnel Policies and Procedures will enable ESC to function in an orderly and consistent manner and protect the rights of all employees. These policies and procedures are designed to ensure decency and dignity in working conditions for all employees. The manual provides an overall framework within which all employees can function with adequate protection and fringe benefits, which provide the organizational ingredients necessary for creating and maintaining a viable organization.

This policy supersedes all previous editions of ESC's personnel policy manual.

**PERSONNEL ADMINISTRATION RESPONSIBILITY:**

The Board of Directors, as the governing body of ESC, has ultimate responsibility in providing for the employment of staff through the adoption of personnel policies. These personnel policies shall be the guide for ESC in all personnel matters, and may be amended only by approval of the Board of Directors.

The Chief Executive Officer is hired by the Board and is accountable to the Board of Directors. The CEO is responsible for day-to-day personnel administration and policy implementation.

Employees will not directly contact individual Board members in regard to agency business.

**DISSEMINATION OF PERSONNEL POLICIES:**

Dissemination of the personnel policies manual shall be the responsibility of Human Resources and/or the respective division directors. Each employee shall receive and review this manual and sign an acknowledgement indicating that he/she has read and understands its contents. Additions or amendments made at any time will be provided to all employees. It is the responsibility of ESC employees to maintain an up-to-date personnel policy manual.

**CONFLICT OF EMPLOYMENT:**

Outside employment may be allowed when (1) such employment does not constitute a conflict of interest, and (2) such employment does not interfere with efficient performance at ESC, as determined by the Chief Executive Officer. The employee must report outside employment to his/her supervisor and the Chief Executive Officer in order to provide assurances that said outside employment does not interfere with the employee's job duties. The Chief Executive Officer will make the determination of whether any outside employment is a conflict of interest or conflicts with the duties and responsibilities of the employee's job.

**SMOKING POLICY:**

ESC facilities are smoke-free and smoking is not permitted inside ESC's facilities and vehicles at any time. Employees and visitors are required to smoke in designated smoking areas during their established break periods. ESC reserves the right to completely prohibit smoking on agency property when a suitable smoking area cannot be identified.

**DRESS CODE:**

1. All clothing worn to work must be clean, free of rips and holes and in good condition.
2. Keeping safety in mind, employees must wear shoes that are appropriate to their job assignment.
3. Jewelry must be such that the length, shape and texture would not cause safety hazards for employees or children in the day-to-day operation of work duties. Facial jewelry, such as eyebrow rings, nose rings, lip rings and tongue studs, is not professionally appropriate and must not be worn at work.
4. ESC expects its employees to use good judgment concerning the placement of tattoos on their persons. Tattoos that a reasonable person would find to be offensive, suggestive, or lewd must be covered at all times while the employee is on duty. ESC will be the sole judge of whether a tattoo is offensive, suggestive, or lewd. Supervisors are responsible for insuring that employees adhere to this policy.

- Employees found to be in violation will be sent home to change into clothing that will cover the inappropriate markings.
5. Jeans may be worn every day. Monday through Thursday jeans must be worn with an agency collared shirt. T-shirts and sweatshirts can be worn only on Fridays. Maintenance and Weatherization personnel may wear jeans and t-shirts or sweatshirts Monday through Friday. Tennis shoes may be worn only when the employee is wearing jeans, unless approved by the supervisor.
  6. The following items must not be worn to work: Overalls, sweat pants, wind suits (nylon), tank tops, tube tops, low-rider jeans or pants, midriff blouses or shirts (midriff area must be covered), leggings worn as pants, spaghetti straps/backless tops or dresses.
  7. Shorts may be worn by Head Start, Early Head Start and Weatherization employees from June through Labor Day. Shorts may be no shorter than four inches above the knee.
  8. Supervisors may temporarily waive the above guidelines if the assigned work for the day requires modification of appropriate professional dress.
  9. Supervisors have a range of options to choose from when faced with dress that is not consistent with these policies. These options may include discussing the dress code with the employee, sending the employee home to change, and/or other appropriate disciplinary actions. Supervisors will evaluate each situation and decide accordingly. Supervisors' decisions will be final.

These are minimum guidelines; please feel free to dress in a more formal manner at anytime. No set guidelines can address all issues. It is the supervisor who is responsible for ensuring their employees wear acceptable clothing under the guidelines for this policy.

**PERSONAL PROPERTY:**

ESC is NOT responsible for any personal property an employee may bring into an agency facility or onto agency property. All personal items must be secured each work day to minimize loss.

**PROFESSIONAL CONDUCT:**

An ESC employee's public demeanor shall be such as to bring credit to the corporation. All employees are expected to perform their duties in a courteous and professional manner when dealing with clients and co-workers. Excessive time spent handling personal business may subject employee to disciplinary action.

**CONFIDENTIALITY**

Confidentiality is an expectation of all clients of ESC on all matters. The main key is where the information came from. If the client tells you something in confidence, you may not tell any other person or agency – even if you feel they should know. This includes information that is available in public records, if you actually got the information from the client. The exceptions to this general rule are noted under exceptions below. It is not an exception to discuss the information without identifying the client. The information may be unique and a third party might infer the identity of a person the information fits. Requests by a participant to see their file will be directed to the employee's supervisor.

It is necessary for agency personnel who interview clients to get the client's permission to share the information, as necessary, with other personnel or agencies that need to have the information in order to provide services to the client. This does not, however, include discussion of the information with clerical personnel, or others who do not need it to provide professional service – even though such personnel may have access to such information in the performance of their duties. It is a breach of confidentiality to discuss information with other personnel working with the client unless the “need to know” exists. You may, however, share information within any agency department as necessary to perform your work. This includes sharing of the information with student workers as long as they are aware of the rules of confidentiality.

Absolute confidence is a legal matter. If a client asks for absolute confidence, then the information should not be entered into the record and cannot be shared with anyone else.

Exceptions:

1. In most cases you are required to report to proper authorities when the client threatens, or is likely to commit, a serious criminal act.
2. You usually may report if a client's physical or emotional problem would cause harm to the client or others.
3. Self-defense is normally allowed. (Example: The client sues you, then you may divulge to protect yourself.)
4. You are required to report the following:
  - a. A minor commits a crime.
  - b. A minor is used by adult(s) as an accessory to a crime.
  - c. A minor is abused by adult(s).

Your first allegiance is to the client unless the law requires divulgence. If in doubt, seek a legal opinion.

**PARTISAN POLITICAL ACTIVITY:**

Employees may not participate in partisan political activities in their official capacity as ESC employees. No employee shall be required, as a condition of employment, to work for or to make contributions to, any political candidate or party. Agency resources may not be utilized to facilitate a partisan election. Employees may hold nonpartisan office at the local, state, or national level. An employee who wants to be a partisan candidate for elected political office must resign his/her ESC position. ESC employees cannot e-mail, call or write a letter to a state or federal legislator on company time or using company equipment.

Employees may not participate, in connection with performance of their duties, in any form of picketing, protest, or other direct action that is in violation of the law.

**STANDARDS OF FISCAL CONDUCT**

ESC has a responsibility to ensure that funds entrusted to the Agency's care are managed efficiently, distributed fairly and protected from fraud, abuse and other forms of inappropriate use. The Standards of Fiscal Conduct sets expectations and provides guidance for representatives of the agency in carrying out their assigned duties. All new employees of the agency are given a copy of this standard and are required to sign acknowledgement of the receipt of the policy.

**USE OF EMPLOYEE VEHICLE:**

Employees who operate ESC's vehicles or use their private vehicles for agency business must provide proof of a valid driver's license and maintain liability insurance on their private vehicle. These employees will be required to furnish to Human Resources a copy of their current driver's license and liability insurance. If the proof stated above is not provided in a timely fashion, an employee will be placed on suspension without pay until valid proof is received.

## **CHAPTER II** **EMPLOYMENT POLICIES**

### **EQUAL OPPORTUNITY POLICY:**

This agency's policy is to ensure equal employment opportunities for all, without regard to race, color, religion, sex, national origin, age, disability, veteran status, or any other non-job related characteristic. The purpose of this policy is to ensure consistent, equal employment and practices in delivery of services, financial and other benefits designed to best utilize human resources of ESC in achievement of its goals and objectives.

### **ANTI-DISCRIMINATION AND HARASSMENT POLICY:**

Economic Security Corporation is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. ESC expects the agency will be free of bias, prejudice and harassment.

It is the policy of ESC to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, age, disability, marital status, citizenship or any other characteristic protected by law. ESC prohibits any such discrimination or harassment.

This agency encourages reporting all perceived incidents of discrimination or harassment. It is the policy of ESC to investigate such reports.

### **Definitions of Harassment**

Sexual Harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship, or any other characteristic protected by law and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassment is unlawful and could expose not only Economic Security Corporation, but also individuals involved in such conduct, to significant liability under the law. Accordingly, ESC is committed to enforcing its Non-Discrimination and Harassment Policy, and has established procedures for receiving and investigating discrimination and harassment complaints and a schedule of penalties for violating this policy.

## **Statement of Prohibited Conduct**

This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to Economic Security (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

The following conduct represents some of the actions that violate Economic Security Corporation's Non-Discrimination and Harassment Policy. This list is not exhaustive.

1. Sexual assaults, including rape, sodomy, molestation, or attempts to commit these assaults.
2. Unwelcome sexual contact, such as:
  - a. Touching the private portions of an employee's body, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire; or
  - b. Intentional physical contact such as pinching, patting, grabbing, touching, brushing against, or poking another employee's body in a manner reasonably regarded as offensive, proactive or otherwise sexual in nature.
3. Unwanted sexual advances, propositions, or other unwelcome sexual comments, such as:
  - a. Sexually oriented gestures, noises, remarks, jokes, or comments directed at or made in the presence of any employee who indicates or has indicated that such conduct in his or her presence is unwelcome.
  - b. Preferential treatment or promises of preferential treatment to any employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; or
  - c. Subjecting, or threats of subjecting, any employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex, or in an effort to engage in sexual activity with that employee.
4. Obscene, pornographic, or sexually inappropriate displays or publications anywhere in the workplace by employees; such as:
  - a. Displaying or otherwise publicizing pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are obscene, pornographic, or otherwise sexually inappropriate in the workplace or bringing into the ESC work environment or possessing any such material to read, display or view at work.
  - b. Displaying signs or other material purporting to segregate an employee by sex in an area of the workplace (other than restrooms, locker/changing rooms, and comparable areas).

## **Penalties for Misconduct**

The following penalties apply to all violations of Economic Security Corporation Non-Discrimination and Harassment Policy, as explained in more detail in the Statement of Prohibited Conduct above. Where progressive discipline is provided for, each violation of the Policy moves the offending employee through the steps of disciplinary action. In other words, it is not necessary for an employee to repeat the same precise conduct in order to move up the scale of discipline.

A written record of any discrimination or harassment complaint will be placed in the personnel files of the accusing and accused employees, reflecting the conduct or complaint alleged, the findings of the agency upon investigation, and any warning given or other discipline imposed.

1. Sexual Assault:  
Any employee's first proven offense of actual, attempted, or threatened sexual assault will result in termination.
2. Other Acts of Harassment:  
Depending on the nature and severity of the misconduct, the parties involved, and other relevant factors and circumstances, acts of sexual harassment other than sexual assault will result in:
  - a. Non-disciplinary conference upon alleged first offense;
  - b. Written warning, suspension without pay, or termination upon the first proven offense; and
  - c. Termination upon the second proven offense.

## **Reporting an Incident of Harassment, Discrimination or Retaliation**

ESC expects and encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they may have been the victims of such conduct should discuss their concerns with the person named in the Complaint Procedure described below.

Economic Security encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Be specific about what you feel is offensive and how it has affected you. Often this action alone will resolve the problem. However, if you feel uncomfortable with this approach, report the situation immediately under the procedure below.

## **Complaint Procedure**

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should immediately notify the Human Resource Director, Becky Hopper, at the Central Office, 302 S. Joplin, Joplin, MO, or by calling 417-781-0352. Employees who believe they cannot discuss the matter with the Human Resource Director should contact the Deputy Director, Terry Grooms, at the same location. You will be expected to cooperate in any investigation, and you will be asked to clarify your complaints by providing a written statement.

- The Human Resource Director and/or Deputy Director will then report the complaint to the Personnel Practices Committee. The Personnel Practices Committee will consist of the Deputy Director, Human Resource Director, and Planning Director. If any of the committee members are involved in the complaints, the Chief Executive Officer will appoint a replacement.
- The Personnel Practices Committee will meet with the employee claiming harassment or discrimination to determine the full nature and extent of the problem.
- The Personnel Practices Committee will next meet with the allegedly offending employee. The purpose of this meeting will be to inform this employee of the concerns, and to give the employee an opportunity to comment.
- If the issue is with a vendor, consultant, or client, or an employee of the vendor or consultant, the Personnel Practices Committee will take appropriate action within the particular organization.
- After the fact-finding meetings, the Personnel Practices Committee will make decisions with the employee(s) regarding the course of action to be taken.

Economic Security Corporation encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Complaints that do not fall within the statutes of limitations prescribed by law will not be investigated.

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigation process to the extent consistent with adequate investigation and appropriate corrective action.

If a party to a complaint does not agree with its resolution, that party may appeal to ESC's Chief Executive Officer. If any party still does not agree with the resolution after review of the Chief Executive Officer, the party may appeal to ESC's Board of Directors. The decision of the Board of Directors will be final.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints, which, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

### **Retaliation**

Retaliation against an individual for reporting harassment or discrimination or for participating in any investigation of a claim of harassment or discrimination, like harassment or discrimination

itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

### **Conclusion**

Economic Security Corporation has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination, and retaliation. ESC will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should talk with the Human Resource Director or a member of the Personnel Practices Committee.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and the policies of ESC prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

### **DOT EMPLOYEES SUBSTANCE ABUSE POLICY:**

This policy applies to all employees who perform safety sensitive work and are subject to commercial driver's license requirements and the requirements of the Federal Motor Carrier Safety Administration ("FMCSA") as part of their work duties at Economic Security Corporation (ESC) (hereafter "DOT Employees").

All employees who operate commercial motor vehicles that require a commercial driver's license under 49 CFR Part 383 are subject to the FMCSA's drug and alcohol regulations in 49 CFR Part 382.

ESC will make a good faith effort to maintain a drug-free workplace. As part of this effort, ESC will conduct a substance abuse awareness program and a drug and alcohol testing program. Employees who violate this policy will be subject to disciplinary action.

ESC will conduct a drug and alcohol testing program for all DOT Employees.

Testing and disciplinary action will apply for the following alcohol products: beverage alcohol, ethyl alcohol, and isopropyl alcohol.

Testing and disciplinary actions will apply for the following drugs listed under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)): marijuana, cocaine, opiates, amphetamines, and phencyclidine.

DOT Employees should contact the Human Resources Director with questions about this policy.

### General Prohibition:

1. ESC prohibits the unlawful manufacture, distribution, dispensing, possession, testing positive, or use of a controlled substance while on duty and in all facilities and vehicles owned and operated by ESC. Should an employee be found to be using, selling, or manufacturing a controlled substance, ESC will take appropriate disciplinary action against that employee.
2. DOT Employees shall not use, have possession of, abuse, or have the presence of alcohol while on duty. FMCSA requires that DOT Employees shall not use alcohol within four (4) hours of performing a safety sensitive function, while performing a safety sensitive function, or immediately after performing a safety sensitive function.
3. FMCSA requires that DOT Employees shall not report for duty or remain on duty in safety sensitive functions while having an alcohol concentration of .04 or greater. Employees who test with an alcohol concentration of .02 or greater but less than .04 shall not perform safety sensitive functions until the start of the next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test.
4. FMCSA requires that DOT Employees shall not use alcohol for eight (8) hours following any accident if required to take a post-accident test (or until the test is taken, whichever comes first).
5. FMCSA prohibits use of any drug (except when administered by a license medical practitioner) testing positive for drugs, or refusing to take a required test.
6. Employees performing safety sensitive duties must notify ESC of any therapeutic drug use. Employees are not allowed to perform safety sensitive functions when using any drugs except when the drug use is under doctor's orders or the doctor has stated in writing that ability to perform the job will not be impaired.
7. Employees may not refuse to take a required drug or alcohol test.

### Disciplinary Action

1. Any positive test result for an illegal drug will result in the employee's termination.
2. Any positive alcohol test with a blood alcohol concentration of .04 or greater will result in disciplinary probation.
3. A positive alcohol test result of .04 or greater before, during, or after performing safety sensitive functions will result in disciplinary probation and are subject to the following requirements:
  - a. The employee must be evaluated by a Substance Abuse Professional (SAP).
  - b. The employee must comply with the SAP's treatment recommendations.
  - c. Any evaluation and/or treatment costs are the responsibility of the employee.
  - d. If the employee tests positive (.02 or greater) in a future drug or alcohol test during their ESC employment, they will be terminated.

4. Any positive alcohol test with a blood alcohol concentration of at least .02 but less than .04 will result in the employee being placed on disciplinary probation. Any second occurrence will result in the employee's required participation in an alcohol abuse program. Any third occurrence will result in the employee's termination.
5. Any employee convicted or pleading no contest to a drug offense must notify ESC in writing within five days.
6. An employee that refuses a drug or alcohol test, fails a random, reasonable suspicion, post-accident, return-to-duty, or follow-up alcohol test, or tested positive for a controlled substance will be subject to disciplinary actions.
7. Any DOT Employee who has failed an alcohol or drug test, or refused to test, will not be allowed to perform safety-sensitive functions until the referral, evaluation, and treatment requirements are met.

### Circumstances for Testing

1. Pre-Employment

All applicants for safety sensitive positions will be required to submit to and pass a drug test as a condition of employment. Testing shall follow the collection, chain-of-custody, and reporting procedures in 49 CFR Part 40.

Drug testing shall be conducted after the job offer, but before employment begins, with the offer contingent on test results. A negative result must be received prior to the first day of employment. Testing is required for transfers to safety sensitive positions.

2. Post-Accident testing

Employees shall notify their supervisor as soon as possible if involved in an accident.

All DOT Employees will be tested for drugs and alcohol after an accident in the following circumstances:

- a. The accident occurred where the employee was performing safety sensitive functions and the accident involved a fatality.
- b. The accident involved bodily injury with immediate medical treatment away from the scene and the employee received a citation within eight (8) hours after the occurrence (for alcohol testing) or receiving a citation within thirty-two (32) hours after the occurrence (for drug testing); or
- c. The accident involved disabling damage to any motor vehicle requiring tow away and the employee received a citation within eight (8) hours after the occurrence (for alcohol testing) or received a citation within thirty-two (32) hours after the occurrence (for drug testing).

If the employee is not readily available for alcohol and drug testing, he/she may be deemed as refusing to submit.

If the post-accident alcohol test is not administered within two (2) hours, the reasons for the delay will be noted and will remain on file. If the alcohol test is not administered within eight (8) hours, ESC will not test and will note and file the reason for the delay.

If the drug test is not administered within thirty-two (32) hours, ESC will not test and will note and file the reason for the delay.

3. Random Testing

ESC, through a consortium, will set a company-wide random selection process based on a scientifically valid method, prescribed by FMCSA regulations.

At least ten (10) percent of the consortium's average number of driver positions will be tested for alcohol each year. At least fifty (50) percent of the consortium's average number of driver positions will be tested for drugs each year.

Random drug testing will be spread reasonably throughout the calendar year. All random alcohol and drug tests will be unannounced with each employee having an equal chance of being tested each time selections are made. When employees are notified that they have been selected for drug or alcohol screening, they must report to the testing location as soon as possible. Failure to report within two hours will be considered a positive result.

4. Reasonable Suspicion Testing

A drug and/or alcohol test will be conducted when there is a reasonable suspicion to believe an employee has engaged in drug use or alcohol abuse. Only supervisors who have been trained to make reasonable suspicion determination will do so. Third party observations cannot be relied on. The determination must be based on specific, contemporaneous, articulable observations concerning appearance, behavior, speech, or body odor. Observations can include indications of chronic use and withdrawal effects.

Reasonable suspicion testing is authorized if the observations are made during, preceding, or after the employee is performing safety-sensitive functions (i.e. while on duty, just before work, or just after work). In the case of suspected drug or alcohol use, the employee must be taken immediately to a collection site for testing.

If an alcohol test is not administered within two (2) hours, reasons for the delay will be noted and will remain on file. If the alcohol test is not administered within eight (8) hours, ESC will not test, but will note and file the reasons for the delay.

For DOT Employees performing safety sensitive functions, if the employee tests .02 or greater, but less than .04, for alcohol, the employee shall be removed from all safety-sensitive functions, including driving a commercial vehicle, until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test.

The Supervisor will sign a written record of observations leading to a drug or alcohol test within twenty-four (24) hours of observed behavior or before the results of the test are released (whichever is earlier).

5. Return to Duty Testing

The requirements for return to duty testing will be performed in accordance with 49 CFR Part 40, Subpart O. These tests will be conducted when an employee who has tested positive (but who has not been terminated) returns to duty. Return to Duty Testing will be directed by a substance abuse profession (SAP).

After failing an alcohol test, a DOT Employee must undergo a return-to-duty test prior to performing a safety sensitive function. If an alcohol test was positive, the employee must test with an alcohol concentration of less than .02 before returning to work.

6. Referral and Follow-Up Testing

The requirements for follow-up testing must be performed in accordance with 49 CFR Part 40, Subpart O.

DOT Employees who test positive (but who have not been terminated) will be subject to follow-up testing, which shall be unannounced and preformed under direct observation. The number and frequency of such follow-up testing will be directed by a SAP and may be conducted for up to sixty (60) months.

The employee will be provided contact information for SAPs and must be evaluated by the SAP in order to return to duty. ESC is not required to pay for SAP treatment or services. The SAP will determine the need for and frequency of unannounced follow-up tests. ESC will conduct follow-up testing in accordance with the directions of the SAP.

7. Refusal to Submit

An employee may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substances test. An employee's refusal to submit to testing for alcohol or controlled substances will be considered a positive test result. Adulteration or tampering with a urine or breath sample is considered conduct that obstructs the testing process and is considered a refusal to test. An employee who refuses to submit to such tests may not perform or continue to perform safety sensitive functions and must be evaluated by a SAP as if the driver tests positive for drugs or failed an alcohol test.

Refusal to submit includes failing to provide adequate breath or urine samples for alcohol or drug test and any conduct that obstructs the testing process. This includes adulteration or substitution of a urine sample.

Recording Keeping and Testing Procedures

ESC will retain all records related to testing and the testing process in a secure and confidential manner. Employees shall be entitled to copies of their records upon request. Records will only be made available to subsequent employers when requested in writing by the employee. Records will be maintained as required by law in a secure location with controlled access. Records will be kept in the separate medical file of the employee.

Testing procedures will be performed in a private setting. Only authorized personnel will have access, and are the only individuals who can see or hear the test results.

For DOT Employees performing safety sensitive functions, alcohol testing procedures will be performed according to 409 CFR Part 30.

For DOT Employees performing safety sensitive functions, drug testing procedures will be conducted in accordance with 409 CFR Part 40. Drug testing custody and control forms will be used to document the chain of custody. Upon notification that any employee has a drug result of positive, adulterated, or substituted, the employee will be given the option of requesting a test of the split sample within 72 hours. If the driver has requested a split sample, the DOT employee will not be allowed to perform safety sensitive functions until the results of the split sample are obtained. If the employee does not request a split sample test or the split sample test confirms the initial positive, adulterated, or substituted test results, the driver will be subject to discipline. If the split sample testing disputed the initial test results or if the initial test results are designated invalid, the driver will be reinstated.

As required by FMCSA regulations, only a laboratory certified by the Department of Health and Human Services to perform urinalysis for the presence of controlled substances will be used. Positive urine specimens will be available for any necessary retest. All confirmed positive specimens will be retained for at least one (1) year in the original labeled specimen bottle.

The medical review officer shall comply with the requirements contained in 49 CFR Part 40. All laboratory results will be reported to the medical review officer (MRO) who is responsible for reviewing and interpreting all confirmed positive, adulterated, substituted or invalid drug test results. The MRO must give the employee an opportunity to discuss the results prior to making a determination. Once a determination is made, the MRO must notify the designated employer representative.

#### Driver Assistance:

A list of substance abuse professionals will be provided to all DOT Employees performing safety sensitive functions who fail an alcohol test.

Prior to returning to duty to ESC, an employee must be evaluated by a SAP and must complete the treatment recommended by the SAP. Successful completion of a return-to-duty test and all follow-up tests is mandatory. Both return-to-duty tests and follow-up tests must be conducted after direct observation.

DOT Employees performing safety sensitive functions will be allowed to return to safety sensitive duties upon successful completion of an education or treatment program, as determined by the SAP. DOT Employees must undergo a return-to-duty test with a result indicating an alcohol concentration of less than .02.

An employee who fails to complete an evaluation by the SAP, treatment recommended by the SAP, a return-to-duty test, or a follow-up test will be subject to discipline, up to and including termination.

No employee's job will be placed in jeopardy, nor will any employee be subject to disciplinary action, for voluntarily requesting help with substance abuse. A request for assistance will not excuse an employee from complying with the provisions of this policy. A request for assistance will not excuse an employee from a policy violation before testing occurs or while testing is in progress.

### **NON-DOT EMPLOYEES SUBSTANCE ABUSE POLICY**

This policy applies to all ESC employees, except those drivers/employees who perform safety sensitive work and are subject to commercial driver's license requirements. Drivers are subject to the separate DOT Employee Substance Abuse Policy.

ESC will make a good faith effort to maintain a drug-free work place. As part of this effort, ESC will conduct a substance abuse awareness program and a drug and alcohol testing program. Employees who violate this policy will be subject to disciplinary action.

ESC will conduct a drug and alcohol testing program for all Non-DOT Employees.

Testing and disciplinary actions will apply for the following alcohol products: beverage alcohol, ethyl alcohol, and isopropyl alcohol.

Testing and disciplinary actions will apply for the following drugs listed under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)): marijuana, cocaine, opiates, amphetamines, and phencyclidine.

#### **General Prohibition:**

1. The unlawful manufacture, distribution, dispensing, possession, testing positive or use of a controlled substance or alcohol is prohibited in all facilities and vehicles owned and operated by ESC. Should an employee be found to be using, selling, or manufacturing a controlled substance or alcohol, ESC will take appropriate disciplinary action against that employee.
2. Employees shall not report for duty or remain on duty while having an alcohol concentration of 0.02 or greater.
3. Employees shall not use, have possession of, be under the influence of, or have the presence of controlled substances or alcohol while on duty.
4. Employees may not refuse to take a required drug or alcohol test.

#### **Disciplinary Action**

1. Any positive test result for an illegal drug will result in the employee's termination.
2. Any positive alcohol test with a blood alcohol concentration of 0.04 or greater will result in disciplinary probation.

3. Any positive alcohol test with a blood alcohol concentration of at least 0.02 but less than 0.04 will result in the employee being placed on disciplinary probation. Any second occurrence will result in the employee's required participation in an alcohol abuse program. Any third occurrence will result in the employee's termination.
4. Any employee convicted or pleading no contest to a drug offense must notify the agency in writing within five days.

### Circumstances for Testing

#### 1. Post-Accident testing

Employees shall notify their supervisor as soon as possible if involved in an accident.

All employees will be tested for drugs and alcohol after an accident in the following circumstances:

- A. Performing safety sensitive functions and the accident involved a fatality;
- B. Receives a state or local citation for a moving traffic violation;
- C. Bodily injury with immediate medical treatment away from the scene and the employee received a citation;
- D. Receives medical treatment at a medical facility for a work-related injury;
- E. Disabling damage to any motor vehicle requiring tow away and the employee received a citation.

If the employee is not readily available for alcohol and drug testing, he/she may be deemed as refusing to submit.

If the post-accident alcohol test is not administered within two (2) hours, the reasons for the delay will be noted and will remain on file. If the alcohol test is not administered within 8 hours, ESC will not test and will note and file the reason for the delay.

If drug test is not administered within thirty-two (32) hours, ESC will not test and will note and file the reason for the delay.

#### 2. Periodic Testing

ESC will conduct a periodic testing program when directed or ordered by the Chief Executive Officer. Periodic testing will include drug and/or alcohol testing. Periodic testing may be ordered for all employees at any of ESC's locations or sites, or on a company wide basis.

The periodic testing will be conducted on a weekly or monthly basis, as directed by the Chief Executive Officer. No advance notice of the specific day when the testing will occur will be provided. Employees will be selected for periodic testing using a random selection procedure. The Chief Executive Officer will establish the percentage of employees who will be tested, and up to 20% of employees may be tested in any single periodic test. The periodic testing may continue at the designated weekly or monthly

intervals for a period of time as ordered by the Chief Executive Officer, up to a maximum of one year.

3. Reasonable Suspicion Testing

A drug and/or alcohol test will be conducted when there is a reasonable suspicion to believe an employee has engaged in drug use or alcohol abuse. Only supervisors who have been trained to make reasonable suspicion determinations will do so. Third party observations cannot be relied on. The determination must be based on specific, contemporaneous, articulable observations concerning appearance, behavior, speech, or body odor. Observations can include indications of chronic use and withdrawal effects.

Reasonable suspicion alcohol testing is authorized if the observations are made during, preceding, or after the employee is performing work (while on duty, just before work, etc.). In the case of suspected drug or alcohol use, the employee must be taken immediately to a collection site for testing.

If an alcohol test is not administered within two (2) hours, reasons for the delay will be noted and will remain on file. If the alcohol test is not administered within eight (8) hours, ESC will not test, but will note and file the reasons for the delay.

The supervisor will sign a written record of observations leading to a drug test within twenty-four (24) hours of observed behavior or before the results of the test are released (whichever is earlier). A written record is not required for alcohol tests.

4. Return to Duty Testing

These tests will be conducted when an employee who has tested positive (but who has not been terminated) returns to duty. If an alcohol test was positive, the employee must test with an alcohol concentration of less than 0.02 before returning to work.

5. Refusal to Submit

An employee may not refuse to submit to an alcohol or controlled substances test. An employee's refusal to submit to testing for alcohol or controlled substances will be considered a positive test result. Adulteration or tampering with a urine or breath sample is considered conduct that obstructs the testing process and is considered a refusal to test. An employee who refuses to submit to such tests may be subject to discipline, up to and including termination of employment.

Refusal to submit includes failing to provide adequate breath or urine samples for alcohol or drug testing and any conduct that obstructs the testing process. This includes adulteration or substitution of a urine sample.

Recordkeeping and Testing Procedures

ESC will retain all records relating to testing and the testing process in a secure and confidential manner. Records will only be made available to subsequent employers when requested in

writing by the employee. Records will be maintained as required by law in a secure location with controlled access. Records will be kept with the separate medical file of the employee.

Testing procedures will be performed in a private setting. Only authorized personnel will have access, and are the only individuals who can see or hear the test results.

Alcohol and drug testing procedures, and the procedures for collection and analysis of samples, shall be performed in accordance with the Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines. Drug and alcohol testing shall utilize a split sample testing method.

### **FRAUD AND ABUSE POLICY:**

It is the responsibility of all ESC employees to act in an ethical manner and to report immediately to his/her supervisor any instances of irregular practices regarding business or financial practices, programs, and service delivery.

The following actions by employees are considered serious violations and shall warrant disciplinary action up to and including termination of employment: (1) Misrepresentation of an employee's income or other material information to qualify for benefits or services provided by ESC; (2) knowingly accepting false information from a client so the client may become eligible for programs and/or services for which he/she would not normally qualify; (3) employees submitting records falsifying services to clients; (4) acceptance of gifts of significant material value of greater than \$20 from persons seeking services from ESC; (5) using agency funds to pay personal obligations or using his/her knowledge of programs, area resources, and/or donations for personal gain.

Any such conduct shall be immediately reported to an employee's supervisor or the Human Resources Director. The Human Resources Director shall conduct an investigation at that time. The results of the investigation will be given to the Chief Executive Officer to determine what appropriate action, if any, needs to be taken.

### **WHISTLEBLOWER POLICY**

ESC requires Board members, Directors, Officers, and all employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the agency, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations and funding source documents.

A whistleblower as defined by this policy is a Board member, director, officer, or an employee of ESC who reports an activity that he/she considers to be illegal or fraudulent to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measure; appropriate management officials are charged with these responsibilities.

### **Reporting Responsibility**

It is the responsibility of all employees to comply with this policy and to report violations or suspected violations in accordance with this Whistleblower Policy.

### **No Retaliation**

No Board member, director, officer, or employee who, in good faith, reports a violation shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to disciplinary action up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the agency prior to seeking resolution outside the agency.

### **Reporting Violations**

This policy addresses the agency's open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the Human Resource Director, Deputy Director, or Chief Executive Officer. Area Supervisors, Head Start Coordinators, Assistant Division Directors and Division Directors are required to report suspected violations to the Chief Executive Officer, except if it is alleged the Chief Executive Officer is involved. In cases involving the Chief Executive Officer, the allegation, and whatever substantiating information exists, must be taken to the Board Chair for investigation and resolution. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

All reports will be promptly investigated by the Human Resources Director, Deputy Director or Chief Executive Officer. The results of the investigation will be given to the Chief Executive Officer who will determine what appropriate action, if any, needs to be taken. In the event the employee is not satisfied with the response of the Chief Executive Officer, the individual may bring his or her concern to the Board of Director's Agency Personnel and Planning Committee.

### **Accounting and Auditing Matters**

The Executive/Finance/Audit Committee of the Board of Directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Chief Executive Officer shall immediately notify the committee of any such complaint and work with the committee until the matter is resolved.

### **Acting in Good Faith**

Anyone filing a complaint concerning a violation or suspected violation of the Fraud and Abuse policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of that policy. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false shall face disciplinary action up to and including termination.

### **Confidentiality**

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### **COMPUTER USAGE, ELECTRONIC MAIL and SECURITY POLICY**

## **Scope**

This policy applies to all employees of the agency, contractors, vendors, partners, associates, and all others accessing and/or using the Economic Security Corporation of Southwest Area (ESC) computer network through any means.

## **Terms and Definitions**

Computer hardware, software, and data circuits are provided at great expense by the agency for creating, researching, and processing agency business. By using the company's hardware, software, and networking systems, you assume personal responsibility for their appropriate use and agree to comply with this policy and other applicable company policies, as well as city, state, and federal laws and regulations. Employees are expected to adhere to Internet and computer program use for business purpose appropriate to each employee's specific job duties.

An ESC e-mail address is defined as any e-mail address that is used primarily for business use. This includes, but is not limited to, all yahoo, hotmail, g-mail, or similar free web-based e-mail accounts set up with the intent to use as a primary business account.

## **General Provisions**

All files created by an employee on the company's time and computers are considered property of ESC.

Any data transmitted, received, printed, copied from or contained in the ESC computer network, including all e-mail correspondence, is the exclusive property of the company. The company reserves the right to monitor all computer related data and activity on the ESC computer network and any connected devices as needed. This includes, but is not limited to, Internet usage, electronic messages, AccuTerm data, Excel spreadsheets, MS Word documents, printed data and images, etc. Employees have no expectation of privacy for any type of computer transaction whenever accessing a company computer or any part of the ESC computer network either remotely, or when working inside an ESC physical location.

## **State of Missouri Law, RSMo. 560.094-569.099**

Missouri states law makes unauthorized access and interference with computer systems, computer data, and other computer users illegal. Unauthorized use of passwords and the breach of security of any computer system are illegal.

Employees may not purchase, download, or install software or hardware on the ESC computer network without prior written approval from the Computer Network Manager. Employees are reminded that almost all freely downloadable software, including screen savers, games, and weather-reporting utilities from the Internet may contain spyware that can become a severe performance and security issue.

The level of network access allowed to any employee will depend on the employee's individual user account permissions.

## **ESC Rules and Regulations**

- Use of ESC's computer system or computer network for illegal purposes is prohibited.
- Personal internet surfing and use of the corporate e-mail system for personal e-mail is acceptable as long as it does not interfere with your normal job duties, and does not

violate any part of the ESC computer usage policy. Any problems related to the receipt or delivery of non-ESC company business e-mails will be evaluated on a case-by-case basis to determine need. ESC does not guarantee delivery or receipt of any e-mails.

- Yahoo Messenger is the instant messaging software to be used for business communication. All other message software is prohibited without the approval of the Computer Network Manager, Deputy Director, or Chief Executive Officer.
- Chain letters, pyramid selling, and multi-level marketing schemes are prohibited.
- No obscene, threatening, or harassing messages are allowed on the ESC computer network.
- Employees are not permitted to transmit, receive, or retain communications or data that contains obscene, profane, pornographic or threatening language or pictures.
- Always apply normal standards of ethics and conduct while using any ESC computer or while accessing the ESC network.
- E-mail users bear responsibility for his/her e-mail. ESC accepts no responsibility or liability for any actions of the address recipient or user, or for any consequences resulting from use of e-mail messaging.
- Respect the equipment and privacy of employees.
- No person may send a message in such a way that it appears to be sent by another person.
- Using @escswa.org address for the purpose of promoting an election campaign is forbidden.
- ESC attempts to control virus and worm transmissions. However, users should not open unknown e-mail attachments.
- It is a grave abuse of the e-mail system if a message is sent that implies the sender can be contacted at an e-mail, postal, or fax address that is not under the direct control of the sender.
- Unsolicited/unnecessary e-mail, commonly referred to as Spam, is advertising material sent without the recipient either requesting or denying receipt of such information or otherwise expressing an interest in the material advertised. Such activity is prohibited.
- Electronic e-mail bombing is sending multiple e-mail messages, or one or more large e-mail messages, with the sole intent of annoying and/or seeking revenge on a fellow Internet user. This type of activity is prohibited.
- When accessing information, exercise care in protecting the confidentiality of the individual(s) for whom the information applies.
- Do not use ESC computers for personal profit or commercial gain.
- Playing games during normal business hours is prohibited.
- Do not install unnecessary programs onto an ESC computer. If in doubt, consult the Computer Network Manager.
- Use password protected screen savers with the screen saver time set to 10 minutes.
- The level of network access allowed to any employee will depend on the employee's individual user account permissions. An employee may not access another employee's login or computer in order to gain a higher level of system access than is granted by their own user account permissions.
- Do not divulge ESC computer account passwords to any other than the person to whom the account is assigned without the approval of the Computer Network Manager, Deputy Director, or Chief Executive Officer.

- High bandwidth applications are prohibited. These applications slow down the Internet connection for all employees trying to access the Internet. Bandwidth is defined as “the amount of data that can be passed along a communications channel (or internet connections) in a given period of time.” Questions regarding this item should be addressed to the Computer Network Manager.
- No software that allows the trading of copyrighted materials without the consent of the copyright holder (such as software classified as “peer-to-peer”) is allowed.
- Do not look at, copy, alter or destroy anyone else’s personal files without explicit permission (unless authorized to do so by law or policy).

### **Examples of Activities to Avoid**

- Excessive printing
- Setting up a personal web server file transfer site, or other unauthorized services.
- Listening to streaming music and/or watching streaming video over the Internet that isn’t job related without the approval of the Computer Network Manager.
- Installing applications downloaded from the Internet without the consent of the Computer Network Manager.
- Sending annoying, threatening, or obscene messages or e-mail to any other user.
- Abusive use of computer accounts, network or other resources.

### **Denial of Service Attacks**

Denial of service is any activity that prevents a host on the Internet from making full and effective use of their facilities.

### **Mailing List Subscriptions**

Never subscribe anyone other than yourself to a mailing list.

### **Summary**

If unsure about any of the above, please contact the Computer Network Manager.

Abuse or failures to adhere to **any** item(s) within this policy will result in disciplinary action. The action taken will depend upon the supervisor’s judgment. Punishment can range from loss of computer and/or Internet privileges to employee termination.

In addition, in extreme cases, violation of these rules could lead to legal and/or civil penalties.

### **NURSING MOTHER POLICY**

In compliance with the amended Fair Labor Standards Act and to ease the transition of mothers returning to work following the birth of a child, lactation accommodation will be provided for nursing mothers.

For up to a year following a child’s birth, nursing mothers will be provided break time to express breast milk during the workday. The employee will be allowed a reasonable break time whenever she has the need to express milk throughout the day.

ESC will provide a private area for nursing mothers to express breast milk. Employees must bring their own cooler or storage container.

Breaks to express milk will not be paid. Employees may use normal break and lunch periods to accommodate their nursing needs. However, if the breaks needed to express milk exceed standard daily break time, then the employee must use personal time in the form of an unpaid break.

If you are needing to take these breaks, speak with your manager or supervisor regarding your nursing needs. Your supervisor will work with you to accommodate your break schedule as needed, knowing that your breaks may differ on a day-to-day basis.

If you have any further questions or concerns regarding this policy, please contact the Human Resource Director.

### **REQUIRED EMPLOYEE TRAINING**

The agency is required by law to provide certain annual trainings to all employees, such as Blood Borne Pathogen/Safety Training. These trainings will either be provided in person or as an on-line training with a link through the agency web site. If an employee has not completed the on-line training by their anniversary date, they will not receive their anniversary step increase until the training is completed, and the step increase will not be retroactive.

If an employee is at the top of the agency wage scale and has not completed the annual on-line training by their anniversary date, they will receive a written reprimand and will have 30 days to complete the training. If at the end of that 30 days they have not completed the training, they will receive another written reprimand. If the training is not successfully completed within 60 days of their anniversary date, the employee will be placed on disciplinary probation until the training is successfully completed.

### **SAFETY POLICY**

ESC assures safe and healthful working conditions for every employee, and to comply with the letter and spirit of applicable laws and regulations. This agency will provide adequate safeguards against health and safety hazards by providing a safe work environment, by job training and instruction on safe procedures, by making appropriate personal protective equipment (PPE) available and by the proper administration of safety programs and activities.

Safety is the responsibility of all employees and all employees are expected to comply with safety and health rules and procedures.

All occupational accidents, suspected injuries, or illnesses, or near misses are to be reported to your immediate supervisor, Division Director, or the Human Resources Director as soon as possible, but no later than four (4) hours from the time they occur. To receive medical treatment, the injured employee, immediate supervisor, or Division Director must contact the Human Resources Director for referral to the appropriate medical provider.

All employees are required to complete an accident report form (Employee Statement of Injury or Illness) within 24 hours of an accident or near miss. If the injury resulted in medical treatment, the report should be filled out after the employee receives medical treatment. All forms to be completed are available in the Safety Policy & Procedures manuals in each agency facility.

**Failure to report any incident, or reporting fraudulent or false information, may result in disciplinary action up to and including termination and prosecution by city, state, or federal authorities.**

**VEHICLE ACCIDENT REPORTING:**

Auto accidents which occur while an employee is on duty present a potential liability problem for the agency. Any agency employee in any auto accident while driving an agency-owned vehicle or any employee involved in an auto accident while driving his or her own vehicle anytime while on duty, or anytime while drawing a mileage reimbursement MUST follow these guidelines.

1. Do not admit to any liability at the scene regardless of who appears to be at fault.
  - a. Do cooperate with the other parties involved by providing your name, driver's license, and insurance information as appropriate. Do not argue or fight with other parties to the accident.
  - b. Do get the names, addresses, license number, etc. from all parties to the accident and from all witnesses.
2. Call the authorities and call for medical help if needed.
3. Provide appropriate assistance to prevent further property damage or injury.
4. If driving your own vehicle, notify your insurance company as required by your policy.
5. Reports all accidents to proper police authorities.
6. If there is any bodily injury to any person (including yourself), regardless of how minor, you must report the accident to agency management. If any agency employee receives bodily injury, seek medical attention with the agency medical provider or the nearest emergency room facility, and report the injury to the Human Resources Director.
7. If there is any property damage to any agency vehicle, your own vehicle, any other vehicle, or any other property in connection with the accident, you must report the accident to agency management. This includes minor damages such as scraped paint, mailboxes, damaged shrubbery, etc.
  - a. If either number 6 or 7 apply, notify both your Division Director and the Chief Executive Officer during the working day.
  - b. If unable to notify the same day, provide notification by 8:30 a.m. of the following work day.
  - c. Employees failing to provide proper notification may be subject to disciplinary action up to and including termination.
8. An employee that receives a state or local moving traffic violation must undergo post-accident drug and/or alcohol testing in accordance with the Substance Abuse Policy.
9. Complete an agency Accident Report Form within 24 hours, if possible, and forward to your immediate supervisor or Division Director. A copy of this form may be obtained from the Deputy Director.

**POLICY AGAINST NEPOTISM:**

No person shall hold a job while he/she or a member of his/her family serves on the Board of Directors or Policy Council if that Board or Council member has authority to order personnel

actions affecting his/her job. No person shall hold a job over which a member of his/her family exercises supervisory authority; and no employee shall participate in any process that would order personnel action affecting any member of his/her immediate family. For the purpose of this policy immediate family shall be defined as any of the following: Spouse, parent or step-parent, brother, sister, children, step-brother, step-sister, uncle, aunt, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

**TELEPHONE USE:**

Personal phone calls are allowed during break times only, unless it is an emergency. This includes text messaging. Occasionally, an employee may need to make a long distance personal call. Should this occur, the employee would be responsible for reimbursing the agency for the cost of the call. The employee will be required to provide the following information to the Deputy Director or his/her designee: employee's name, location the call was placed from, date and time of call, number called, and destination of call. Because of safety and liability concerns, employees are prohibited from initiating or answering telephone calls *or text messages* while driving.

**TRAVEL POLICY:**

Agency travel policies and procedures are established for use by agency employees who are required to travel both in-state and out-of-state on agency business. An employee must submit a written request to the Division Director, Deputy Director, and Chief Executive Officer for approval. Policies and procedures for allowable reimbursements costs for travel, meals, and lodging are available in the Fiscal Policies. Copies of these policies may be obtained from the Division Director or the Fiscal Office.

**INCLEMENT WEATHER POLICY:**

Only the Chief Executive Officer or his/her designee shall have the authority to initiate the inclement weather policy. Employees will not report to work when this policy is implemented. If the inclement weather policy is implemented, ESC will make every reasonable attempt to notify its employees prior to the employee's reasonable departure time for work by one or more of the following means: telephone, television, radio, newsprint, etc. If the inclement weather policy is implemented, employees shall not be eligible for wage and wage associated benefits. However, employees will have the option of taking a day of vacation or unpaid leave.

**Head Start Employees**

When the public school district where the Head Start facility is located has announced school closing for the day, Head Start buses will not run. However, centers will be open and staff will be expected to report to work.

**If the Inclement Weather Policy is Not Implemented**

If the inclement weather policy is not implemented, an employee not reporting to work because of bad weather conditions will have the option of taking a day of vacation or unpaid leave. Employees who decide not to report to work because of bad weather conditions when the inclement weather policy has not been implemented, must immediately notify their Area Supervisor, Assistant Division Director, or Division Director of their decision not to report to work. Impending weather, defined as the forecast of inclement weather, does not constitute inclement weather; therefore, employees are expected to report to work.

**Developing Weather Conditions**

If conditions develop during the workday such that an employee wishes to leave, such employee shall inform their immediate supervisor of their inability to continue working because of the developing weather conditions. The employee will be paid for the number of hours worked that day, and will have the option of taking the remaining time to the end of his/her shift as vacation or unpaid leave.

**Reassignment of Duties and/or Location**

Employees may be required to work at other duties or other locations not prohibited by the bad weather.

**Discretion of the Chief Executive Officer**

In the interest of providing for the safety of ESC's employees, the Chief Executive Officer or his/her designee shall have the authority to supersede the Inclement Weather Policy outlined above, and may require/allow employees to leave their jobs with or without pay.

**CHAPTER III**  
**EMPLOYMENT PRACTICES AND PROCEDURES**

**RECRUITMENT AND SELECTION:**

ESC is an Equal Opportunity Employer and will strive to achieve equal employment opportunity for all qualified individuals, without regard to race, sex, age, creed, handicap, or national origin in accordance with the equal opportunity policies.

Job announcements of all vacant positions within ESC will be posted conspicuously in every ESC facility, and will be posted on the agency's web site. They may also be distributed to local agencies, community organizations, and particularly with agencies concerned with job placement.

Vacancies may be advertised in local newspapers and other media publications. A job notice shall contain the title of the vacant position, minimum starting salary, minimum job qualifications, where resumes and/or agency applications are accepted, and the closing date of the job.

Positive steps shall be taken to ensure that low-income applicants, Head Start parents, minorities, and handicapped persons are recruited for vacant positions. Current and former Early Head Start and Head Start parents will receive preference for employment vacancies for which they are qualified.

Current employees are encouraged to apply for all vacant positions suited to their education, training, and experience. Current employees need only submit a letter of interest within the time frame limitations to the Human Resource Department to be considered for a vacancy. Outside applicants shall provide accurate and complete information on their resumes/applications and during their interviews.

A reasonable number of candidates who have applied for the position shall be interviewed, in an effort to assure that the best person available is hired. One candidate interviewing and hiring should be avoided. Approval of all new hires and promotions for vacant positions within Head Start and Early Head Start is subject to approval by the Head Start Policy Council. The hiring and firing of any staff member whose salary is paid primarily with Head Start grant funds (i.e. Head Start pays more than 50% of the individual's salary) must be approved by the Head Start Policy Council.

The hiring, evaluation, compensation, and termination of the Chief Executive Officer, Head Start Director, Human Resource Director and Deputy/Fiscal Director must be approved by the Head Start Policy Council and Board of Directors.

The hiring of the Chief Executive Officer, Deputy/Fiscal Director, and Head Start Director must also be approved by the Office of Head Start.

**VERIFICATION AND REFERENCES:**

Credentials and qualifications for all employees, regardless of program(s), including but not limited to educational attainment, license(s) where applicable, will be verified and/or obtained during the hiring process. At least two (2) business references and two (2) personal references

will be verified on all employees where possible and information received from these references will be kept in the employee's personnel file. The best applicant available for the position shall be hired. The candidates interviewed but not selected will receive a written notice that the position has been filled. **Falsification of information and/or failure to disclose information shall be grounds for non-selection for all ESC positions and/or grounds for termination.**

**New employee paperwork will not be completed until original application and references are received by the Human Resource Department.**

### **VERIFICATION OF BACKGROUND CHECKS**

Prior to interviewing, all applicants will be required to sign a disclosure statement of all pending or prior criminal arrests or charges related to child sexual abuse or neglect, guilty pleas or convictions of any charge related to child abuse or neglect, any convictions of municipal violations (including traffic tickets, traffic fines, etc.) within the last 5 years, convictions or guilty pleas of any misdemeanor, felony or felonies, or probations for any felony or misdemeanor. In the case of professional, fiscal, and managerial positions, a recent conviction of a serious crime shall be considered strong evidence of lack of fitness for the job.

Prior to offer of employment, the agency screens all employees for child abuse and neglect and criminal background. Criminal record in and of itself shall not be considered basis for disqualification so long as the applicant makes disclosure of such. However, for some positions, convictions of certain crimes may bar employment. The agency will exercise prudent judgment in relation to the position to be filled.

### **VERIFICATION OF CHILD ABUSE/NEGLECT INCIDENTS POLICY:**

The agency screens all employees who have direct access to children with the Missouri Family Care Safety Registry for child abuse/neglect and criminal background check. Any employee named as a perpetrator in a child abuse or neglect incident must inform ESC within 48 hours of the ruling.

If an employee, during their Introductory Period, is identified as a perpetrator in a child abuse/neglect incident, the employee will be immediately terminated from employment with ESC. If the Missouri Department of Health and the Family Services Division eventually issues an approval on the employee, the employee will be considered eligible for re-hire unless other factors exist.

After an employee has completed their Introductory Period, if he/she is identified as a suspect in a child abuse/neglect incident, the employee will be assigned duties at the Central Office for the first 30 days. If after 30 days, the Missouri Department of Health and/or the Family Services Division has not completed their evaluation of the incident, the employee will be suspended without pay. If the evaluation results have not been received within 90 days, the employee will be terminated. If the Missouri Department of Health and the Family Services Division eventually issues an approval on the employee, the employee will be considered for rehire unless other factors exist.

The results of the evaluation of the Missouri Department of Health or Family Services Division will be considered in determining whether the employee will be allowed to return to work. The

agency may re-evaluate whether the employee is allowed to return to work even if the Missouri Department of Health or Family Services Division issues an approval of the employee. In such evaluation, ESC may consider the number of incidents where the employee was identified as a perpetrator, the dates of such incidents, the severity of such incidents and any other relevant information. The employee will be advised as to the results of such re-evaluations.

If an employee can clear their child abuse/neglect record with the appropriate authorities prior to the Missouri Department of Health or Family Services Division evaluation or termination, the employee will be recalled to work with full back pay. If after the Missouri Department of Health or Family Services Division evaluation, an employee who still has a child abuse/neglect incident on their record is allowed to return to work, the agency will not provide back pay to the employee upon their reinstatement.

### **HEALTH EXAMINATIONS AND TB SCREENINGS**

All Early Head Start and Head Start staff must have initial health examinations and TB screenings completed before they can begin work. All Head Start/Early Head Start center staff must have TB screenings as required by licensing regulations. Health examinations must be completed every five (5) years.

### **EXEMPT/NON-EXEMPT CLASSIFICATIONS:**

ESC adheres to the Fair Labor Standard Act (FLSA), which defines two classes of employees, exempt and non-exempt. ESC will ensure that all positions are classified as either exempt or non-exempt. Exempt employees receive no compensation for hours worked beyond the regular established working hours, nor are they entitled to additional compensation for extra hours worked during any working day. As professional employees, they are expected to work the amount of time necessary to satisfactorily complete the requirements of their positions.

Non-exempt employees must receive additional compensation for overtime work as required by the law. All employees who work over forty hours in one work week shall be paid time and one-half for hours worked in excess of forty hours. Overtime must be coordinated in advance with the immediate supervisor and/or division director.

### **EMPLOYMENT STATUS:**

Any employee who works for ESC will be placed in one of the following classifications. The employee will be made aware of his/her initial classification upon hiring and of any later changes.

1. Regular Full-Time Employee – These employees work a regularly scheduled week of thirty hours or more for eight or more months a year.
2. Regular Part-Time Employee – Employees who work a regularly scheduled week of less than thirty hours for eight or more months a year.
3. Temporary Employee – These employees are appointed for six (6) months or less and are not entitled to any employee benefits not required by law. If the need for the temporary employee extends beyond six months, they will be changed to a regular part-time or regular full-time employee.
4. Substitute Employees – These employees fill in for regular employees. They do not have regularly scheduled hours or workdays. They work only when requested by their supervisor. They are not entitled to any employee benefits not required by law.

5. Contract Employees – Persons working under independent contract are not considered employees of ESC and are not eligible for employee benefits.

**INTRODUCTORY PERIOD OF EMPLOYMENT:**

For the first three (3) calendar months of continuous service with ESC, an employee will participate in an introductory period. This introductory period may be extended in monthly increments, up to a period of three additional months, with the approval of the Division Director. It is important that this period be used as a time when the employee is given the opportunity to learn what is required of him/her, to improve on or change any unsatisfactory aspects of his/her performance, and the time when a supervisor assesses whether the person can ultimately perform as a satisfactory employee of ESC.

Employees will accumulate vacation leave, sick leave and employee day of choice during their introductory period. However, employees are not eligible to use vacation leave and employee day of choice during the introductory period until successful completion of this period. In the event an employee must be away from his/her work during this time, he/she will be granted four days of unpaid leave. Any absences after that will be considered unexcused.

At least two weeks prior to the end of the introductory period, the new employee will be given a written performance evaluation and the recommendation made to place the employee on regular status, extend the introductory period for no longer than three (3) months, or terminate the employee.

Based on recommendations from the immediate supervisor, the Division Director may terminate an employee at any time during the introductory period when he/she determines that the employee is unwilling or unable to perform the duties of the position in a satisfactory manner, or when the employee's work habits and dependability do not merit continued employment. **The introductory period process in no way affects, alters or changes the employee's "at will" status.**

**The grievance process does not apply to employees who fail to complete the introductory period.**

ESC employees who are promoted, or whose job description is updated to include both new duties and new salary grade, or who change from one job to another job within the agency, for the purpose of this section, shall participate in the same introductory period listed above. This introductory period will extend for three (3) calendar months. If the introductory period is not completed satisfactorily, consideration will be given to restoring the employee to previously held job duties. Promoted employees are subject to the same regulations and procedures as new employees except promoted employees may request vacation leave.

**PRIMARY WORK LOCATION:**

The Division Director will assign all agency employees to a designated work location. Mileage will not be paid by the agency for an employee's commute to and from work and their designated office location.

**EMPLOYEE PERFORMANCE EVALUATIONS:**

Each employee will receive a performance evaluation on an annual basis. The results of performance evaluations shall be used to identify staff training and professional development needs, modify staff performance agreements, as necessary, and assist each staff member in improving his or her skills and professional competencies. Such evaluation shall be done in writing by the employee's supervisor. The evaluation shall take into consideration the employee's work quality and quantity, job knowledge, dependability, initiative, conduct, and such other criteria that properly reflect the employee's job performance. Performance evaluations shall be used for other personnel actions, including transfers and disciplinary actions.

The supervisor and employee will sign performance evaluations of any employee. The employee's signature denotes that he/she has seen the report. Such signature shall NOT constitute an acceptance of the report by the employee. The employee may also make written comments about the report. The original evaluation form along with any comments from the employee will be placed in the employee's personnel file.

**LETTERS OF COMMENDATIONS:**

Employees may, from time-to-time, receive letters of commendation from supervisors, Division Directors, the Chief Executive Officer, or other community organizations that an employee may have worked with demonstrating outstanding performance. Letters of commendation will become a permanent part of an employee's personnel file. These letters may be used when making decisions on promotions, transfers, or references.

**JOB DESCRIPTIONS:**

All ESC positions have written job descriptions which include essential duties and responsibilities, qualifications, and salary. These job descriptions are used as part of the performance evaluation. Each employee is given a copy of their job description and a signed copy is kept in their personnel file. When changes are made to the job description, each employee is given a new copy of the job description and a new, signed copy will be placed in their personnel file. All agency job descriptions are available on the agency's web site.

**PERSONNEL INFORMATION:**

A confidential personnel file is kept on all ESC employees. This file will include, at a minimum, application for employment; signed personnel actions; promotions, transfers, history of positions, status and salary, and other related matters that affect you, as an employee. This information is available for reference and review. If you need employment information from your file, please contact the Human Resources Department. You may set up an appointment with the Human Resources Department to review your file during normal working hours. This information needs to be kept up-to-date. You should notify the Human Resources Department of personal changes that are important to your employment and benefits record such as changes in name, address, marital status, etc.

**JOB LOSS IN CASE OF BUDGET CUTBACKS:**

An employee who has been given notification of job termination or permanent lay-off due to loss of contract, budget cutback, or reassignment of duties may apply for another job within the agency at the same grade or lower. There does not have to be a vacancy within that job title for the application to be made. This policy will not be available when the lay-off is temporary with

a given return date. This policy also does not guarantee that an employee with more seniority will automatically get the job.

1. An employee wishing to exercise their rights under this policy must make written notification to the Human Resources Director requesting application under the policy and specifying the job title. The Human Resources Director will then implement this policy. The Chief Executive Officer is the final arbiter of all facets of this policy and decisions made herein cannot be appealed beyond the Chief Executive Officer within the agency.
2. The employee making the application will hereinafter be referred to as the “applicant.” The notification of application must be received before the applicant’s last day of work as a regular employee. Any employee being considered for replacement under the policy will hereinafter be referred to as the “employee.”
3. Upon receipt of notification that the applicant wants to apply for a specific job title, a search of seniority records for that job title will be made. If there is no employee in the applied for job with less seniority than the applicant, then the applicant will be notified that no possibility of employment in that job title exists at this time. At that point, the applicant may wish to apply for a different job title.
4. If there is one (or more) employee(s) in the applied for job with less seniority than the applicant, then the Replacement Committee will consider the application. The employee with least seniority will be considered first.
5. The Replacement Committee will consist of the Human Resources Director, the applicant’s Division Director, the employee’s Division Director, and the Deputy Director. The applicant’s immediate supervisor and the immediate supervisor of the employee may be asked to attend the meeting although they will not vote on the outcome.
6. The Replacement Committee will carefully review the seniority, qualifications, and work record of the applicant and the employee. They will then make a decision based on majority vote for a recommendation to the Chief Executive Officer. If the decision is to replace the employee with the applicant, the employee will be notified and be provided with a minimum of two weeks notice. If the decision is not to replace the employee, the applicant may apply for another position; but they must do so within two weeks of the notification that they were not hired.
7. An employee being replaced may, in turn, wish to apply for another job within the agency using this same procedure. Additionally, an unsuccessful applicant may wish to apply for another job at the same or lower grade using the procedure.
8. In no case may an applicant request invocation of this policy when a vacancy within the same or substantially similar job exists. Additionally, if an applicant refuses to accept a job or assignment at the same grade level of any job title for which application is being made, further use of this policy is forfeited.

9. If the same position or similar position becomes vacant within a reasonable amount of time after the employee has been laid off, then that employee will be contacted to see if they are available to fill that position.

## **CHAPTER IV: COMPENSATION AND BENEFITS**

### **WAGE AND SALARY ADMINISTRATION:**

It is the policy of ESC that salaries, fringe benefits, and related information are strictly confidential between employee, his/her supervisor, and designated management.

A wage and salary schedule has been established by the Board, and implemented by the Chief Executive Officer. All job positions will be placed on the schedule, if possible. There may be occasions when a job does not fit on the schedule. These exceptions will be approved by the Chief Executive Officer and salary will be set based on the local labor market. Efforts will be made to maintain the schedule at a level that will permit ESC to compete effectively in the labor market. However, an unusually qualified candidate or unusual market conditions may justify hiring in at a higher salary.

The wage and salary schedule shall be so developed and maintained that all positions that have the same duties and responsibilities are included in the same class/grade. The salary schedule is based on an employee's job classification grade and includes "levels" and "steps" that correspond to the anniversary date or length of service. Additionally, annual cost of living increases may be issued depending on Board approval. Board approval of a budget does not automatically authorize a salary increase for employees covered under that budget. For more information consult the Human Resources Department.

Employees who apply for a job at a lower salary grade will receive the salary that corresponds to the lower salary grade with corresponding years of service. Employees who receive a promotion to a higher salary grade will receive at least a 3% salary increase and will be assigned the wage on the pay scale that closely matches this amount but will not be less. Merit increases will not transfer to this position.

### **OVERTIME:**

Overtime is defined as all hours worked in excess of 40 hours per week. Overtime must be approved in advanced with the supervisor and/or division director. Non-exempt employees receive overtime pay computed at time and one half their hourly wage, in accordance with the Fair Labor Standards Act. However, every effort should be made to allow employees to adjust their working hours so as not to exceed 40 hours per week. Employees working hours in excess of their regularly scheduled work day without prior approval of their supervisor and/or division director shall be subject to disciplinary action up to and including termination.

### **ANNIVERSARY DATES AND PAYROLL ADJUSTMENTS:**

The anniversary date for employees shall be the first date of regular employment. This date will not change with subsequent personnel action while an individual is continuously employed.

It shall be the policy of ESC to make payroll adjustments based upon an employee's anniversary date for the first twelve (12) anniversaries as follows:

1. Anniversary dates falling within the first 7 days of a pay period shall be made effective as of the first day of that payroll period.

2. Anniversary dates that fall in the last 7 days of a pay period shall be made effective as of the first day of the next payroll period.

All payroll adjustments will originate with the Human Resources Department sending a status change to the Division Director.

**PAYROLL DEDUCTIONS:**

By law, ESC is required to deduct federal withholding taxes, social security taxes, Medicare, and state withholding taxes. ESC is also required to honor legal garnishment/attachment of wages received and authorized by a court of law. All requests from judicial authorities for information and/or cooperation will be honored to the extent ESC is bound by law.

**EMPLOYEE TIME OFF:**

**Holidays:**

All regular full-time and part-time ESC employees will be eligible for the following paid holidays:

New Year's Day  
Martin Luther King Day  
President's Day  
Memorial Day  
Independence Day (July 4<sup>th</sup>)  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Eve  
Christmas Day

If a holiday falls on a Saturday, it shall be observed on the preceding Friday. If a holiday falls on a Sunday, it shall be observed on the following Monday. Regular full-time and part-time ESC employees will receive holiday pay if it is a regularly scheduled workday for an employee. Should an employee have an unexcused absence or be on unpaid leave on either the day immediately before or after a holiday, he/she will not be paid for the holiday.

All regular full-time and part-time ESC employees required to work on an official holiday will be granted a paid day off in the same or next pay period. It must be taken within that time frame. If a holiday falls during a period when an employee is on either vacation leave or sick leave, that day will be counted as a holiday and not another kind of leave.

Some ESC employees may experience temporary layoffs. During that time, they will not be eligible for fringe benefits. Employees have the option to take accumulated vacation leave only in lieu of layoff. The vacation leave must cover the entire length of the layoff period. This would be the only type of leave for which an employee would be eligible. If a person chooses to

take vacation leave, they are eligible for holiday pay if it falls within the time they are on vacation leave.

**Vacation Leave:**

Vacation leave will be accrued at the following rate for all regular part-time and full-time ESC employees:

Zero (0) Three (3) years:	.0462 of an hour for each hour paid
Three (3) to Eight (8) years:	.0578 of an hour for each hour paid
Eight (8) to Fifteen (15) years:	.0694 of an hour for each hour paid
15 to 22 years:	.0809 of an hour for each hour paid
Over 22 years:	.0925 of an hour for each hour paid

Vacation leave cannot be taken in advance of being earned. Vacation leave may not be taken during an employee's introductory period or disciplinary probation period. Employees may not carry forward more than 240 hours of vacation leave beyond September 30 of each year without written authorization from the Chief Executive Officer.

Vacation leave will not be approved for any unit of time smaller than two hours, except if it is being used in conjunction with the Inclement Weather Policy. In that case only, vacation leave may be approved for units of time of one-hour increments. Vacation leave must be requested prior to the time, must be signed by the employee, and approved by the Area Supervisor, Assistant Division Director, or Division Director.

A request to take vacation leave of two hours to two days must be requested two (2) working days in advance. A request to take vacation leave of three to five days must be requested four (4) working days in advance. A request to take vacation leave of more than five days must be requested ten (10) working days in advance.

Employees who have worked for the agency less than three months will be paid no accumulated vacation leave upon termination, resignation or retirement. Employees who have worked for the agency for more than three months will be paid, upon resignation or retirement, for all vacation hours accumulated but not used. However, no payment for accumulated vacation will be made if the employee fails to give two weeks notice of their resignation. If the above provisions are not met, then all accumulated vacation is forfeited upon termination. Employees whose positions are eliminated through a reduction in force or reorganization will be paid for all accumulated vacation on the effective date of the termination. Employees who are on temporary lay-off must give at least 45 days notice in order to receive any accumulated vacation leave. For example, a Head Start employee on summer lay-off with a call back date of August 1 must give their notice by June 17 to be considered eligible for rehire and to receive any accumulated vacation pay.

**Day of Choice:**

All regular full-time and regular part-time ESC employees will receive one Day of Choice per calendar year as a holiday with full pay. The Day of Choice must be requested two working days in advance of the time off, must be signed by the employee and approved by the Area

Supervisor, Assistant Division Director, or Division Director. If the Day of Choice is not taken on or before December 31 of each year or prior to notice of termination, it is lost.

**Sick Leave:**

Sick leave is available for all regular full-time and regular part-time ESC employees. Sick leave shall accumulate at the rate of .0310 of an hour for each hour paid. Sick leave is considered a privilege, NOT a right, and employees shall use sick leave only for illness, and for doctor, dentist, and other health care appointments for themselves and their immediately family. For the purpose of this section, immediate family is defined as spouse, children, step-children, grandchildren, parents, and spouse's parents. Sick leave is defined as a period in which the employee is unable to perform his/her duties by reason of illness, injury, or for a medical condition, surgical, dental, or optical examinations and/or treatment for themselves or a member of their immediate family.

Sick leave may not be taken in advance of being earned. Employees must take a minimum of one hour of sick leave. The habitual use of sick leave shall be discouraged, and the use of or abuse of sick leave shall be considered part of the total job performance evaluation process. Cases of chronic absences or abuse of sick leave will be reviewed by the Division Director and/or Area Supervisor to determine appropriate disciplinary action.

ESC recognizes that all illnesses or injuries incurred by an employee do not require the employee to seek medical attention. Therefore, employees will be granted six(6) occurrences of illness or injury in a calendar year that do not require a doctor's certification. An occurrence is any period of time from one hour to the equivalent of an employee's regularly scheduled workday. If an employee has an occurrence of illness or injury and does not supply ESC with a doctor's certification, one of the occurrences will be forfeited. Once all six occurrences without a doctor's certification have been forfeited, all future use of sick leave for the remainder of that calendar year will require a doctor's certification to have the time-off charged to sick leave. Otherwise, the time-off will be charged as an unexcused absence. If an employee does not have sufficient accumulated sick leave to cover the absence, each day will be considered an unexcused absence. Vacation leave may not be substituted for sick leave. Any employee's illness or injury of three days or more will require a doctor's certification.

If any employee is absent for three or more consecutive days and has doctor's certification but does not have sufficient accumulated sick leave to cover the absence, these days will not be considered as unexcused absences. An employee would be allowed no more than two (2) three-day periods per calendar year.

A doctor's certification is defined as a written statement from a health care provider clearly stating that the individual is ill and unable to work for a specific period of time and a date the individual is able to return to work. The doctor's certification must be signed by, or a stamped signature of, the doctor, nurse practitioner, an authorized representative of the doctor, a radiologist, a lab technician, nurse-midwife or clinical social worker licensed to practice under the provisions of chapters 334 and 337 RSMo. and performing within the scope of their practice as defined under such laws. If the Director of Human Resources determines that these requirements have not been met, the time off will be charged to a remaining occurrence or as an unexcused absence.

The doctor's certification must be **submitted and received** by ESC's Fiscal Department in Joplin no later than 3:00 p.m. the Monday following the end of the pay period that the certification covers.

All sick leave taken after notice of termination must be accompanied by a doctor's certification.

Employees must call their Area Supervisor, Assistant Division Director, or Division Director by their regularly scheduled time to report for duty when an employee misses work because of illness or injury. Failure to do so will result in that day being counted as an unexcused absence.

An employee may accumulate no more than 480 hours of sick leave beyond September 30 of each year. Any hours accumulated in excess of 480 hours will automatically be converted to vacation leave at the rate of one hour of vacation leave for every two hours of sick leave. Employees shall not be compensated for unused sick leave upon severance of employment with ESC.

**Family & Medical Leave (FMLA Leave):**

Employees are eligible to take up to 12 weeks of FMLA leave within a rolling 12 month period if the employee has worked for ESC for a minimum of 12 months, and has worked 1,250 hours in the past 12 months.

Eligible employees may take FMLA leave:

1. To care for the employee's child after birth, or placement for adoption or foster care;
2. To care for the employee's spouse, son, daughter, or parent, who has a serious health condition;
3. For a serious health condition that makes the employee unable to perform the employee's job;
4. Because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter or parent of the employee in a regular component of the Armed Forces is deployed to a foreign country or when a spouse, child, or parent of the employee is a member of the reserves and is called up to active duty in a foreign country in connection with a contingency operation. Leave may be taken to deal with the following exigencies:
  - ◆ Childcare or school activities (urgent rather than routine)
  - ◆ Short notice deployment (for seven days from notice)
  - ◆ Military events
  - ◆ Financial and legal arrangements
  - ◆ Counseling
  - ◆ Rest and recuperation and other post-deployment activities
5. To care for a spouse, child, parent, or next of kin of a covered service member who is recovering from a serious illness or injury incurred in the line of active duty in the regular armed forces or reserves; or is a veteran who was a member of the Armed Forces in the preceding 5 years and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. The employee is entitled to up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for the service

member (the eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave.)

Leave for serious health conditions, qualifying exigencies, or to care for an injured service member may be taken intermittently or on a reduced schedule when that type of scheduling is necessary. If the employee requests intermittent leave or leave on a reduced schedule for a serious health condition or to care of an injured service member, ESC may require that the employee transfer to a temporary, alternative job for which the employee is qualified and that better accommodates the intermittent or reduced schedule leave than the employee's regular job. The temporary position will have pay and benefits equivalent to the employee's regular job.

If the employee and the employee's spouse are employed by ESC, they are entitled to combined leave of up to 12 weeks in a 12-month period for the birth, adoption, or placement for foster care of a child; to care for a sick parent; or for a qualifying exigency, and are entitled to a combined total of 26 weeks leave to care for an injured service member as well as leave for other FMLA-qualifying reasons during the applicable 12-month period.

A request for leave due to employee's own serious health condition, the serious health condition of a covered family member, or the need to care for a covered service member must be accompanied by medical certification.

Accrued sick leave and vacation leave must be used in conjunction with the FMLA leave period. Any remainder will be unpaid leave.

After requesting FMLA, the agency will notify the employee in writing that he/she qualifies. Upon return to work, the employee will be reinstated in the same or comparable position except under conditions as the law stipulates. ESC will require certification of fitness to return to work from the employee. ESC will maintain the employee's medical/health benefits during the FMLA leave period. If the employee does not return to work, ESC has the right to seek recovery for the cost of maintaining the individual's medical/health insurance during the FMLA leave period.

### **Leave of Absence:**

The purpose of Leave of Absence is to provide for extended periods of absence for employees who do not qualify under the Family and Medical Leave policy stated above. Leave of absence **must** be approved in advance by the Division Director or Director of Human Resources and must meet the circumstances of FMLA stated above. Leave of Absence will be granted for a period not to exceed six (6) weeks. The six weeks includes all accrued sick leave and vacation leave and the remainder will be unpaid leave. Leave of absence is not available as additional time off following Family and Medical Leave.

### **Emergency Leave:**

Emergency leave may be granted without advance notice. It requires the approval of the Area Supervisor, Assistant Division Director, or Division Director. Employees who require emergency leave should notify the Area Supervisor, Assistant Division Director, or Division Director at the first available opportunity.

Emergency leave should be an occasion of such urgency or unavoidable nature as to allow no time for advance notice. Any emergency leave granted will be deducted from the employee's vacation leave. If the employee has no vacation leave, it will be granted as unpaid leave.

**Bereavement Leave:**

In the unfortunate event of a death in the immediate family, leave of absence of up to three (3) working days with pay will be granted all regular full-time and part-time employees. These three days are to be taken consecutively within a reasonable time of the day of the death or day of the funeral, and may not be split or postponed. The Area Supervisor, Division Director or Human Resources Director must approve bereavement leave at the earliest opportunity. Additional time off may be approved as emergency leave.

For purposes of this policy, immediate family is defined as: spouse, children (including foster children or legal ward), stepchildren, parents (including in-laws), stepparents, siblings (including step-siblings), grandparents, spouse's grandparents, and grandchildren.

One working day with pay will be granted in the event of a death of an employee's brother-in-law or sister-in-law. Additional time off may be approved as emergency leave.

**Jury Duty:**

ESC shall grant employees leave with pay for responsibilities such as jury duty and honoring a subpoena regarding their employment with ESC. Employees should notify their Area Supervisor, Assistant Division Director, or Division Director as soon as summons for jury duty is received. Employees must surrender their jury pay upon receipt to ESC. If jury duty would extend beyond three (3) weeks, employees will not receive pay for the remainder of the jury duty and will not be required to surrender their jury pay. Employees must use vacation leave for personal court appearances that do not pertain to their employment with ESC.

**Military Leave:**

The **Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)** provides reemployment protection and other benefits for veterans and employees who perform military services. Under USERRA, if a military member leaves his/her civilian job for service in the uniformed services, he/she is entitled to return to the job provided he/she meets the law's eligibility criteria. USERRA applies to voluntary as well as involuntary service, in peacetime as well as wartime.

Reemployment rights extend to persons who have been absent from a position of employment because of "service in uniformed services." "Service in uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service, including:

- ◆ Active duty (including Reserve and Guard members who have been called up)
- ◆ Active duty for training
- ◆ Initial active duty for training
- ◆ Inactive duty training
- ◆ Full-time National Guard duty
- ◆ Absence from work for an examination to determine a person's fitness for any of the above types of duty

- ◆ Funeral honors duty performed by National Guard or reserve members.

In order to have reemployment rights following a period of service in the uniformed services, a military member must meet eligibility criteria:

- ◆ You must hold a civilian job.
- ◆ You must inform ESC that you are leaving the job for service in the uniformed services, presenting a copy of your orders to the Human Resources Director, unless an emergency call is issued which allows for no time for such presentation.
- ◆ The period of service must not exceed five (5) years.
- ◆ Where the employee is granted any choice as to when he/she may take his/her military service, he/she shall schedule leave at a time that meets the approval of the Chief Executive Officer.
- ◆ You must be released from service under “honorable conditions.”
- ◆ You must report back to ESC in a timely manner or submit a timely application for reemployment

FMLA leave laws have been expanded to include additional leave in certain circumstances for employees and families involved in the military. See the FMLA rules posted earlier for details.

### **Unapproved Leave:**

Any absence not on approved leave will be treated as an unexcused absence. Three unexcused absences in a 12-month period will result in a written reprimand. Each unexcused absence in a 12 month period thereafter will result in another written reprimand. Four written reprimands in a 12 month period will be grounds for termination. All written reprimands will remain in an employee’s personnel file.

Employees who will be tardy must call in so their department will be aware of their absence. The third tardy in excess of 15 minutes in a year, will be counted as an unexcused absence. Every tardy in a year thereafter will be treated as an unexcused absence.

### **GROUP INSURANCE BENEFITS:**

In addition to salary, certain basic benefits are part of ESC’s compensation package. Regular full-time employees are eligible for all benefits provided by ESC. Regular part-time employees are eligible for all benefits except the group insurance benefits.

Benefits are contingent upon availability of program/agency funds and may change at any time without notice.

**Life Insurance:** Life insurance is provided to all regular full-time employees at no cost beginning on the first of the month following the end of the employee’s Introductory Period. The amount of the insurance is equal to one time the employee’s annual salary, but no less than \$10,000.

**Health Insurance:** Regular full-time employees will be eligible for health insurance coverage beginning on the first of the month after completion of the introductory period.

Employees must pay 25% of the cost of their health insurance through payroll deduction. The health insurance coverage is available for dependents as well. The employee must pay the full cost of dependent coverage. This amount will be payroll deducted as well.

**Dental Plan:** Dental is available for regular full-time employees beginning the first of the month after completion of the Introductory Period. This plan is available for dependents as well. Employees must pay the full amount of the cost of this insurance. This amount will be payroll deducted.

**Supplemental Insurance:** There are several flexible benefit options available to regular full-time employees beginning the first of the month after completion of the Introductory Period and employees must pay the full amount of the cost of the flexible benefit options. These amounts will be payroll deducted.

Employees who do not elect coverage at the time of initial eligibility may not elect coverage until ESC's open enrollment period, which is a 30 day period in November and December of each year for effective date of January 1 of the following year.

Employees on temporary layoff will be responsible for the full cost of any group insurance benefits they are enrolled in during the layoff period. If premiums are not paid, the group insurance benefits will be canceled and the employee will not be eligible to enroll in these benefits again until ESC's open enrollment period as mentioned above.

**Retirement Program:** Beginning with the first day of employment, each full-time or part-time regular employee of ESC will be eligible to participate in ESC's retirement program. Employees are encouraged to make their own contributions to retirement even before becoming eligible for the agency's contribution. The retirement programs works as follows:

After one year of service, the agency will provide contributions to the retirement on a 1:1 basis up to a maximum of 4%. After every five years of service, the agency will match an additional 1%, to a maximum of 8% after 20 years of service.

Employees may change contributions once a year. The change will become effective the next pay period after the change is submitted. Contact the Fiscal Office for more information. The employee is responsible for completing all of the forms for their plan.

#### **CORPORATE INSURANCE POLICIES**

ESC pays and/or participates in the following insurance(s) as required and in accordance with state and federal statutes and regulations: Social Security taxes (FICA), Worker's Compensation, Unemployment Compensation, Corporate Liability Insurance and Officers & Directors Liability insurance.

#### **TRAINING AND EDUCATION**

Training may be either formal or informal education, seminars, short courses or any other instruction provided in full or in part through use of agency funds. For training to be paid with agency funds, the training must be for the purpose of improving individual job performance.

With approval of the Chief Executive Officer, an employee may be granted time off with pay for the following purposes:

1. Attendance at professional conferences, institutes, meetings, or training seminars, which may contribute to the betterment or improvement of service.
2. Attendance at in-service training and other courses designed to improve the employee's performance, to prepare him/her for advancement, or to obtain information that will be valuable to the agency.

Documentation of training obtained will be kept in the employee's personnel record. Education or training completed without the use of agency funds may be included in the employee's personnel file. It is the employee's responsibility to submit this information with proper documentation for the record.

Educational Leave: Unpaid leave also may be granted for employees for educational purposes. Educational leave must be approved by the Chief Executive Officer. Unless covered by other personnel policies, educational leave in excess of thirty (30) days can only be granted by the Board of Directors.

Educational leave with a duration of more than five (5) consecutive days must be approved by the employee's Division Director at least thirty (30) days in advance of the beginning of the leave. Failure by an employee to return from educational leave on the agreed upon day may be cause for termination.

**CHAPTER V:**  
**DISCIPLINARY ACTIONS, RESIGNATIONS**  
**AND TERMINATIONS**

**DISCIPLINARY ACTION:**

Disciplinary action is used to correct a personnel problem. All disciplinary actions may be instituted by the employee's Supervisor, Division Director or the Chief Executive Officer. Disciplinary actions are verbal warning, written reprimand, disciplinary probation, suspension with pay, suspension without pay, and termination. Either involuntary termination or suspension may be ordered for the same types of offenses. It will be the responsibility of the employee's Division Director or the Chief Executive Officer to determine whether a suspension or termination is appropriate. Reasons for disciplinary action include, but are not limited to the following:

1. Willful violations of any of the provisions of ESC policies or procedures.
2. Unsatisfactory performance, including inefficiency or incompetence in the performance of the duties of his/her position; failure to meet job performance standards or complete tasks in a timely and competent manner.
3. Unacceptable work habits, including the habitual tardiness or unexcused absence from the work site during working hours, wasting time during specified work hours, conducting personal business during work hours, unauthorized and/or extended rest breaks and/or lunch periods, and continuous personal visitors at the work site.
4. Abusive and/or improper treatment of other employees, clients, and/or the public, including failure to display courteous and professional attitude, verbal communications, and lack of cooperation in performance of assigned tasks.
5. Inappropriate dress/appearance and conduct on the job, which is detrimental to the professional image of ESC.
6. Evidence of irresponsibility in performance of job duties that may endanger the health, welfare, or well-being of any program recipient or participant.
7. Misuse/abuse of employee leave policy, including a pattern of sick leave abuse and/or other leave violations.

Written reprimands are given for lesser infractions of ESC rules, policies, or performance standards. Reprimands will be given in private and in full detail. Both the employee and supervisor will sign the reprimand. The employee's signature on the reprimand is only for the purpose of acknowledgement and does not express agreement with the action. An employee will have the right to enter, in writing, his/her side into personnel records concerning any disciplinary action. The signed reprimand will become a permanent part of the employee's personnel file. All written reprimands will remain in an employee's personnel file. Receiving three reprimands within a twelve month period will result in the employee being placed on disciplinary probation. If a fourth reprimand is received within a twelve-month period, it will be grounds for termination.

Disciplinary Probation action will be in writing and signed by the employee. The written notice must include the specific conduct that has resulted in this action; and the criteria that must be met by the employee to be removed from probation. A copy will be provided to the employee. Disciplinary probation periods may be for up to 90 days. At the end of the probationary period, the employee will be informed in writing whether he/she has satisfactorily completed the

probationary period or that he/she is being terminated. Employees on disciplinary probation are not eligible for vacation leave or their day of choice.

Suspension With Pay is used when there is some evidence regarding a serious violation of agency policy, activities in opposition to stated aims and goals of ESC, irregularity in performance of duty that may endanger the health, welfare or well-being of a program participant, fellow employee or member of the general public, or financial or time accounting irregularities. A suspension with pay must be in writing and personally delivered to the employee. The notice will state the reason for the action. Should the employee refuse to acknowledge receipt of the notice of suspension such fact shall be made on the notice and a copy shall be personally delivered to the employee or mailed to the employee's address of record. A notice of suspension with pay shall be effective immediately. An employee's Division Director or the Chief Executive Officer may order a suspension with pay.

An employee on suspension will immediately vacate the premises and not return to work until so instructed in writing. Upon determination of the Chief Executive Officer, a suspended employee will be reinstated, placed on probation, or terminated.

Suspension Without Pay is when there is a preponderance of evidence regarding a serious violation of agency policy, activities in opposition to stated aims and goals of ESC, or evidence of personal irregularity in performance of duty that may endanger the health, welfare, or well-being of a program participant, fellow employee, or member of the general public. Suspension without pay must be in writing and signed by the employee. The notice will state the reason for the action. Should the employee refuse to sign the form, a third party will be used as a witness to provide a signature in place of the employee. Should a third party witness be necessary, the action will become effective immediately with no further signature required. An employee's Division Director or the Chief Executive Officer may order a suspension without pay. Upon completion of the investigation, the Chief Executive Officer will make a determination to either fully reinstate the employee with back pay or to terminate the employee.

Any written reprimand, disciplinary probation, suspension with pay, suspension without pay, or terminations will have the Director of Human Resources, Division Director or Assistant Division Director present with the employee and supervisor.

#### **VOLUNTARY RESIGNATIONS:**

To resign in good standing, employees are required to give two (2) weeks written notice to their immediate supervisor, who will forward a copy to the Human Resource Department.

**The resignation time period may be shortened subject to approval of the Chief Executive Officer.**

#### **TERMINATIONS:**

Termination of an employee may only be ordered by the employee's Division Director or the Chief Executive Officer. Termination of employment may occur as a result of direct violations of any policies and procedures of ESC, as well as for unsatisfactory job performance, work habits, or misconduct. Terminations of all Early Head Start and Head Start staff must be approved by the Head Start Policy Council, except those employees that are in their introductory

period of employment. Termination of the Chief Executive Officer, Fiscal Director, Head Start Director, and Human Resources Director must be approved by ESC's Board of Directors.

**EXIT INTERVIEWS:**

Exit interviews may be conducted by Human Resources with the employee leaving ESC who are willing to be interviewed. All keys, supplies, Personnel Policy Handbook, and other property checked out to the employee must be returned at this time. If all such property is not returned, the cost of these items will be deducted from the employee's final paycheck.

**JOB ABANDONMENT:**

Employees who fail to report to work, and/or who have not made any contact with the Area Supervisor, Assistant Division Director, or Division Director for two (2) working days will be considered as having abandoned their position with ESC. This may be changed only with the approval of the Chief Executive Officer.

**STATUS OF FUNDING CLAUSE:**

Reduction in ESC's workforce may become necessary due to budget cuts, program elimination and/or agency or program reorganization. Upon commencement of employment with ESC all employees shall be advised of the status of funding of their particular programs along with an overview of ESC's funding as a whole.

Most grants and contracts are funded for twelve-month periods, renewable on a yearly basis. Where it is highly probable that 1) a grant will not be renewed, 2) a grant will be renewed with a budget reduction, or 3) where ESC or individual programs/divisions will be reorganized, those employees who shall be adversely affected will be notified in writing no less than ten (10) or not more than thirty (30) days in advance that their continued employment is in jeopardy or that their employment will be terminated. If program funds are available and ten (10) working days' notice is not possible, the employee will be paid severance pay from the date of notice through the date the employee last works, for a maximum of ten (10) working days.

**DISCIPLINARY ACTION APPEAL:**

An employee who has been disciplined for any reason shall have the right to appeal as provided by these policies.

An employee may appeal personnel action written reprimands and disciplinary probations that affect him/her only to the level of the Chief Executive Officer. The appeal must be made in writing and within ten (10) days of the disciplinary action and should include the corrective action desired by the employee. The Chief Executive Officer shall have five (5) calendar days to respond to such appeal.

Disciplinary actions for suspensions, involuntarily termination, classification changes, or changes in salary may also be appealed. Existing employees may not appeal denial of applications for lateral job changes or advancements within ESC. EEO related complaints shall be handled in accordance with ESC's Affirmative Action Policy.

These appeals are to be made to the Chief Executive Officer in writing and within ten (10) days of the disciplinary action and should include the corrective action desired by the employee. The Chief Executive Officer shall have five (5) calendar days to respond to such appeal. If the

employee does not agree with the findings of the Chief Executive Officer, he/she may submit an appeal to the ESC Board of Director's Agency Personnel & Planning Committee. Such appeal must be in writing and forwarded to the chairperson of the Agency Personnel & Planning Committee within five (5) days after the date of the decision of the Chief Executive Officer.

The Agency Personnel & Planning Committee reserves the right to 1) review the grievance and all supporting written documentation and concur with the Chief Executive Officer's decision, or 2) authorize and conduct a hearing. The Agency Personnel & Planning Committee of the Board of Directors shall determine the nature of the proceedings to be held, and will set the date, time and place, along with other necessary procedures and time frames. The committee will give the employee its decision in writing within ten (10) working days.

The Agency Personnel & Planning Committee will make a report and recommendations to the Board. The Board will make the final decision regarding the appeal. The Board's decision shall be final and there is no other recourse within the agency.

#### **EMPLOYEE GRIEVANCE:**

A grievance may be defined as any feeling of dissatisfaction or injustice in connection with one's employment situation. Employees of ESC have the right to present grievances free from interference, discrimination, or reprisal from management. The employee is encouraged to try to informally resolve conflicts in the workplace through informal direct communications. This must be brought to the attention of their immediate supervisor within five (5) working days. If following the employee's presentation of the grievance the employee is not satisfied with the determination made by his/her immediate supervisor, they shall then notify the supervisor they are taking the grievance to the Division Director. If not resolved by the Division Director, it may be presented to the Chief Executive Officer. The grievance must reach the Chief Executive Officer within fifteen (15) days of the initiation of the grievance. At the time the grievance is presented to the Chief Executive Officer it must be a formal appeal in writing. The Chief Executive Officer will advise both the employee and the supervisor of his decision on the grievance in writing, within five (5) working days of receipt of the grievance. This decision shall be final and there will be no other recourse within the agency.

#### **RETALIATION:**

It will be a violation of the policies for any employee or member of the Board to illegally discriminate against any employee or other person because he/she has filed a complaint, given testimony, or otherwise appeared before the Board or any of its committees in connection with a grievance or an appeal.