



PERSONNEL POLICY MANUAL

Approved By

The Allegany County Human Resources Development Commission, Inc Governing Board

on

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Approved By

Head Start Policy Council

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Table of Contents

INTRODUCTION.....	2
CHAPTER I – GENERAL OVERVIEW.....	3
A. MISSION OF ALLEGANY COUNTY HUMAN RESOURCES DEVELOPMENT COMMISSION, INC.....	3
B. RESPONSIBILITIES.....	3
1. BOARD OF DIRECTORS OF HRDC.....	3
2. HEAD START/EARLY HEAD START'S POLICY COUNCIL.....	3
3. SENIOR STAFF.....	3
4. PROGRAM DIRECTORS AND PROGRAM STAFF.....	4
C. EMPLOYEE CATEGORIES AND CLASSIFICATIONS.....	5
1. CATEGORIES.....	5
2. EMPLOYEE CLASSIFICATIONS.....	5
D. APPLICABILITY OF POLICIES.....	6
CHAPTER II – EQUAL EMPLOYMENT OPPORTUNITY.....	8
A. AFFIRMATIVE ACTION POLICY.....	8
B. EQUAL EMPLOYMENT OPPORTUNITY POLICY.....	8
C. WORKPLACE HARASSMENT POLICY.....	9
D. ANTI-RETALIATION POLICY.....	9
E. NEPOTISM POLICY.....	10
F. THE AMERICANS WITH DISABILITIES ACT (“ADA”).....	10
G. RELIGIOUS ACCOMMODATIONS.....	11
CHAPTER III- EMPLOYMENT WITH HRDC.....	12
A. APPLICATION.....	12
B. VERIFICATION OF EMPLOYMENT ELIGIBILITY.....	12
C. CRIMINAL BACKGROUND CHECK.....	12
D. APPLICANT DRUG TESTING.....	13
E. PHYSICALS.....	13
F. DRIVING RECORDS.....	13
CHAPTER IV - NEW EMPLOYEE ORIENTATION.....	14
A. GENERAL.....	14
CHAPTER V - PROBATIONARY/TRIAL PERIODS.....	15
A. SCHEDULE I (UNION POSITIONS).....	15
B. SCHEDULE II & III (NON-UNION POSITIONS).....	15
C. BENEFITS DURING PROBATIONARY PERIOD.....	16
1. SICK LEAVE.....	16
2. ANNUAL LEAVE.....	16
3. HOLIDAY/PERSONAL DAYS.....	16
D. GENERAL.....	16
CHAPTER VI - WAGES/SALARIES AND PAYROLL.....	17
A. POLICY.....	17
B. COMPLIANCE WITH THE FAIR LABOR STANDARDS ACT (FLSA).....	17
C. PAY PERIOD.....	17
D. PAYROLL DEDUCTIONS.....	17
E. PAYMENT UPON SEPARATION FROM EMPLOYMENT WITH HRDC.....	18
CHAPTER VII - WORK SCHEDULE/OVERTIME/COMPENSATORY TIME.....	19
A. WORK WEEK AND HOURS OF WORK.....	19
B. OFFICE HOURS.....	19
C. NON-EXEMPT EMPLOYEE HOURS AND WORK WEEK.....	19
1. HOURS.....	19
2. MEAL PERIODS/EVENING MEETINGS.....	19
3. OVERTIME.....	19

D. EXEMPT EMPLOYEES HOURS AND WORK WEEK	20
1. HOURS	20
CHAPTER VIII - EMPLOYEE BENEFITS.....	22
A. STATUTORY BENEFITS	22
1. SOCIAL SECURITY.....	22
2. UNEMPLOYMENT COMPENSATION	22
3. WORKER'S COMPENSATION.....	22
4. FAMILY AND MEDICAL LEAVE	22
B. EMPLOYER PROVIDED BENEFITS	24
1. LEAVES & ABSENCES	24
a. GENERAL	24
b. ADMINISTRATIVE LEAVE	24
c. ANNUAL LEAVE	24
d. FUNERAL LEAVE.....	26
e. HOLIDAY LEAVE.....	26
f. JURY LEAVE.....	28
g. LEAVE OF ABSENCE (WITHOUT PAY).....	29
h. MILITARY LEAVE.....	30
i. SICK LEAVE.....	30
2. INSURANCES.....	34
3. TRAINING AND EDUCATION.....	35
4. RETIREMENT.....	37
CHAPTER IX - EMPLOYEE RECOGNITION.....	38
A. EMPLOYEE MORALE.....	38
CHAPTER X - PERFORMANCE EVALUATION.....	39
CHAPTER XI - RECORDS MANAGEMENT	40
A. CONFIDENTIAL INFORMATION.....	40
B. COMPLIANCE WITH RECORDS RETENTION SCHEDULE	40
C. PERSONNEL RECORDS	40
D. ELECTRONIC MAIL RECORDS.....	40
E. I-9 FORMS.....	40
CHAPTER XII - EMPLOYEE CONDUCT	41
A. POLICY STATEMENT	41
B. DRESS CODE	41
C. TARDINESS.....	42
D. RULES ON POLITICAL ACTIVITY (HATCH ACT)	42
1. GENERAL.....	42
2. PROHIBITED ACTIVITIES.....	42
3. PERMITTED ACTIVITIES.....	42
E. DRUG AND ALCOHOL FREE WORKPLACE POLICY	43
1. GENERAL POLICY STATEMENT.....	43
F. NOTIFICATION OF STATE PROCUREMENT OFFICER.....	44
G. OFF DUTY ACTIVITIES WHICH AFFECT JOB PERFORMANCE	44
H. CONFLICT OF INTEREST	45
I. SMOKE FREE POLICY	45
1. POLICY.....	45
2. DESIGNATED SMOKING AREAS.....	45
3. CLIENT SMOKING	45
J. PERSONAL PROPERTY	45
1. COMPUTER MESSAGING AND INFORMATION SYSTEMS.....	45
2. USE OF EQUIPMENT FOR BUSINESS PURPOSES	46
3. OWNERSHIP AND REVIEW OF DATA	46
4. CARE AND MAINTENANCE OF EQUIPMENT	47
5. REPORTING WITHOUT FEAR OF RETALIATION.....	47
6. QUESTIONS ABOUT THIS POLICY.....	47
K. WIRELESS PHONE USE.....	47
L. RESTRICT PERSONAL PHONE CALLS	48
M. FOLLOW OUR GUIDELINES FOR ENTERING AND LEAVING.....	48
N. TRAVEL/DRIVING ON HRDC BUSINESS.....	48

O. DRIVING ON HRDC BUSINESS/USE OF HRDC FLEET VEHICLES	48
P. USE OF PERSONAL VEHICLE	49
CHAPTER XIII COUNSELING AND DISCIPLINE	50
A. POLICY STATEMENT	50
B. GENERAL LIST OF INFRACTIONS	50.
1. GENERAL LIST OF INFRACTIONS	50
C. COUNSELING	51
D. DISCIPLINE	51
CHAPTER XIV - RESIGNATIONS, FURLOUGHS,53REDUCTIONS-IN-FORCE, AND TERMINATIONS	53
A. DEFINITIONS	53
1. RESIGNATION -	53
2. FURLOUGHS -	53
3. REDUCTIONS-IN-FORCE -	53
4. TERMINATIONS - (employee is discharged)	54
B. EXIT PROCEDURES	54
1. POLICY.....	54
C. REFERENCE INQUIRES FOR AGENCY PERSONNEL	55
CHAPTER XV - PROBLEM SOLVING56_PROCEDURE, DISCHARGE APPEAL CONFERENCE, OPEN DOOR AND GRIEVANCE POLICY.....	56
A. POLICY.....	56
B. PROBLEM SOLVING PROCEDURE	56
C. DISCHARGE APPEAL CONFERENCE	57
D. OPEN DOOR POLICY	57
E. DEFINITION OF NON-GRIEVANCE ISSUES.....	57
F. DISCIPLINARY ACTION.....	57
G. PERSONNEL ADMINISTRATION	58
CHAPTER XVI - FACILITY CLOSING	59
A. POLICY	59
B. CLOSING FOR REASONS OTHER THAN WEATHER	60
CHAPTER XVII - CLIENT RECORDS	61
A. POLICY	61
B. ACCESS	61
C. RELEASE OF INFORMATION	62
D. RESPONSIBILITIES	62
E. RETENTION PERIOD	63
CHAPTER XVIII - CLIENT GRIEVANCES	64
A. POLICY	64
CHAPTER XIX - REPORTING OF CLIENT ABUSE	65
A. POLICIES.....	65
1. REPORTING POLICY.....	65
CHAPTER XIXI - AMENDMENT PROCEDURES AND AMENDMENTS.....	66
A. BOARD OF DIRECTORS INITIATED.....	66
B. UPDATES AND REVISIONS	66
CHAPTER XIXII – HRDC RESPONSIBILITIES.....	67

GUIDANCE FOR USE OF HRDC'S PERSONNEL POLICY MANUAL

The Allegany County Human Resources Development Commission, Inc. ("HRDC") is responsible for providing vital services to citizens of Allegany County through its employees. The HRDC expects employees to fulfill their role in providing these services in a professional, fair, honest, and thorough manner. The HRDC expects that employees will strive for excellence in advancing HRDC's mission, demonstrating integrity, and professional standards.

The policies set forth in this Manual supersede all previous written and unwritten HRDC Personnel policies. This Manual does not constitute a contract of employment, expressed or implied, and should not be considered as such. Furthermore, this Manual is not a limitation on HRDC's right to direct its workforce. Unless restricted by law or funding source, HRDC reserves all rights to manage its workforce.

All matters relating to the administration on the policies and procedures in this Manual will be under the general supervision of the Deputy Director and Personnel Department. Questions regarding interpretation and application of this Manual should be directed the Personnel Department.

INTRODUCTION

PURPOSE OF HRDC'S PERSONNEL POLICY MANUAL

The policies in this Manual are intended to be guidelines to employees and managers. The HRDC reserves the right to amend, add to, or change the policies in this Manual at any time.

RELATIONSHIP TO COLLECTIVE BARGAINING AGREEMENTS.

For HRDC employees covered by the collective bargaining agreement, the terms and conditions of the collected bargaining agreement supersedes this Manual on any subject covered by the collective bargaining agreement. The subjects covered in this Manual do not diminish HRDC's management rights and should not in any way be considered a waiver of these rights. Employees should contact their Union representative or the Personnel Department should they have any questions regarding conflicts between the collective bargaining agreement and this Manual.

CHAPTER I – GENERAL OVERVIEW

A. MISSION OF ALLEGANY COUNTY HUMAN RESOURCES DEVELOPMENT COMMISSION, INC.

HRDC, a nonprofit Community Action Agency in Allegany County, strives to eliminate social and economic barriers to promote individual and community stability through services, advocacy, and collaboration.

B. RESPONSIBILITIES

1. BOARD OF DIRECTORS OF HRDC

The Board of Directors constitutes the membership of the corporation and is comprised of representatives of target area groups, elected officials (or their designee) and private sector groups. Officers are elected and committees are formed in accordance with the constitution and by-laws of the Agency.

The Board of Directors is the policy-making unit of the Agency. In its policy-making role, the Board is responsible but not limited to;

- Identify the needs of the community,
- Establish the long and short range objectives of the agency,
- Formulate strategic plans for the organization,
- Approve overall program plans and priorities,
- Determine major personnel, fiscal, and program policies,
- Approve proposals for financial assistance,
- Approve major purchases,
- Assure compliance with the conditions of financial assistance and
- Hire, Evaluate and Terminate the Executive Director.

The Board of Directors assumes responsibilities for programs for which it receives funds in accordance with the regulations and/or guidelines established by each program-funding source.

The Board of Directors meets as a body six times per year. These meetings are open to the public and are held to transact such business that is necessary to achieve the above stated responsibilities. Committee meetings are held on a regular basis to review, plan, and evaluate program plans and policies. Reports and recommendations from the committees are presented to the full Board for action and/or information.

2. HEAD START/EARLY HEAD START'S POLICY COUNCIL

Under the U.S Department of Health and Human Services guidelines, Head Start/Early Head Start's Policy Council is entrusted with sharing administrative responsibilities of the Head Start /Early Head Start Program with the Board of Directors. Policy Council is involved with the administration of the program including program planning, personnel administration, grant application process, and program evaluation.

See: Head Start/Early Head Start Impasse Procedure for more detailed information.

3. SENIOR STAFF

a. Executive Director:

- (1) Is the chief administrator for the activities and programs of the Agency and is a full-time, salaried, contractual employee of the Board of Directors.

- (2) Implements the Governing Board's policy decisions by formulating procedures to accomplish the Agency's objectives.
- (3) Delegates responsibility for administering programs to staff members of the Agency as he/she deems necessary for a well-operated, efficient organization and evaluates their performance.
- (4) Hires and terminates Department Directors and Administrative Resources Staff.
- (5) Has the final approval for the hiring and termination of other personnel within the Agency.

b. Department Directors:

- Deputy Director
- Director of Children and Family Services
- Director of Area Agency on Aging
- Director of Adult Medical Day Care
- Director of Finance
- Director of Housing and Community Resources

- (1) The duties and responsibilities of the Department Directors are determined by the Executive Director.
- (2) Department Directors are full-time, salaried, employees.

c. Administrative Resource Staff:

- Deputy Director
- Operations Manager
- Client Tracking Specialist

- (1) The duties and responsibilities of each Administrative Resource Staff member are determined by the Executive Director.
- (2) The Executive Director hires and terminates the Administrative Resource Staff.
- (3) The Administrative Resources Staff are full-time, salaried, employees.

4. PROGRAM DIRECTORS AND PROGRAM STAFF

a. Program Directors:

- (1) The duties and responsibilities of each Program Director are determined by the Department Director and approved by the Executive Director. When determining the duties and responsibilities of the Director of Children and Family Services, the Executive Director shall work with Head Start/Early Head Start's Policy Council.
- (2) The Department Directors hire and terminate Program Directors in consultation with the Executive Director. In the case of the Director of Children and Family Services, Head Start/Early Head Start's Policy Council is involved as outlined in the Head Start/Early Head Start Impasse Procedure.

b. Program Staff:

- A. The duties and responsibilities of each program staff person are determined by the Program Director and approved by the Department Director and Executive Director.
- B. Program Directors initiate and participate in all actions concerning the hiring and termination of Program Staff personnel.

C. EMPLOYEE CATEGORIES AND CLASSIFICATIONS

1. CATEGORIES All employees within HRDC are categorized into one of five basic categories.

- a. Senior Staff (Non-Union): The following positions are categorized as Senior Staff and incumbents are employed as full-time, salaried, employees. Wages, incentives, benefits, and working conditions are approved by the Board of Directors and outlined in this document:
 - Executive Director (contracted)
 - Department Directors
 - Administrative Resource Staff
- b. Key Staff and Management Positions (Non-Union): The positions listed below are categorized as key staff and management. Wages, incentives, benefits and working conditions for these positions are approved by the Board of Directors and included in these policies and procedures.
 - Program Directors
 - Program Managers
 - Head Start/Early Head Start Component Managers
 - Center Managers/Coordinators
 - Administrative Resources Support Staff
 - Fiscal and Personnel Department Support Staff
- c. Program Staff Positions (Union eligible) - Paid by HRDC: All other positions paid by HRDC are staff positions and incumbents are employed in one of the classifications as defined in *paragraph 2 below*. Whereas the United Food and Commercial Workers (“UFCW”) has been certified by the National Labor Relations Board as the representative of all employees of HRDC [excluding senior staff, key staff and management positions, and casual employees (those who are employed on a regular, limited, or temporary basis who work less than a 4 hour day or 20 hour week)]. Wages, incentives, benefits, and working conditions for most program staff positions paid by HRDC are subject to collective bargaining and are established in the current agreement. Wages, incentives, benefits, and working conditions for casual staff positions paid by HRDC are as established in these policies and procedures.
- d. Program Staff Positions - Paid by Others: Positions that are made available to HRDC by outside organizations which dictate wages, incentives and benefits for such positions. HRDC selects incumbents and establishes working conditions in these policies and procedures.
- e. Consultants: A person who provides expertise in a particular field based upon a specific written agreement with or without compensation.

2. EMPLOYEE CLASSIFICATIONS

Employees fall into one or more of the following classifications:

- a. Regular Full-Time: Any employee whose regularly scheduled work hours are at least 35 hours a week for 12 months a year.
- b. Regular Part-Time: Any employee whose regularly scheduled work hours are at least 20 hours a week but less than 35 hours a week for 12 months a year.
- c. Limited Full-Time: Any employee whose regularly scheduled work hours are 35 hours a week for a program that operates between 2-11 months a year.

- d. Limited Part-Time: Any employee whose regularly scheduled work hours are at least 20 hours a week but less than 35 hours a week for a program that operates between 2-11 months a year.
- e. Temporary Full-Time: Any employee hired in a new short-term position (less than 4 months) as an emergency measure to meet a crisis or to reduce a back log whose regularly scheduled work hours are at least 35 hours a week.
- f. Temporary Part-Time: Any employee hired in a new short-term position (less than 4 months) as an emergency measure to meet a crisis or to reduce a back log whose regularly scheduled work hours are at least 20 hours a week but less than 35 hours a week.
- g. Continuous Operation Employee: An employee who works in any classification which, by design or job description, provides client services on an uninterrupted basis, 365 days per year.
- h. Casuals: An employee who works less than 20 hours per week.
- i. Substitutes: An individual hired to fill a position whose incumbent is absent because of illness, leave of absence, vacation, etc. are classified as substitutes.
- j. Non-Union: All senior staff, key staff, and management personnel are non-union. All program staff paid by others and those program staff paid by HRDC whose regular scheduled work hours are less than 20 hours a week (casuals) are also classified as Non- Union.
- k. Union Positions: All program staff positions whose regularly scheduled work hours are at least 20 hours a week are union. Substitutes shall become union eligible upon completing nine hundred (900) hours of employment during an eighteen (18) month period.
- l. Exempt Positions: Exempt positions are those positions within the Agency that are exempt from the minimum wage and overtime provisions as outlined in the Fair Labor Standards Act. All Schedule III positions are classified as Nonexempt positions.
- m. Nonexempt Positions: Nonexempt positions are those positions within the Agency that are subject to the minimum wage and overtime provisions as outlined in the Fair Labor Standards Act. All Schedule I, and II positions are classified as Nonexempt positions.

D. APPLICABILITY OF POLICIES

- (1) These policies apply to all employees paid by HRDC unless such policies are in conflict with current federal, state, or local government rules or regulations, the agreement between HRDC and the UFCW, or the individual employee's employment contract in which case the latter shall apply.
- (2) With the exception of *Chapters covering PROBATIONARY PERIOD, WAGES, SALARIES AND JOB LEVELS*, and *BENEFITS* all provisions of this manual apply to those employees paid by others

CHAPTER II – EQUAL EMPLOYMENT OPPORTUNITY

HRDC recognizes the value of diversity and the benefits of fostering an inclusive work environment. All HRDC employees should strive to create and support a work environment representative of the individuals we serve and reflective of the demographics of Allegany County.

A. AFFIRMATIVE ACTION POLICY

HRDC has established a written Affirmative Action Plan (AAP) with respect to equal employment opportunity. This AAP has been prepared in conformity with Executive Order 11246 and the implementing regulations of OFCCP, 41 C.F.R. Part 601 et seq., including Revised Order No. 4, as amended, 41 C.F.R. Part 602. This AAP is designed to provide guidance to management with respect to HRDC's commitment to full implementation of its EEO/affirmative action policy. HRDC's official policy statement, signed by its Board Chair, is included in the Plan. HRDC's policy includes without limitation, the following commitment

HRDC shall make good faith efforts to recruit, train, hire, and promote members of the protected classes. This includes preventing discrimination in hiring and promoting, providing access to varieties of jobs at all levels of pay and enhancing employment opportunities.

To assure compliance with HRDC's Affirmative Action Plan, the agency's Deputy Director, has been designated as the agency's Affirmative Action Officer and has been charged with the responsibility of administering and monitoring the plan and make reports to Senior Management. The Plan is available for inspection in accordance with applicable regulations and is presented to the Board of Director's annually at the January board meeting.

B. EQUAL EMPLOYMENT OPPORTUNITY POLICY

HRDC is committed to maintaining a professional work environment in which all individuals are treated with respect and dignity. Each employee has the right to work in an atmosphere, which promotes equal opportunities and prohibits discriminatory practices, including harassment. It is HRDC's policy to assure equal employment opportunities to all persons. HRDC strictly prohibits discrimination against any person in the recruitment, training, examination, appointment, retention, discipline, or any other aspect of personnel administration based on any of the following characteristics ("protected classes"):

- Age
- Ancestry
- Disability
- Genetic Information
- Military/Veteran Status
- National Origin
- Race
- Religion
- Sex/Gender
- Sexual Orientation

HRDC will not condone nor tolerate acts of discrimination and/or harassment, including sexual harassment, by any employees under any circumstances. Appropriate corrective action will be taken if an employee is in violation of this policy.

C. WORKPLACE HARASSMENT POLICY

In furtherance of its Equal Employment Opportunity Policy, HRDC strictly prohibits any form of “workplace harassment”. “Workplace harassment is defined as:

- Conduct, whether verbal, non-verbal, or physical;
- That is based on a person’s “protected characteristic (see above); and
- Creates an intimidating, hostile, or offensive work environment that unreasonably interferes with work or negatively affects an individual’s employment opportunities.

Workplace harassment can occur between co-workers, an employee and a supervisor/manager, or an employee and a non-employee who conducts business with HRDC.

Sexual Harassment

HRDC’s prohibition against “workplace harassment” includes a policy prohibiting sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature that takes place under either of the following conditions:

- Submission to or rejection of this conduct by an individual is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, pay increased, termination or other aspects of employment;
- This conduct substantially interferes with an individual’s employment or creates an intimidating, hostile, or offensive work environment.

All forms of workplace harassment are unacceptable in the workplace itself and by any employee, in any setting involving business and outside the workplace, including but not limited to, other work-related settings such as business trips, holiday parties, office gatherings, and HRDC approved events which employees attend.

Employees who feel they have been subjected to harassment in violation of this Policy should immediately report their complaint to HRDC’s Personnel Office.

D. ANTI-RETALIATION POLICY

HRDC strictly prohibits retaliatory action against an individual who opposes discrimination and/or harassment.

“Opposing discrimination and/or harassment” may include, but not necessarily be limited to:

- Filing a charge of discrimination or harassment;
- Cooperating with an internal or external investigation of alleged discrimination or harassment;
- Complaining to anyone about alleged discrimination against oneself or others;
- Threatening to file a charge of discrimination or harassment;
- Refusing to obey an order reasonably believed to be discriminatory;
- Requesting a reasonable accommodation based on religion or disability.

“Retaliatory action” may include, but is not necessarily limited to:

- Employment actions, such as termination, refusal to hire and denial of promotions;
- Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references or increased surveillance; or
- Any other action such as an assault or unfounded civil or criminal charges that is likely to deter reasonable people from pursuing their rights.

Any action that is perceived to be retaliatory against an individual should be immediately reported to HRDC’s Personnel Office.

E. NEPOTISM POLICY

The following rules shall be observed with respect to persons whose employment is supported by Federal and State funds.

- (1) No person shall be hired by HRDC while either he/she or a member of his/her immediate family serves on a board, committee, grantee, or delegate agency if that board, committee, or agency has the authority to engage in personnel actions, including hiring that would directly or indirectly affect the person's job. Conversely, no person who is a current employee or who has been an employee within the past two years shall be considered for a position on the board of directors.
- (2) No person shall be employed with HRDC in a position over which a member of his/her immediate family exercises supervisory authority; or, in a position exercising supervisory authority over a member of his/her immediate family.
- (3) For purposes of this section, being employed with HRDC includes:

regular employees	limited employees
temporary employees	substitutes employees
full-time employees	part-time employees
- (4) For purposes of this section, a member of an immediate family shall include any of the following persons:

husband	sister
wife	father-in-law
father	mother-in-law
mother	sister-in-law
daughter	brother-in-law
son	daughter-in-law
brother	son-in-law
domestic partner	other close personal
step-child	relationship (person living in
	the same household)

F. THE AMERICANS WITH DISABILITIES ACT (“ADA”)

HRDC, in accordance with the Rehabilitation Act of 1973, Section 504, and the Americans with Disabilities Act of 1990 (“ADA”), seeks to assure its employees that no individual will be discriminated against in the workplace due to a disability. Under ADA, the term disability means: “(a) A physical or mental impairment that substantially limits one or more major life activities of an individual; (b) A record of such an impairment; or (c) Being regarded as having such an impairment.” Simply having a disability does not ensure ADA coverage.

An “ADA Reasonable Accommodation” may be provided to qualified employees. What constitutes a reasonable accommodation will vary from case to case depending on the needs of the position and of the qualified employee. There is no guarantee that a reasonable accommodation will exist for every situation.

HRDC seeks to ensure that individuals with a disability are hired and retained, and have reasonable access to HRDC owned and leased facilities, as well as facilities occupied by providers under contract with HRDC to provide services.

Employees should contact HRDC’s Personnel Department to request an ADA accommodation.

G. RELIGIOUS ACCOMMODATIONS

In accordance with federal and state laws and HRDC policy, HRDC prohibits discrimination on the basis of religion. HRDC provides reasonable accommodations for sincerely held religious beliefs and/or practices unless doing so would impose an undue hardship on the HRDC. A reasonable religious accommodation is an adjustment to the work environment that will allow an employee to comply with his or her religious beliefs. An employee seeking a reasonable accommodation should initially discuss their request with their immediate supervisor. If the employee is not satisfied with their supervisor's response, the employee can forward their request to HRDC's Personnel Department for review. HRDC's Personnel Department will respond to the employee's request within a reasonable time.

CHAPTER III- EMPLOYMENT WITH HRDC

A. APPLICATION

All persons, not currently employed by HRDC, applying for a position vacancy are required to complete HRDC's Employment Application.

HRDC Employment Applications are available at:

HRDC, Inc.
125 Virginia Avenue
Cumberland, Maryland 21502

-or-

Maryland Job Service
McMullen Building
138 Baltimore Street
Cumberland, Maryland 21502

-or-

www.allegancyhrdc.org

No applicant shall be required to disclose their religious or political affiliation or racial or ethnic origin, except as necessary to gather equal employment opportunity or other statistics that, when collected, will not identify a specific individual.

B. VERIFICATION OF EMPLOYMENT ELIGIBILITY

In accordance with the Immigration Reform and Control Act of 1986, HRDC is committed to employ only United States citizens and aliens lawfully authorized to work in the United States.

Employees hired after June 1, 1987, are required to complete Section 1 of Form I-9 Employment Eligibility Verification and present documentation within three working days to the HRDC's Personnel Department to verify identity and employment eligibility. HRDC's Personnel Department shall examine the document and, if satisfied, complete Section 2 of the Form I-9 to record information. The completed Form I-9 shall be retained for three years or for one year past the employment of the individual, whichever is longer.

C. CRIMINAL BACKGROUND CHECK

All outside applicants for employment are subject to a criminal background check. A criminal background check may be required for current employees who are applying for certain types of positions within HRDC (positions working with vulnerable populations). HRDC in its discretion may also periodically conduct criminal background checks of current employees.

Conviction of a crime or a history of criminal convictions may prevent an applicant from being offered employment. Determination of such action will be based on an analysis of the responsibilities of the position and the nature and timeframe of the conviction. Current employees convicted of a crime may also be subject to discipline, up to and including removal.

D. APPLICANT DRUG TESTING

All applicants tentatively offered a position at HRDC will be required to submit to urinalysis to test for illegal drug use prior to actual employment.

E. PHYSICALS

All applicants for positions dealing with vulnerable populations within HRDC will be required to pass a physical. Applicants applying for driving positions within HRDC will be required to complete a Department of Transportation (DOT) physical.

Existing employees of HRDC that are classified as Drivers will be required to complete annual DOT physicals.

F. DRIVING RECORDS

All applicants for Driver positions within HRDC will be required to provide a copy of their driving record.

Existing employees of HRDC that are classified as Drivers will have their Drivers records reviewed annually.

CHAPTER IV - NEW EMPLOYEE ORIENTATION

A. GENERAL

All new employees will be given a formal orientation. Employee orientation is conducted in two phases for non-Union personnel and three phases for Union employees.

Phase I – Agency Overview and completion of required paperwork

Phase II- Program Overview/Job Specific

Phase III- Union Overview (conducted by Union Shop Steward)

CHAPTER V - PROBATIONARY/TRIAL PERIODS

POLICY: All new, transferred, or promoted employees will serve a probationary/trial period. This will be a period of training in which the employee becomes acquainted with his/her new duties, job description and all phases of his/her work. The immediate supervisor will counsel the new employee as to his/her duties, responsibilities, hours of work, rate of pay, reports to be filed, chain of authority, job structure and employee benefits.

IMPORTANT NOTE: *The successful completion of this period should not be construed as creating a contract or guaranteeing employment for any specific duration, or establishing a "just cause" termination standard.*

DEFINITIONS

Probationary Period: *The first 90 (newly hired union), or 180 (all other employees) calendar days of an employee's tenure in a position shall be considered as that employee's probationary period.*

Trial Period: *The first 90 (newly transferred or promoted union), or 180 (all other employees) calendar days of an employees' tenure in a position shall be considered as that employee's trial period.*

A. SCHEDULE I (Union Positions)

The first 90 calendar days of any newly hired union employees' tenure in a position shall be considered probationary. Such employees may be terminated during such period for any reason other than upholding union principles or engaging in activity of the union.

The first 90 days of any transferred or promoted employees' tenure in a position shall be considered a trial period. Should the supervisor of the employee reasonably determine at anytime within the 90-day period that the employee is unable to successfully perform the duties of the position he or she will be relieved of their duties. See *Union Contract Article 7* for placement rights within the bargaining unit. The determination concerning the employee's ability to successfully perform the duties of the new position shall not be made prior to the 30th calendar day of the trial period.

At intervals of 30 calendar days, performance evaluations will be made in writing via the Agency evaluation form, Performance Appraisal Review. A decision as to the suitability of the probationary employee for the position will be made by the supervisor. In the event that an employee is recommended to be terminated or relieved, the action is subject to review by the Executive Director, who will notify the employee of his/her decision.

B. SCHEDULE II & III POSITION (Non- Union Positions)

The first 180 calendar days of any new employee's tenure in a position shall be considered as probationary. For promoted or transferred employees, the first 180 calendar days is considered a trial period. Such employees may be terminated during such periods. The probationary or trial period may be extended at the discretion of HRDC.

During this period, an employee's Supervisor may discuss the employee's performance with them. A decision will be made, in HRDC's discretion, about granting an individual regular employee status, extending his/her probationary period, or terminating the employment relationship. In the event that an employee is recommended to be terminated, the action is subject to review in accordance with HRDC's policy on discharge appeal conferences by the Executive Director.

C. BENEFITS DURING PROBATIONARY PERIOD

1. SICK LEAVE

- (1) During the probationary period, employees are not eligible for paid sick leave.
- (2) Sick Leave has no pay-in-lieu-of cash value during the probationary period.

2. ANNUAL LEAVE

During an employee's probationary period, annual leave benefits do not accrue. Upon the successful completion of the probationary period, the employee's length of service, *for purposes of calculating annual leave*, will be computed from the date he/she was first employed and has maintained uninterrupted service with the agency

3. HOLIDAY/PERSONAL DAYS

Employees can earn, and to the extent earned may use Holiday/Personal days during their probationary period. However, no monetary compensation is granted for unused Holiday/Personal days during the probationary period.

D. GENERAL

See also section on- PROBLEM SOLVING PROCEDURE, for applicability to employees on probation.

See also: Union Contract.

CHAPTER VI - WAGES/SALARIES AND PAYROLL

A. POLICY

It is the policy of the Agency to assure employee's wages and job classifications are equitably established. Periodic reviews, both within the Agency and with comparable positions outside the Agency, are management practices.

Wages are set by the Board of Directors or in accordance with the Agreement between the United Food and Commercial Workers and HRDC.

B. COMPLIANCE WITH THE FAIR LABOR STANDARDS ACT (FLSA)

The Federal Labor Standards Act is a federal law which requires that certain employees be paid at least the federal minimum wage for all hours worked and overtime for all hours worked over forty (40) hours in a workweek. For Union employees, time worked in excess of eight (8) hours in any one day shall also be considered overtime. It is HRDC's policy to comply with all requirements of FLSA. In accordance with this policy, all positions with HRDC are categorized as either "non-exempt" or "exempt" based on the nature of the positions.

An employee who believes that he or she has been improperly categorized as exempt should contact HRDC's Personnel Department.

C. PAY PERIOD

The combination of two consecutive workweeks constitutes an Agency pay period. There are 26 pay periods per calendar year. All employees receive a paycheck on every other Friday for their work in the previous two work weeks, unless that particular Friday happens to be a holiday. In such case, you receive your paycheck on the last work day preceding the holiday.

D. PAYROLL DEDUCTIONS

There are two types of payroll deductions that HRDC shall be authorized to make from employee wages:

Mandatory

- Federal, state, and local withholding taxes
- Garnishments
- Court ordered child or spousal support
- Union dues

Voluntary

Employees may authorize deductions from wages for (these options are subject to change periodically based on management's discretion):

- Benefits selection
- Flexible Spending Accounts
- Deferred Compensation (403b Plan)
- County United Way Contribution

Employees should contact HRDC's Personnel Department to change payroll deductions.

E. PAYMENT UPON SEPARATION FROM EMPLOYMENT WITH HRDC

Compensation for accrued annual, personal or sick leave (up to five days) will be included in the employee's last paycheck.

No employee shall be paid for unused sick leave upon termination for cause.

CHAPTER VII - WORK SCHEDULE/OVERTIME/COMPENSATORY TIME

A. WORK WEEK AND HOURS OF WORK

The basic workweek shall be Monday through Friday for all programs except the Office of Housing Opportunities, which shall operate 7 days a week. The "work week" begins at 12:01 a.m. on Sunday and ends at 12:00 midnight the following Saturday. HRDC's "payroll week" coincides with the work week. The "regular" work week for most employees consists of thirty-five (35) hours of work within the work week, with two (2) days off each week whenever possible, at HRDC's discretion. HRDC's pay practices, procedures and records are the basis for establishing the number of hours worked by each employee, and govern all questions pertaining to hours worked, overtime, and all other pay issues. Nothing in this Manual is a guarantee by HRDC of hours of work per day, per week, per year, or on any specific work schedule.

B. OFFICE HOURS

The Central Office is open from 8:00 AM - 4:00 PM. Program hours are dictated by program needs. Further, hours of work are determined by HRDC to meet its operational needs. An employee's supervisor will advise employees of their regular work schedule, meal periods, and arrangements for personal breaks.

C. NON-EXEMPT EMPLOYEE HOURS AND WORK WEEK

1. HOURS

- a. General: Specific hours shall be established for each employee based upon program needs. Regularly scheduled hours for most employees normally will not exceed seven hours per day or 35 hours per week (regular full-time employees). Individual schedules may be established which call for greater than or less than seven hours based on HRDC'S needs.
- b. Split Shift Work: *See Union Contract*

2. MEAL PERIODS/EVENING MEETINGS

- a. Hours of work shall normally be consecutive except for evening meetings and meal periods. Meal periods are normally one-half to one hour in length at approximately the middle of the workday -- depending on the position. However, meal periods must be scheduled to meet the needs of HRDC in accordance with instructions from an employee's supervisor.
- b. Union employees *see Union Contract*:

3. OVERTIME

There will be no paid overtime for any employee, except in unusual circumstances approved in advance by the Executive Director. Non-exempt employees, will be paid one and one half-times your regular rate for all hours you are required to work in excess of forty (40) in a work week and/or more than eight (8) hours in a given day if the employee is in the Union. The amount of overtime work and employees assigned to work such overtime hours is established by HRDC. There will be no duplication or pyramiding in the computation of overtime and other premium wages. No employee will be paid more than once for the same hours worked.

- a. Permission to Work Overtime:

An employee must receive approval from his/her immediate supervisor and the Executive Director before working overtime..

D. EXEMPT EMPLOYEES HOURS AND WORK WEEK

1. HOURS

Exempt employees are not eligible for Overtime or Compensatory Time. The normally expected working period for the exempt employee shall be 35 or 40 hours per week; however, the exempt employee will work additional hours per week without additional compensation to the extent such time is reasonably necessary to carry out the duties and responsibilities set forth in that employee's job description.

a. Partial Day Absences:

(1) Part-day Absences Due To Employee Illness or Health Care Appointments

(a) Accrued Sick Leave **Available**

- i. When accrued sick leave is available, the exempt employee must use that accrued sick leave to account for partial day absences in a pay period in which a partial day's absence will cause the employee's total work-hours to be less than the normally expected work period established for that position. The amount of leave to be used to account for the partial day's absence will be determined by subtracting the time worked in the pay period from the normally expected work period established for that position.
- ii. Exempt employees need not account for partial day absences due to illness or health care appointments in a pay period in which a partial day's absence does not cause the employee's total work-hours to be less than the normally expected work period established for that position.

- (b) Accrued Sick Leave **Not Available** -- When accrued sick leave is not available, the exempt employee's pay will not be "docked" for partial day absences due to illness.

(2) Partial Day Absences Due To Personal Reasons

(a) Accrued Paid Leave **Available**

- i. When accrued paid leave(s), i.e., Annual and Holiday/Personal days are available, the exempt employee must use some form of accrued paid leave to account for partial day absences in a pay period in which a partial day's absence will cause the employee's total work-hours to be less than the normally expected work period established for that position. The amount of leave to be used to account for the partial day's absence will be determined by subtracting the time worked in the pay period from the normally expected work period established for that position.
- ii. Exempt employees need not account for partial day absences due to personal reasons in a pay period in which a partial day's absence will not cause the employee's total work-hours to be less than the normally expected work period established for that position.

- (b) Accrued Paid Leave **Not Available** -- When accrued paid leave(s) are not available, the exempt employee's pay will not be "docked" for partial day absences.

b. Full Day Absences:

(1) Absences of a Full Day or More Due To Illness

(a) Accrued Sick Leave **Available** -- When accrued sick leave is available, the exempt employee must use that accrued sick leave to account for full day absences.

(a) Accrued Sick Leave **Not Available** -- When accrued sick leave is not available, HRDC will use some other form of accrued paid leave to account for full-day absences, or, if the employee has no other paid leave available, the employee will be docked the appropriate number of day(s) of pay.

(2) Full Day Absences Due To Personal Reasons

(b) Accrued Paid Leave **Available** -- When accrued paid leave(s), i.e., Annual leave and Holiday/Personal days are available, the exempt employee must use some form of accrued paid leave to account for full day absences.

(c) Accrued Paid Leave **Not Available** -- When accrued paid leave(s) are not available, the exempt employee will be docked the appropriate number of day(s) of pay.

CHAPTER VIII - EMPLOYEE BENEFITS

In addition to the regular paycheck employees receive for working at HRDC, HRDC offers numerous benefits, services, and conveniences to help provide protection and assistance for our employees and their families. The value employees receive from these benefits and services is really a "hidden paycheck" provided by HRDC, with a value of over one-third of an employee's base pay.

HRDC's insurance, pension, and other plan benefits are discussed in more detail in separate booklets, and in the formal contracts and other plan documents. In the event there is any question or conflict in language or interpretation between those booklets and documents in relation to the provisions of this Manual, the terms of the actual contracts and other plan documents will control over the summaries in this Manual. It is further understood that nothing in any of the benefits plans summarized in this Section will be considered a waiver of HRDC's standards of attendance as stated elsewhere in this Manual.

Here are some of the highlights of HRDC's employee benefits program, and a number of other services and conveniences HRDC offers you in recognition of your value to HRDC:

A. STATUTORY BENEFITS

1. SOCIAL SECURITY

Social Security will be deducted from the employee's salary at the current rate and will be matched with the same percent by the Agency.

2. UNEMPLOYMENT COMPENSATION

All employees of the Agency are covered under the Maryland Unemployment Insurance Law. Benefits are determined by State Law.

3. WORKER'S COMPENSATION

The Agency provides Worker's Compensation Insurance for all employees.

Compensation for wages lost as a result of a work related injury by accident or work related illness during the first three days of that injury or illness are covered by Agency sick leave, if available. If the injury/illness incapacitates the employee wholly or in part from performing his/her regular work for more than three (3) days, the employee may be eligible for wage compensation from the Worker's Compensation Insurance Company.

If the employee is required to be off fourteen (14) consecutive days or longer, the waiting period of three (3) days may then be paid retroactively by Worker's Compensation.

If the Agency pays the first three (3) days (sick leave) and the employee is off long enough to be paid for these days by Worker's Compensation, **the employee must reimburse the Agency for this amount.** The Finance Office shall be responsible for notifying the employee of his/her duty to reimburse the Agency. Once reimbursement is made, the Finance Office is to notify the Department Director that the employee should be re-credited for his/her three (3) days sick leave.

4. FAMILY AND MEDICAL LEAVE

It is the policy of HRDC to grant periods of unpaid leave to employees who request time off for family or medical reasons, in accordance with the Family and Medical Leave Act of 1993 ("FMLA"). The eligibility criteria and general guidelines used in administering this policy are set forth below.

Covered Employees: To be eligible for leave under the FMLA, an individual must have been employed by HRDC for at least twelve months, whether consecutive or intermittent, and worked at least 1,250 hours during the twelve-month period preceding the leave.

Reasons for Leave: Employee's may request leave under the FMLA for the following events: birth of a child; placement of a child with you for adoption or foster care; time needed to care for a spouse, child or parent with a serious health condition; employee or spouse's military obligation, or an employee is unable to perform his/her job due to a serious health condition. For purposes of this policy, a serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.

Length of Leave: Leave under the FMLA is limited to a total of twelve work weeks during a twelve-month period. In determining the amount of FMLA available to an employee, HRDC will consider the twelve-month period preceding the date the leave is to be used. Leave taken to care for a sick family member or because of an employee's own serious health condition may be taken intermittently or on a reduced work schedule when medically necessary and supported by certification from a doctor or other health care professional. In such a situation, however, employee's may be transferred temporarily to a position which, at the discretion of HRDC, better accommodates the leave schedule, but is equivalent in pay and benefits to the position the employee held prior to the leave.

Pay Status During Leave: An employee's pay status during a period of leave under the FMLA will depend on the reason for the leave, the length of the leave, and the amount of available (i.e., earned but unused), sick, annual and holiday/personal time as of the beginning of the leave.

If an employee is utilizing FMLA for a personal illness/medical need, or birth of a child the employee will receive compensation from short-term disability benefits for the period of time authorized by his/her medical practitioner after first taking three (3) days of available leave. Employees seeking additional leave not required by the medical practitioner but permissible under FMLA after short term disability benefits are exhausted will be required to use all other leave available (sick, annual, and personal time) to cover all or a portion of their absence, and employees will receive full pay until their available leave is exhausted.

Employees utilizing FMLA for another approved purpose will be required to exhaust all leave available (sick, annual, and personal time) to cover all or a portion of their absence, and employees will receive full pay until their available leave is exhausted.

Once an employee's paid leave benefits are exhausted, they will be in unpaid status during the remainder of the leave.

Sick, annual, and holiday/personal time will not accrue during any period for which an employee is receiving short term disability benefits or are in an unpaid leave status.

Notice Required: If the need for leave is foreseeable, employees must notify HRDC's Personnel Department at least thirty days prior to the date the leave is to begin. If the need is not foreseeable, an employee should provide as much notice as practical. The request for leave should be made in writing and include the reason for the leave and amount of time required. If the leave is needed because of a serious health condition, whether an employee's or that of a family member, employee's will be required to provide HRDC with a health care provider's certification, on the form supplied, to support the need for the leave. In the case of leave taken because of an employee's your own serious condition, certification of their ability to return to work may also be required.

Effect on Benefits and Employment: Coverage under HRDC's group health plan will continue at no additional expense to the employee during any period that they are on leave under the FMLA. Employees will, however, be required to continue paying your portion of the premium for your own and any dependent coverage, as well as any contributions to the Flexible Spending Accounts and Supplemental Insurance plans should they wish to keep such coverage in effect. Non-Union employees will continue to have coverage under HRDC's life and long term disability policies in accordance with the provisions set forth in HRDC's general Leave of Absence policy. Should an employee fail to return to work after the expiration of his/her leave, an employee may,

depending on the circumstances, be required to refund to HRDC any health insurance premiums paid on their behalf during the leave.

Upon return to work from leave under the FMLA, employees will be placed in the position they held prior to the leave or in one which, in HRDC's judgment, is equivalent in pay, benefits and other conditions and terms of employment to that held prior to the leave. If the employee is considered a key employee under the FMLA, however, HRDC is unable to guarantee reinstatement.

The provisions set forth above are a brief summary of the entitlements and requirements under the FMLA. It is HRDC's intention to administer the policy in a manner consistent with regulations issued by the Secretary of Labor. Questions regarding the FMLA should be directed to HRDC's Personnel Department.

B. EMPLOYER PROVIDED BENEFITS

1. LEAVES & ABSENCES

- a. General: Leaves & absences may be paid or unpaid and are granted to an eligible employee for specific purposes, personal reasons and other reasons deemed to be in the best interest of HRDC.
- b. Administrative Leave: Administrative leave is time off (***in increments of no less than a full day***) given to exempt (*salaried*) employees that is not chargeable to any other form of leave, as determined by the Executive Director or Department Director.
- c. Annual Leave:
 - (1) Eligibility: All Regular and Limited full and part-time employees, who work at least 4 hours per day and 20 hours per week, shall be eligible to earn paid annual leave in accordance with the following policies. No annual leave is earned by any substitute or temporary employee hired from outside of the Agency or by any regular or limited part-time employee who works less than 4 hours a day/20 hours a week (casual employee).
 - (2) Schedule I (Union Positions): Annual leave is earned monthly during the current program year and computed and credited to the employee on the first day of the following program year and is available for that employee's use during that program year. Leave earned and not yet credited does represent an entitlement but cannot be used by the individual before the first day of the following program year. Schedule I employees are not eligible to carry over Annual Leave. Union employees should consult the Collective Bargaining Agreement for specific details concerning the earning, accrual and usage of paid annual leave.
 - (3) Schedule II & III (Non-Union Positions): Annual Leave is earned bi-weekly and is computed and credited to the employee each pay period when it becomes available for the employee's use. Annual Leave is earned and accrued in proportion to the number of hours the employee is regularly scheduled to work utilizing a days-per-pay-period multiplier in accordance with the chart below:

FOR SCHEDULE II & III EMPLOYEES		
End of Program Year Status	Multiplier	Maximum Earnable Leave per Year
1-12 months	1.54	5 days
13-24 months	3.08	10 days
25-72 months	4.62	15 days
73-132 months	5.23	17 days

133-180 months	6.15	20 days
181 and above months	7.69	25 days

Carryover – there is no limit to the number of hours an employee may carry over from year to year. However, after an employee who has accrued an amount of credited-but-unused leave of 200 hours, that employee shall earn no additional leave until such time as his/her leave balance falls below the pre-established maximum.

First Year Employees: All employees must be employed a minimum of 6 working months and successfully complete the probationary period before they can take annual leave. Annual leave shall accrue for regular employees during this period and shall be credited to the employee's leave account at the end of 6 months.

Scheduling and Using

- (a) Generally speaking, to make annual leave meaningful to the employee, annual leave should be taken at least one week at a time. However, it is recognized that from time to time it may be mutually beneficial for the employee to take annual leave in less than weekly increments. Approval is left to the discretion of the Supervisor.
- (b) Annual Leave planning should begin as soon as the program year starts. Employees are responsible for receiving advanced approval through the annual leave request form.
- (c) Supervisors will review and approve requested dates based on operational needs. HRDC will attempt to schedule annual leave at the convenience of the employee, however, the needs of the Agency must be considered as paramount. .

Miscellaneous

- (a) Pay-In-Lieu of Annual Leave
 - i. An employee who leaves employment may be eligible to receive pay in lieu of annual leave. Whether an employee is eligible to receive such pay is governed by the separation procedures outlined in Chapter XIV *Resignations, Furloughs, Reduction in Force, and Terminations*. Pay-In-Lieu of Annual Leave is not available to employees who have not yet completed their probationary period.
- (b) Holidays during paid annual leave: In the event that a holiday falls during an employee's scheduled annual leave period, the holiday is considered holiday leave and not an annual leave day.
- (c) Illness during paid annual leave: If, during a period of annual leave, an illness of three or more days occurs, an employee may be granted sick leave for this period of illness, provided the employee notifies his/her Supervisor and requests that the days of illness be granted as sick leave and provide a physician's certificate upon return to work.
- (d) To the extent available, when an employee is transferred or promoted into another program the employee must take or be paid for all credited-but-not-used and all earned-but-not-yet-credited leave. If the employee is paid in lieu of taking this leave he/she, upon request to the new supervisor, may receive time off without pay up to the equivalent of the annual leave paid for in the other program at any time (trial period excluded) up to the end of the next complete program year for the program to which the employee transferred.

d. Funeral Leave: All employees, (with the exception of temporary and substitute employees) are entitled to a leave of absence with pay in the event of a death in his/her immediate family.

- (1) In case of the death of the employee's spouse, child, or step child the Employer shall grant an employee up to a five (5) day leave of absence with pay.
- (2) In case of the death of a parent, step-parent, , brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandchildren, domestic partner or any relative living with the employee, the Employer shall grant an employee up to a three (3) day leave of absence with pay.
- (3) In cases with extenuating circumstances such as when substantial travel is necessary, request for leave exceeding the established limits will be forwarded through supervisory channels to the Executive Director for approval.
- (4) Funeral leave shall not be charged to vacation or sick leave, but shall be an addition thereto.
- (5) Funeral leave for union employees is governed by the terms of the collective bargaining agreement between UFCW and HRDC,

e. Holidays:

- | | |
|----------------------------|-----------------------------|
| (1) New Year's Day | (10) Christmas Day |
| (2) Good Friday | (11) Veteran's Day |
| (3) Easter Monday | (12) Martin Luther King Day |
| (4) Memorial Day | (13) Columbus Day |
| (5) Independence Day | (14) President's Day |
| (6) Labor Day | (15) Maryland Day |
| (7) Day after Thanksgiving | |
| (8) Thanksgiving | |
| (9) Christmas Eve | |

- (1) Holidays 1-10 shall be observed in accordance with Federal or State designations. If said designations are in conflict, the Executive Director shall designate the day on which any such holiday shall be observed. Casual employees will be paid only for those holidays, (1-10) that when observed, fall on a day they are regularly scheduled to work. *Continuous Operation Employees see paragraph(s) (4)(b) below.*
- (2) Holiday leave taken is paid as an employee's regular workday.
- (3) Employees will get paid only for holidays that fall during the week in which they are working. *Continuous Operation Employees -- see paragraph (4)(b) below.*
- (4) Whenever a holiday falls on Saturday, it shall be observed on the preceding Friday. *Continuous Operation Employees -- see paragraph (4)(b) below.*
- (5) Whenever a holiday falls on Sunday, it shall be observed on the following Monday. *Continuous Operation Employees -- see paragraph (4)(b) below.*
- (6) The right to pay for holidays shall be forfeited by an employee whose:
 - absence is un-excused on workday prior to and/or after the holiday
 - is on leave of absence without pay when the holiday occurs;
 - is furloughed when the holiday occurs; or
 - is eligible for disability pay for illness or injury (Worker's Compensation or disability).

- (7) If work is required on a holiday 1-10, all non-exempt employees shall receive time and one-half (1 1/2) time-off which must be taken during the same workweek.
- (8) Eligibility
- (a) Regular and Limited employees are eligible for holidays 1-15.
 - (b) Casual employees are eligible for holidays 1-10 only when the holiday (or the day on which the holiday is observed by the Agency) falls on a day they are regularly scheduled to work.
 - (c) Substitutes and Temporary employees are eligible only for holidays 1-10 and only if they are scheduled to work and work the day before and the day after the holiday (or the day on which the holiday is observed by the Agency.) All other temporary or substitute employees are not eligible for holiday pay.
 - (d) Probationary Employees - Probationary employees can earn, and to the extent earned may use Holiday/Personal days during their probationary period.
- (9) Holiday/Personal Leave Days
- (a) For employees other than continuous operations employees, Holidays 1-10 are observed by all eligible employees on the day they occur. Special arrangements for holidays 11-15 for these employees are described below:
 - i. To provide increased access to programs by clients, HRDC will conduct normal operations on holidays 11-15. Employees may take holidays 11-15 as personal days. An employee is eligible to "bank" the holiday in order to take as a Personal Day if he/she works or is on Agency sick leave the day the holiday falls.
 - ii. Personal days in lieu of holidays may only be taken as earned. Use of holiday personal days must be arranged with the employee's supervisor. When using a holiday personal day, the holiday used must be noted on the time sheet, as "holiday", and state the holiday used.
 - iii. It is the employee's sole responsibility to monitor his/her own Holiday/personal leave balance(s.) Holiday/personal days not used in the fiscal year in which they are earned are lost, they cannot be carried over from one fiscal year to another. *(Holiday/personal day accrual and use is based on an October 1 - September 30 cycle (HRDC fiscal year) - not an individual employee's program year.)*
 - iv. Personal days are taken on any day that is mutually acceptable to the employee and the immediate supervisor. For Head Start/Early Head Start personnel, HRDC may designate Holidays 11-15 to be taken on an exact date established by the Department Director.
 - v. **Exempt Employees** see also Chapter V., Section D. for additional rules governing the use of Personal Days.
 - (b) Continuous Operation Employees
 - i. Because of the nature of the duties of the classification continuous operation employee such an employee must of necessity work some holidays. It shall be the policy to permit each continuous operation employee to observe the maximum number of holidays 1-10 on the

observed date as is consistent with the requirement to adequately serve clients. Employees required to work holidays 1-10 receive 1 1/2 rate of pay or 1 1/2 compensatory time off. The supervisor shall have the final discretion on designating holidays that a continuous operation employee may observe on the date they fall.

- ii. Any of the holidays 11-15 which the continuous operation employee cannot observe on the date it falls will be observed as a personal day.
 - iii. Personal days are taken on any day which is mutually agreeable to both the employee and the supervisor.
 - iv. A holiday shall be considered to fall on the actual date of the holiday. Saturday and Sunday holidays designated by the Federal and State government to be observed on a Friday or Monday will be considered Saturday or Sunday holidays for continuous operation employees and the designated Friday and/or Monday will be considered to be normal working days.
 - v. A continuous operation employee is entitled to holiday pay regardless of whether he or she was scheduled to work on the day the holiday falls.
- (c) Union Employees must submit holiday leave applications in accordance with the terms of the Union Contract.

f. Jury Leave:

- (1) Jury leave is available to all employees except temporaries and substitutes. Time off for jury duty is granted to all employees, in accordance with applicable law. If you are absent for jury duty, employee's must provide your Supervisor with a copy of the subpoena, jury certificate, or court order before leave is granted, and again upon their return to work. When you receive a notice to report for jury duty, notify their Supervisor immediately.
- (2) The time required for jury duty is not chargeable to other types of leave for the first two weeks of jury leave. The employee will submit a statement to the Finance Department from the court as to the amount of jury fees that he/she received. **The combination of jury fees and Agency pay shall not exceed that which the employee would normally be paid had he/she worked.**
- (3) When an employee is excused from jury service, either temporarily or permanently, on any scheduled workday, the employee shall promptly report to complete any remaining hours of his/her scheduled workday, but in no case shall he/she be required to report after 3:30 p.m.
- (4) Union employees should refer to the Union Contract for information on their eligibility for paid jury leave.

g. Leave of Absence (Without Pay)

A leave of absence without pay may be granted for valid general, personal, or educational reasons to eligible employees at the discretion of the Executive Director.

- (1) Employees requesting a leave of absence must submit a request through supervisory channels, in writing for approval. All leave without pay will be granted at the discretion of the Executive Director with the exception that the employee's Department Director may grant leave properly documented up to 30 days without pay. Requests must state the reason for the absence, the desired beginning and ending date, a statement concerning the amount of annual leave available, if any, and why it is not being used for this purpose, and the individual's

intention concerning self payment of medical insurance (*see paragraph (6) below.*) Following approval, the Program Director/Manager will initiate a Status Salary Change Form (and attach a copy of the approval thereto). A separate Status Salary Change will be submitted when the employee returns.

- (2) The maximum number of months that the Executive Director may grant an employee leave is not to exceed three months after one year of employment and nine months after three or more years of employment.
- (3) HRDC may permanently fill the leaving employee's position during his/her absence.
- (4) Any unused credited annual leave in the current program year will be used prior to commencement of leave unless a special request is made to the Executive Director and a waiver granted.
- (5) Annual leave benefits do not accrue to any employee during a leave of absence without pay, however, the period covering the leave is counted for the purpose of determining the employee's "end of program year status" in computing annual leave benefits. **Holidays falling during such a period will neither be earned nor be paid.**
- (6) Employees must make arrangements to pay their own medical insurance premiums during periods of leave if they want to continue medical coverage.
- (7) Because of the tenuous nature of funding and the potential necessity to abolish positions to accommodate budget constraints, the Agency can make no guarantee of work upon return from the leave of absence.
 - (a) For Non-Union personnel HRDC make no guarantee, to place a person who is scheduled to return from leave and whose job has been abolished into another vacated position for which the person is qualified, and at the rate of pay for the new position.
 - (b) For Union employees scheduled to return from leave and whose job has been abolished, the Agency will recognize Union Seniority and bumping rights procedures set forth in the Union contract.
- (8) Unless the leave is extended by the Executive Director for just cause prior to its scheduled end, an employee who fails to return to work at the end of a leave of absence is regarded as having resigned from his position.
- (9) Union employees should refer to the Union Contract to determine their seniority and bumping rights.

h. Military Leave

The Uniformed Services Employment and Reemployment Rights Act ("USERRA"), protects all employees who perform "voluntary or involuntary" service in the Armed Forces, including the Air National Guard, the Army National Guard, the Public Health Service and other service categories spelled out by the President. Employees taking a military leave are required to give proper advance verbal and/or written notice to their employer. Provided that the employees comply with these and certain other requirements, their jobs will be guaranteed for their return from up to **five years** of military service. The returning employee will be placed in the position he or she would have attained but for the military service, unless they are not qualified for the position. The time for the employee to report to his employer at the end of his military service varies from one week to 90 days, depending on the length of the service.

After the military employee returns from service, his or her job is guaranteed certain legal protections, over and above those of other employees, depending on the length of military service.

HRDC may not be required to reinstate an employee after military service if the employee is dishonorably discharged, or if HRDC has experienced such changed circumstances that reemployment is impossible or unreasonable, or would create an undue hardship. Also, employees who work only for brief, non-recurrent periods prior to taking military service may not be entitled to reinstatement.

Employee benefits are also protected by law during individuals' military service. A military leave is not deemed to be a "break in service" for seniority and other benefits. The leave is supposed to be included, for example, in any calculations of vesting rights for pension benefit plans.

HRDC will continue health insurance benefits for employees engaged in military service under the same conditions as apply to other types of leaves of absence. Such benefits may terminate in accordance with the benefit plan documents. However, COBRA continuation coverage will be provided in that circumstance.

Employees taking military leave will not be required to use accrued vacation or paid time off during the leave. However, they will be permitted to use such accrued paid leave if they so request.

i. Sick Leave

(1) Policy

- (a) HRDC recognizes that illness may prevent an employee from performing the duties of his/her position; and that if illness caused the employee to suffer a loss in earnings, it would be mutually detrimental to both the Agency and the employee. In order to minimize the adverse economic effect of illness, HRDC provides its employees a privilege which should be conserved and used only when necessary. It should never be thought of as leave to be used in lieu of annual or holiday leave but rather as a health insurance program designed for the protection of the employee. **The awarding of sick leave is not an entitlement. Furthermore, the number of sick days available to an employee is not to be construed as an implied standard of an acceptable rate of absenteeism.** Absences due to illness impede operations, the magnitude of which varies from position to position and program to program.
- (b) The effective control of sick leave is one of the responsibilities of every Department Director and Supervisor and is to be considered an integral part of the management process. It must be remembered that inappropriate use of sick leave is an individual problem that adversely impacts program delivery; therefore, careful consideration should be given to special problems the employee may be experiencing that may cause his/her sick leave usage to be excessive. The employee and Supervisor bear a mutual responsibility for exploring a course of action which will alleviate the condition which is causing the excessive absenteeism or resolve that the employee is no longer physically qualified for the position and should resign.
- (c) Sick leave is to be used for personal illness, or medical, dental and other health care appointments of the employee, employee's spouse or the employee's child. Sick leave also covers pregnancy. See *paragraph (4) -- Pregnancy below*.

- (2) Availability: Sick Leave for all employees shall be earned and available for use at the rate of .75 days per pay period for each pays period that the employee is on HRDC's payroll providing that:
- (a) Total cumulative days earned in any Fiscal Year (10/1 to 9/30) shall not exceed six (6) and that;
 - (b) The Sick Leave account balance at the end of any pay period does not exceed the maximum days listed below for the individual's position category:

**CHART NO.1
SCHEDULE I - UNION EMPLOYEES**

Position Category	Max. # of Sick Leave Days
12 month Pos.	11.5
9 - 11+ Month Pos.	10.0
6 - 8+ Month Pos.	8.5
< than 6 Month Pos.	4.0

**CHART NO. 2
SCHEDULE II & III- NON-UNION
EMPLOYEES**

Position Category	Max. # of Sick Leave Days
12 month Pos.	15.0
9 - 11+ Month Pos.	13.0
6 - 8+ Month Pos.	10.0
< than 6 Month Pos.	6.0

- (c) Employees can carry forward any unused sick leave at the end of each Fiscal Year up to the maximum days established by Position Category as outlined above in Charts 1 & 2.
 - (d) **Casual** employees earn sick leave at the rate of .75 days per pay period for each pay period that he/she is on HRDC's payroll to a maximum of 5 days.
 - (e) **Substitutes, temporaries and employees on leave of absence** are not eligible for sick leave.
 - (f) **First-Year Employees:** Employees do not earn any sick leave prior to the first anniversary of their employment date.. Beginning on their first anniversary date, such employees earn sick leave as set forth above.
 - (g) Upon permanent separation from the Agency (except those terminated for cause), employees shall receive compensation for up to a maximum of one week's unused sick leave (if available). Payment will be computed by multiplying the employee's current hourly rate times the number of weekly hours normally scheduled to work at the time of separation. Employees will not receive any compensation for sick leave during the first twelve months of employment, for they have not earned any. After an employee's first anniversary date employees shall receive compensation at termination for a maximum of one week unused sick leave (if available). Payment will be computed by multiplying the employees current hourly rate times the number of weekly hours normally scheduled to work at the time of separation."
- (3) Notification and Documentation
- (a) Employees unable to report for work due to illness are required to notify their Supervisor (or designee) as soon as possible prior to the start of the work day. Failure to do so will result in the employee's absence being recorded as an Un-Excused Absence. **The employee must include in this notification an expected date-of-return.** The Supervisor (or designee) documents the illness on the appropriate form and attach the form to the employee's time sheet. All sick leave must be recorded on

the payroll time sheet. If the employee is unable to report to work on the expected date-of-return he/she must again notify his/her Supervisor (or designee) as soon as possible prior to the date-of-return. **This notification must also include a new expected date-of-return.**

- (b) Any employee who has been on sick leave in excess of three (3) consecutive days must submit a completed **Return to Work Certificate/Employee Status Report** upon his/her return to work. The certificate will be attached to the employee's time sheet and must include: the physician's signature, the period of absence and certification that the employee can return to work. Failure to submit a physician's certificate may result in appropriate disciplinary action and time being recorded as leave without pay.
 - (c) If an employee is off for two (2) weeks, and by the nature of his/her illness or injury expects to be off longer, the employee must submit to his/her supervisor a completed **Return to Work Certificate/Employee Status Report**. The completed form must be sent to the employee's immediate Supervisor after the initial two (2) week time period. Additional information or certificates may be required by HRDC. Employees failing to comply with the documentation requirements will receive a "Failure to Report" letter from their immediate supervisor **Failure to respond to this letter within five (5) calendar days of receipt may result in a determination that the Employee has resigned his/her position. In addition, any day(s) of absence in excess of the original three (3) consecutive days that are not accounted for by a physician's certificate will not be covered by sick pay provisions.**
 - (d) When an employee is returning to work after an illness or injury of two (2) weeks or longer, the doctor's certificate presented at the time of return must include, in addition to the normal return to work information, a statement to certify that the employee can return to work on a specified date and is capable of performing the essential functions of his/her position with or without reasonable accommodation.
 - (e) In the computation of illness, a seven (7) day week is used. For example, if an employee is ill on a Friday and the following Monday, the employee must submit a physician's certificate in order to be paid for Monday. Friday, Saturday, Sunday and Monday are considered days of illness for the terms of this plan.
 - (f) Any employee who fails/refuses to return to his/her position following sick leave will be considered to have resigned.
- (4) Pregnancy
- (a) Pregnancy is a health/medical condition and as such, is covered under all the applicable sick leave policies.
 - (b) As a medical condition, there is no set time when maternity (sick) leave shall begin. This is a medical decision to be decided between the employee and her physician.
 - (c) Once the decision to begin maternity (medical) leave has been made, the employee shall furnish her immediate supervisor with a **Return to Work Certificate/Employee Status Report** indicating when leave shall begin. All other documentation requirements for sick leave apply.
- (5) Excessive Use of Sick Leave (and/or Suspected Abuse)
- (a) In order to prevent abuse of sick leave and to insure proper medical attention for employees, Program Directors/Managers, Head Start/ Early

Head Start Supervisors, Department Directors and the Executive Director may require an employee to submit a medical certificate signed by a duly authorized physician who authenticates a period of illness of one day or more. This procedure is not to be implemented unless the employee has been absent for more than four (4) occurrences in a given year, with "year" being defined as the 12 months preceding the last occurrence of sick leave.

- (b) Sick leave is a privilege, not be used for any other purpose than described herein. If an employee has excessive use of sick leave or has established a sick leave pattern which indicates possible abuse, counseling will result. Counseling is a process which is to be conducted by the immediate Supervisor and is to be specifically oriented toward identifying and providing solutions to the problem which is interfering with the employee's ability to report to work regularly. There may be many reasons employees use sick leave, principle among which is a legitimate illness. Other reasons for chronic absenteeism could include lack of motivation, personal problems or conflict with other goals or commitments which the employee has. It is essential in the counseling process to identify the causes of absenteeism and assist wherever possible, in correcting work-related situations which contribute to employee dissatisfaction. However, at the same time, the consequences of excessive use of sick leave, i.e., assessment of the employee's continued employment with HRDC and the detrimental impact on the operations must also be explained.
 - (c) If a medical condition or series of medical conditions has an adverse impact on program operations, the Agency shall make a determination on a case by case basis regarding the ability of the employee to continue in his/her current position.
 - (d) Employee Performance Evaluations will consider absenteeism when rating the employee.
- (6) Continuous Long Term Disability
- (a) Employees with a continuous disabling illness which precludes full performance of all duties for a period of twenty-six (26) consecutive weeks will be discharged for medical reasons if not able to return to work and perform all duties at the end of the twenty-six (26) week period. The calculation of this twenty-six (26) week period will include periods of furlough. This continuous illness period includes successive periods of absence due to the same or related causes unless separated by a sixty (60) calendar day period during which the employee is not absent due to these causes. Successive periods of disability due to entirely unrelated causes are considered one (1) disability unless separated by a doctor's certification that the employee can return to work and successfully perform all duties.
 - (b) Union employees with a long term disabling illness who have exhausted all sick leave, annual leave, holidays, personal days and disability income coverage will be placed in a leave without pay status, during which time health and life insurance will continue until the end of the 26 week period has been reached.
 - (c) Employees who (by their inability to return to work and perform all duties assigned to their position) have been placed in a continuous long term disability status will receive a letter from the Deputy Director outlining their rights and obligations and the date at which they must return to work or be discharged for medical reasons.

(d) During the period of a long term disability, i.e. periods when the employee is receiving no compensation from the Agency, Annual and Sick leave benefits do not accrue and paid holidays that fall during this period are neither earned nor paid.

(7) Additional

Union employees' right to leave is governed by the terms of the Union Contract.

2. INSURANCES

a. Union Employees: See Collective Bargaining Agreement for a detailed overview of coverage and eligibility rules.

b. Non-Union Employees:

(1) Health Care Benefits

The HRDC's comprehensive benefits program, consists of group medical prescription, dental, vision, and life insurance.

New Non-Union employees are eligible for health insurance coverage after successfully completing their 180-day probationary period.

HRDC's health benefits may cover an employee's spouse, domestic partner, and dependent children.

If the employee is covered by medical coverage elsewhere, the employee may be entitled to waive HRDC coverage and receive a taxable wage incentive for maintaining non HRDC coverage. Employees should contact HRDC's Personnel Department for more information of this incentive.

Employee contributions for health benefits are paid through a pre-tax payroll deduction.

(2) Open Enrollment

Open enrollment is held during the month of November.

(3) Benefits During Unpaid Leaves of Absence

If an employee is on unpaid leave of absence, benefits may be maintained. Employees should contact HRDC's Personnel Department to make arrangements to pay required monthly contribution payments.

(4) Changes in Medical Benefits Coverage

Under most circumstances, employees can only make changes to benefit elections during the annual open enrollment period. After enrollment, revision to an employee's election is only permitted due to a change in status. Employees must notify HRDC's Personnel Department and complete a benefits change form, including attachment of required documentation, within thirty (30) days of an eligible change of status.

Examples of changes of status include:

- Marriage;
- Divorce, legal separation, or annulment;
- Birth, adoption, placement for adoption, or legal guardianship;
- Change of status in child custody;
- Death of a dependent; and/or
- Loss of alternative coverage

- a. Employee on Leave of Absence: For coverage during Leave of Absence and while on leave under the Family and Medical Leave refer to the provisions of this Manual governing such leave.
- b. Termination of Insurance Coverage: All insurance coverage cease at the end of the month in which an employee resigns or is terminated unless the employee is eligible to and elects to continue coverage in accordance with his or her rights under COBRA.
- c. COBRA -- Self Payment of Health Insurance Following Separation: In accordance with applicable law, if an employee's employment with HRDC is terminated, or if an employee experiences a reduction in hours of employment, and under certain other conditions, then an employee, their spouse and/or dependent children may be eligible to either continue their present level of health insurance coverage (even if they would otherwise lose coverage) under HRDC's Group Health Insurance Plan, at their own cost, for a period of up to eighteen (18) months (or in some situations up to 36 months), or they may be able to convert their group coverage to individual coverage. Additional details regarding COBRA and insurance conversion rights of employees, their spouses and children are set forth in our Group Health Insurance Plan's Summary Plan Description and/or in other notices distributed directly to covered employees and their spouses. If you are covered by the Plan and you have not received notice of your insurance conversion rights, you should contact the Plan administrator immediately.

3. TRAINING AND EDUCATION

HRDC takes great pride in promoting the development and success of its employees and therefore, will provide opportunity for all eligible employees to attend trainings and /or educational courses related to his/her job, provided that funding is available. Employees may request to engage in training and education courses which they feel will enhance work performance. Such requests will be reviewed by the applicable Supervisor or Department Director. There may also be circumstances where training and/or education **may be required** as stipulated by the program for which they work. Through either of these scenarios, employees will obtain new skills or knowledge which will not only increase their competency in their present jobs, but will prepare them for future advancement within the Agency.

(1) Policy

Any training or educational activity approved and in progress represents a firm commitment on the part of the employee and the supervisors. Employees must schedule around known employment obligations. Supervisors must work around any day-to-day operations that surface after the training/educational activity has begun and will not interrupt the employee's training/educational activity except in very rare emergency situations.

It is the responsibility of the immediate Supervisor to ensure that money is budgeted and available to cover the cost of all training, whether it be requested by the employee or required by the Agency. If Program funds are not available and the Supervisor believes the activity is needed, he/she will notify their Department Director who will in turn notify the Executive Director for consideration of funding from CSBG or County funds.

Employees must make a commitment to fully apply themselves to all tasks required within the training/ education to successfully complete all required studies/topics. Failure to do so will result in a requirement for the individual to reimburse HRDC for funds expended. Reimbursement will be prorated.

For any training or education course that is **REQUESTED** by the employee and approved, the employee must acknowledge and agree to reimburse HRDC for funds expended, in the event that the employee:

- resigns from his/her current position while enrolled, or within a period of two(2) to three (3) years after completion occurs, Reimbursement will be prorated per year:
 - 50% per year for non Head Start employees
 - 33.3% per year for Head Start and Early Head Start employees
- submits his/her resignation or is terminated from employment while still within the training/education period,
- fails to pass an education course with a grade of “C” or above,
- fails to complete the training or education course and/or
- fails to attend the training or education course.

This agreement must be signed as a part of the training/education request.

(2) Definitions

Training Activities: Any organized presentation of materials and/or information designed to instill or improve skills or increase knowledge the length of which encompasses one work week or less. This would include everything ranging from a 1-2 hour workshop to a five (5) day mini-course offered by any educational or training institution.

Educational Activities: Any organized presentation of materials and/or information designed to instill or improve skills or increase knowledge the length of which encompasses a period greater than one work week).

Required Training or Educational Activities: Any training or educational activity a **supervisor requires** an employee to attend as essential for the employee in the execution of the day-to-day duties of the position for which employed.

Desired Job-Related Training or Educational Activities: Any activity **requested by an employee** or **suggested by a supervisor** (for which there is the option for the employee to decline) that is shown to have a potentially positive impact on the performance of current duties. It could include a single course or a series of courses, degree producing or non-degree producing.

Desired Non-Job Related Training or Educational Activities: Any activity which the employee requests and can demonstrate as an essential part of a structured plan leading to a higher level of capability within this current career field (beyond the requirements of the current job) or an essential part of a structured plan leading to a new capability in a career field, used by HRDC, but different than the one in which currently employed (non-job related).

(3) Scope / Eligibility

Every effort will be made by all levels of supervision to insure that the limited training or education funds available are utilized throughout the entire Agency to serve the maximum number of needs.

Employees eligible for this benefit, must complete his/her probationary period and receive “satisfactory” or above on their two most recent performance evaluations.

In order to qualify for Agency funds, employees who wish to enroll for college courses while on a temporary furlough status must have the course request approved by their Supervisor **prior** to enrolling in said course if they wish to utilize Agency funds. The funds approved for the course will be paid to the employee upon his/her return to work from a scheduled furlough.

4. RETIREMENT

- a. Union Employees: The retirement program for employees covered by the Union Contract is governed by the terms of that contract.
- b. All regular full-time and regular part-time employees are eligible to participate in a separate 403(b) program.
 - (1) Vesting: Participating employees are always 100% vested in their own contributions. Vested rights to the employer's contributory matches will be earned at the rate of 20% per year or, stated another way; new employees will be fully vested after five years of service with the agency
 - (2) Contributory Match: The agency's Board of Directors will establish/reaffirm any contributory match contribution percentages each year at the November board meeting to be effective the first pay in January.
 - (2) Discretionary Match: the Board of Directors may make, in addition to the *contributory match*, a *discretionary contribution* in an amount that will be allocated at the end of each Plan Year.

CHAPTER IX - EMPLOYEE RECOGNITION

A. EMPLOYEE MORALE

Policy: It is the policy of HRDC to ensure corporate identity and promote an attractive workplace and a motivated group of helpful employees.

This policy is established to enhance, to the greatest extent practical, employee morale, health and overall welfare. The programs and communities can best benefit from the efforts of our organization if all of our employees, no matter in what program they may be working, feel an integral part of one, cohesive organization whose purpose is to serve our particular participants and our communities.

The costs of a morale program are specifically allowed for private, nonprofit corporations by OMB Circular A-122, Attachment B, Paragraph 11.

The following actions and activities may be organized and/or provided to increase the dedication of employees to this organization and to their work.

- Recreational facilities and activities to possibly include, but not limited to:
 - Annual organization-wide holiday gathering
- Improvement of working conditions to possibly include, but not limited to:
 - Coffee/tea/hot chocolate
 - Providing food during staff meetings or other special events
- Employer/employee relations - including inter-program relations:
 - Flowers sent in cases of employee sickness or death in an employee's immediate family**
 - Small tokens of appreciation to the staff members.
- Employee morale and performance

All costs will be equitably apportioned to all of the corporation's grants, programs, contracts and/or activities. All actions and activities of this plan will have prior approval by the Executive Director.

If income is generated from any of the activities, it will be used to offset expenses unless a revolving fund has been established which will belong, irrevocably, to an organized employees welfare fund.

** For this policy, immediate family is defined as spouse, parents, children, step-children, siblings, grandparents and grandchildren. Total cost will not exceed \$50.00

Employee Recognition for Resignations/Retirements

HRDC employees with a positive work history and, whose most recent evaluations are average or above who Resign, Retire, are Terminated due to expiration of Long-term Disability Leave, or whose employment with HRDC is severed due to a Permanent Reduction in Force are eligible for the following:

Years of Serve	Description of Celebration
2-5	Agency will contribute up to \$35.00 toward a luncheon. Gift or gift certificate NTE \$25.00 and a certificate.
6-10	Agency will contribute up to \$50.00 toward luncheon. Gift or gift certificate NTE \$50.00 and a framed certificate.
11-15	Agency will contribute up to \$50.00 toward a luncheon. Gift or gift certificate NTE \$100.00 and a framed certificate.
16 and up	Agency will contribute up to \$75.00 towards a luncheon. Check equal to one week's pay and an engraved plaque.

CHAPTER X - PERFORMANCE EVALUATION

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. A formal written performance evaluation will be conducted at the end of an employee's initial period of hire, known as the probationary period by his/her supervisor. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. At minimum, all HRDC employees will have an annual evaluation.

CHAPTER XI - RECORDS MANAGEMENT

A. CONFIDENTIAL INFORMATION

HRDC prohibits the release of confidential information, which consists of any information is required by state or federal law or state or federal administrative rule to be kept confidential.

B. COMPLIANCE WITH RECORDS RETENTION SCHEDULE

Each Department has an established policy to ensure all records are retained in compliance with local, state, and federal laws and regulations. Before disposing of any records, employees must determine whether the disposal is in accordance with the applicable Records Retention Policy.

An employee should contact his or her Department Director with any questions regarding records retention.

C. PERSONNEL RECORDS

A personnel file on each employee is kept in HRDC's Personnel Department office. Personnel files contain information regarding training, experience, and employment as well as the work history of the employee with HRDC. An employee has the right to inspect his or her personnel files provided reasonable notification is given to the Personnel Department.

It is the responsibility of the employee to immediately notify the Personnel Department of any changes in address, telephone number, emergency contact information, name change and marital status.

D. ELECTRONIC MAIL RECORDS

Employees using electronic mail in the normal course of HRDC business are responsible for adhering to the rules established for electronic mail. Electronic mail is to be used judiciously as such for conducting HRDC business. The use of e-mail for improper purposes, such as intimidation, harassment, non-HRDC business, etc. may be subject to disciplinary action, up to and including termination.

There is no expectation of privacy for HRDC owned/provided e-mail accounts. The HRDC, without notice to employees, reserves the right to routinely and randomly monitor and/or access any employee's HRDC owned/provide e-mail account,. In addition, any record created or received by an employee when using HRDC owned/provided e-mail accounts is generally considered a public record subject to disclosure upon request.

E. I-9 FORMS

Federal law requires that HRDC have properly completed I-9 forms on file for every employee hired after November 6, 1986. Federal law also requires that HRDC re-verifies the continued work eligibility of employees who have only a time-limited work authorization on or before the date their employment eligibility expires. The same documentation rules apply to re-verification efforts as to original I-9 compliance.

CHAPTER XII - EMPLOYEE CONDUCT

A. POLICY STATEMENT

It is the policy of this Agency that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the Agency and for the benefit and safety of all employees and clients. Conduct that interferes with operations, that discredits the Agency or that is offensive to clients or coworkers will not be tolerated.

B. DRESS CODE

Policy: It is the policy of HRDC that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

Description:

- (1) Employees are expected at all time to present a professional, businesslike image to clients and the public. Acceptable personal appearance is an ongoing requirement of employment with HRDC. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.
- (2) Any employee that has regular contact with the public must comply with the following personal appearance standards:
 - (a) Employees are expected to dress in a manner that is normally acceptable in similar business establishments. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, flip-flops, t-shirts, novelty buttons, baseball hats (driver exception for company logo only), and similar items of casual attire that do not present a businesslike appearance.
 - (b) Hair should be clean, combed and neatly trimmed or arranged. Sideburns, moustaches and beards should be neatly trimmed.
- (3) These standards are not exclusive. Additional forms or style of dress not mentioned can be determined by the Agency to be inappropriate for the work place.
- (4) Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should be as neat and businesslike as working conditions permit.
- (5) Certain employees may be required to meet special dress, grooming and hygiene standards depending upon the nature of their job.
- (6) At its discretion, the HRDC may allow employees to dress in a more casual manner than normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear or similarly inappropriate clothing.
- (7) Any employee who does not meet the standards of this policy will be required to take corrective action which may include leaving the premises. Nonexempt employees will not be compensated for any work time missed due to the failure to comply with this policy. Violations of this policy may also result in disciplinary action.

C. TARDINESS

- (1) It is an employee's obligation to notify their Supervisor, as far as possible in advance of the scheduled work day, whenever they will be late or absent, to state the reason for such lateness or absence, and to advise when they expect to return to work. If an employee's Supervisor is not available when he/she calls, employees must leave a message. The message should include a telephone number where the employee can be reached. If the employee is physically unable to make a personal call, they must have someone else call for them. Following these steps does not excuse the absence.
- (2) Repeated tardiness is subject to disciplinary action. It must be realized that tardiness, even for reasonable causes, may be a detriment to operations. In that event, the Supervisor must meet with the employee; determine the reason for tardiness, and select a course of action that will hopefully help the employee work out his/her problem and still provide the program with full coverage.
- (3) Schedule I employees and Schedule II non-exempt employees late due to tardiness are paid only for the time actually worked.
- (4) The documentation of lateness/illness is recorded and attached to the time sheet.

D. RULES ON POLITICAL ACTIVITY (HATCH ACT)

1. GENERAL

The Hatch Act, a federal law, which restricts the political activity of employees in federally funded programs. The law defines federally funded programs to include private, non-profit organizations which receive federal funds. In addition to the federal law, there is a similar state law concerning state funded programs. Therefore, all HRDC employees are covered under the restrictions of political activity.

One political activity restriction is listed as a rule in *Chapter XIII -- COUNSELING AND DISCIPLINE*. There are other restrictions. A summary of the permitted and prohibited activities follows. Employees are subject to the political activity restrictions while on annual leave, sick leave, leave without pay, administrative leave or furlough. To the extent that the following summary is in conflict with applicable law, the applicable law takes precedent over the following summary.

2. PROHIBITED ACTIVITIES

Under the law, HRDC employees may not:

- a. use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office,
- b. directly or indirectly coerce, attempt to coerce, command or advise subordinates to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes, or
- c. be a candidate for public elective office in a partisan primary, general or special election.

3. PERMITTED ACTIVITIES

Employees may (off duty):

- a. be a candidate for a public office in a non-partisan election;
- b. campaign for or hold elective office in political clubs and organizations, a political party or be a delegate to a national political convention;

- c. actively campaign for candidates for public office in partisan and non-partisan elections;
- d. contribute money to political organizations or attend political fundraising functions.

E. DRUG AND ALCOHOL FREE WORKPLACE POLICY

1. GENERAL POLICY STATEMENT

The purpose in implementing this policy is to provide a drug and alcohol free workplace in order to ensure a safe, healthy and productive work environment for all employees. HRDC will not hire or assign to work anyone whom the Agency knows is currently abusing drugs or alcohol and is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program. Further, this policy protects the reputation of HRDC and will help to show cooperation with our customers and communities in their efforts to contribute to safe and efficient operations. This policy applies to all employees in all job classifications and all applicants for those positions. Compliance with this policy is a condition of employment and continued employment at HRDC.

In order to protect the safety, health, and productivity of all employees and the general welfare of HRDC, the following actions are considered by HRDC to be unacceptable conduct. A violation of any of these rules will be considered a major offense which, in HRDC's judgment, may result in probation, suspension subject to discharge, or discharge. An employee who is suspected of violating these rules may, in HRDC's discretion, be suspended immediately pending investigation by management staff involved and the Personnel Director. Where appropriate in HRDC's judgment, substances prohibited by this policy will be confiscated and the appropriate law enforcement and other agencies will be notified.

- (1) Bringing onto HRDC's premises, property or job site, having possession of, having present in the body system, being under the influence of, using, consuming, distributing or attempting to distribute, manufacturing or dispensing any form of Controlled Substance, illegal drug, narcotic, depressant, stimulant, hallucinogen, or any kind of perception-altering drug (excepting only the taking of a prescribed drug under the direction of a physician, to the extent it does not impair job performance or threaten safety, health, security or property) drug paraphernalia, at any time during the hours between the beginning and end of your work day, whether or not on HRDC business, premises, facilities, vehicles, property or job site.
- (2) Bringing onto HRDC premises, property or job site, having possession of, being under the influence of, using, consuming, distributing or attempting to distribute, manufacturing or dispensing any form of alcohol at any time during the hours between the beginning and end of your work day, whether or not on HRDC business, premises, property, or job site, except (in moderation) for authorized, HRDC-sponsored, social activities or business entertainment purposes.
- (3) Having possession of, being under the influence of, using, consuming, distributing or attempting to distribute, manufacturing or dispensing alcohol, drugs or any form of narcotic, depressant, stimulant, hallucinogen, or any kind of perception-altering drug or controlled substance (excepting only the taking of a prescribed drug under the direction of a physician, to the extent it does not impair job performance or threaten safety, health, security or property), off HRDC's premises, property or job site, and outside your working hours, that could or does adversely affect your job performance, your or other persons' safety, health, security or property, or HRDC's reputation.
- (4) Failing to report within five days of conviction any criminal drug or alcohol abuse statute or other related law.

HRDC's Drug and Alcohol-Free Workplace Policy does not constitute an express or implied contract of employment, nor does it in any way alter employees' status as at-will employees.

In the event that it becomes necessary to test an employee for the presence of drugs or alcohol, HRDC will conduct such testing only in accordance with applicable federal or state law. Specifically, it is the policy of HRDC: To use only State certified laboratories; To inform the person tested, at the person's request, of the address of the laboratory that will test the specimen; To provide any person who has tested positively and whose test results have been confirmed with the following information within 30 days of the date that the test was performed: A copy of the laboratory test including the test results; A copy of this written policy on the use or abuse of controlled dangerous substances; If applicable, written notice of HRDC's intent to take disciplinary action, terminate employment or change the conditions of continued employment; and A statement or copy of the following provisions of Maryland law permitting an employee to request independent testing of the same sample for verification of the test result:

"Section 17-214 (e) "(1) A person who is required to submit to job related testing, under subsection (b) or (c) of this section, may request independent testing of the same specimen for verification of the test results by a laboratory that:

i. Holds a permit under this subtitle; or

ii. If located outside of the State, is certified or otherwise approved under subsection (f) of this section.

(2) The person shall pay the cost of the independent test conducted under this subsection."

F. NOTIFICATION OF STATE PROCUREMENT OFFICER

- (1) In order to be in compliance with COMAR 21.11.08, HRDC's Deputy Director will notify the appropriate state procurement officer (grantor) within ten (10) days of receiving notice from an employee in accordance with this policy of an employee's criminal conviction of a drug or alcohol offense occurring in the workplace or otherwise receiving actual notice of a conviction.
- (2) Within thirty (30) days after receiving notice from an employee in accordance with this policy of an employee's criminal conviction of a drug or alcohol offense occurring in the workplace, or otherwise receiving actual notice of a conviction, HRDC will impose the following sanctions or remedial measures on any employee who is convicted of a drug or alcohol abuse offense occurring in the workplace:
 - (a) Take appropriate personnel action against an employee, up to and including termination, or,
 - (b) Require an employee to satisfactorily participate in a bona fide drug or alcohol abuse assistance or rehabilitation program.

G. OFF DUTY ACTIVITIES WHICH AFFECT JOB PERFORMANCE

If a personal situation arises that potentially adversely affects the employees ability to perform his/her job duties or the ability to meet the minimum qualifications of his/her position, (i.e. a driver's license has been suspended for a motor vehicle violation) he/she shall notify his/her supervisor immediately. Failure to do so will result in disciplinary action.

H. CONFLICT OF INTEREST

There are occasions in which Agency staff and/or members of the family of a staff member are eligible for and receive services and/or benefits from established HRDC Programs. When these occasions occur it shall be the policy of this Agency that no staff member shall assume the role of the intake worker or advocate (social worker - case manager) on behalf of his/herself or for any family member. Authorized services and/or benefits will be provided, but all actions required to administer a case shall be accomplished by a separate staff member. Questions should be directed to the Personnel Department.

I. SMOKE FREE POLICY

1. POLICY

- a. Smoking is prohibited in all HRDC facilities and Agency vehicles.
- c. Smoking is prohibited in all Head Start/ Early Head Start buildings and on all Head Start/ Early Head Start property. Smoking is also prohibited during all Head Start/ Early Head Start sponsored activities.

2. DESIGNATED SMOKING AREAS

The Agency has designated an outside area at each location to serve as the designated smoking area for that particular site. Employees should refer to their Facility Guide for more information on designated smoking areas.

3. CLIENT SMOKING

Due to the nature of our business in serving a variety of clients in a variety of programs, it is necessary to address the issue of client smoking areas in some HRDC facilities. **Smoking is prohibited at all times in all Agency facilities even for clients. All persons should always use the designated smoking areas outside of the facility.** Consideration of nonsmokers should be followed in designating these areas.

J. PERSONAL PROPERTY

HRDC does not accept the responsibility for your personal property. HRDC urges all employees to leave valuables at home. If employees lose anything, they should inquire at lost and found. If employees find anything of value, please turn it in to lost and found immediately.

RESPECT OUR POLICIES ON E-MAIL, COMPUTERS AND OTHER COMMUNICATIONS EQUIPMENT

From time to time, HRDC may issue to its employees certain electronic devices or other equipment ("Equipment"). This policy governs the use of such Equipment.

1. COMPUTER MESSAGING AND INFORMATION SYSTEMS

Employees are particularly cautioned that the use of e-mail, voice mail, or other electronic messaging systems, or the Internet, may give rise to liability for harassment. Employees may not generate, should not receive, and must not forward, any message or graphic that might be taken as offensive based on sex, gender, or other protected characteristic. This includes, for example, the generation or forwarding of offensive "humor" which contains sexually-offensive terms, or terms which are offensive to any race, religion, national origin group, or other protected group.

Employees receiving offensive messages over the HRDC's computer equipment, or receiving other unlawfully offensive messages or graphics over the HRDC's computer equipment, should report those messages to their supervisor or other appropriate manager immediately.

Employees are reminded that HRDC's computers and the data generated on, stored in, or transmitted to or from the Company's computers remain the property of HRDC for all purposes. No employee is authorized to use any HRDC computer, computer system, network, or software for the preparation, transmission, or receipt of sexually offensive messages or graphics, or for other messages or graphics which might be taken as offensive based on any other protected characteristic.

Employees are reminded that HRDC retains the right to monitor its computers, computer systems, and networks to ensure compliance with this requirement.

2. USE OF EQUIPMENT FOR BUSINESS PURPOSES

All Equipment that is issued by HRDC to its employees is issued for the purpose of furthering the business of HRDC. Employees are required to limit their non-business use of Equipment, if any, to unanticipated and exigent circumstances. Any non-business use of Equipment is at the sole and exclusive risk of the employee.

The employee is solely responsible for any claim, expense, damage, or liability that may arise from any non-business use of Equipment. Any use of Equipment which is not supported by documentation or other information sufficient, in the sole discretion of HRDC, adequately to demonstrate the business nature of that use, shall be deemed to be non-business use. Any billing, costs, or other expense attributable to any non-business use of Equipment issued to an employee is the sole responsibility of the employee, and will be billed through to the employee by HRDC.

3. OWNERSHIP AND REVIEW OF DATA

HRDC at all times retains ownership of, and title in, any Equipment provided to any employee (except to the extent title or an interest remains vested in a third party provider of Equipment). HRDC also retains ownership of all business data sent to or from, generated on, contained on, or transmitted or received by, all Equipment. Accordingly, HRDC has, and expressly reserves, the right to inspect any data contained in, received or transmitted by, generated on, or sent to or from, any item of Equipment. Such an inspection may take place at any time, with or without notice to the employee, and for any purpose deemed acceptable by HRDC in its sole discretion.

Employees are not authorized to transmit business data from any item of Equipment to any person other than in furtherance of the business interests of HRDC. Thus, for example, an Employee may not transmit business data from an item of Equipment to the Employee's home computer system for personal use, use by a friend, or use by another Firm.

Notwithstanding any other provision of this policy, employees are strictly prohibited from using any Equipment in any manner, which may violate any federal, state, or local law, regulation, or ordinance. Employees are not authorized to use any Equipment in any unlawful manner, and no officer or other employee of HRDC has the ability to authorize unlawful use of any Equipment. Employees are responsible for ensuring that her or his use of any Equipment complies with all applicable laws.

Without limiting the generality of the foregoing, employees are specifically prohibited from using any Equipment for any of the following purposes: unlawful surveillance, wiretapping or eavesdropping; the retrieval, receipt, viewing, storage, or transmission of obscene, pornographic, or offensive communications; and harassment of any person, including sexual, racial, religious, and other forms of unlawful harassment.

4. CARE AND MAINTENANCE OF EQUIPMENT

Employees should take the utmost care to ensure that any Equipment entrusted to them remains in good operating condition, is not abused, and is not lost. An employee who damages, destroys, or loses any item of Equipment through her or his own negligence, her or his intentional act, or the negligence or intentional act of another person to whom the Employee has entrusted the Equipment (other than another Employee), is responsible for the full repair or replacement cost for the Equipment, at HRDC's election. (Due to changing models and technology, replacement cost may be calculated for a comparable, newer model of similar equipment.)

An employee to whom Equipment is issued will be required to execute a written authorization statement, permitting HRDC to withhold from her or his salary any payments to be made pursuant to this Policy.

5. REPORTING WITHOUT FEAR OF RETALIATION

No HRDC employee will be retaliated against for reporting harassment. This no-retaliation policy applies whether a good faith complaint of harassment is well founded or ultimately determined to be unfounded.

No HRDC manager or supervisor is authorized, or permitted, to retaliate or to take any adverse employment action whatsoever against anyone for reporting unlawful harassment, or for opposing any other discriminatory practice in the workplace.

Any employee who feels he or she has been retaliated against in violation of this no-retaliation policy is responsible for reporting the retaliation to management, in the same manner as any other form of harassment or discrimination should be reported.

6. QUESTIONS ABOUT THIS POLICY

If you have any questions at all about this policy, about whether you should report an incident under this policy, or about the HRDC's commitment to a workplace free of discrimination and harassment, please speak to HRDC's Personnel Department.

K. WIRELESS PHONE USE

- (1) Employees using cellular phones in the conduct of agency business must adhere to all federal, state or local rules and regulations regarding the use of cell phones.
- (2) **Employees are prohibited from using cell phones while driving.** Should an employee need to make a call while driving, he/she shall locate a lawfully designated area to park and make the call. In an extreme emergency (reporting an accident, for example) have a non-driving co-worker or passenger make the call.
- (3) **Agency Provided Cell Phone** Employees should not use agency cellular telephones in the conduct of agency business when a less costly alternative is safe, convenient, and readily available. **Unless otherwise authorized, agency provided cell phones must be used for business purposes only.**
- (4) **Personally Acquired Cell Phones** Unless otherwise authorized, the agency assumes no liability for the cost of operating personally acquired cellular telephones. Expenses incurred in the use of personally acquired cellular telephones are the sole responsibility of the employee. The agency assumes no liability for loss or damage to an employee's cellular telephone carried in agency vehicles or left on agency property. Employees assume the risks of loss or damage to personally acquired cellular phones carried by the employee during the workday.
- (5) Use of personal cell phones at the work site is not permitted.

L. RESTRICT PERSONAL PHONE CALLS

While personal phone calls are permitted, they must be kept to a minimum. Calls should be made or received only when necessary, and be as brief as possible. Personal long distance calls are not to be charged to HRDC.

M. FOLLOW OUR GUIDELINES FOR ENTERING AND LEAVING

All non-exempt employees may enter the premises no earlier than fifteen (15) minutes prior to the beginning of the shift, and are required to leave the facility within fifteen (15) minutes following the end of your shift. Except for these fifteen (15) minute periods before and after the shift, you are not permitted access to HRDC jobsites and other HRDC facilities during off duty hours.

Exceptions to this rule will be permitted by HRDC to allow attendance at scheduled functions of HRDC or to attend to HRDC business in our administrative or supervisory offices, such as special meetings, the submission of insurance forms, or claiming paychecks.

N. TRAVEL/DRIVING ON HRDC BUSINESS

HRDC employees may be required to travel on business in conjunction with their normal job assignments or in order to fulfill a special agency need. Any decision to travel must be made in accordance with HRDC travel policy. An employee may be denied reimbursement for their travel expenses and may be subject to discipline, up to and including termination, if they fail to follow the policies set forth.

HRDC employees who are required to travel are responsible for conducting themselves, at all times, in a manner that advances the goals of HRDC and increases public confidence in the agency. This requires HRDC employees to refrain from behavior that might be harmful to HRDC's interest, or which violates or conflicts with HRDC policies. HRDC employees shall exercise good judgment while traveling, including, but not limited to rules regarding:

- Personal appearance
- Alcohol and drug use
- Sexual or other workplace harassment

O. DRIVING ON HRDC BUSINESS/USE OF HRDC FLEET VEHICLES

Every HRDC employees who drives or operates a HRDC fleet vehicle at any time, or who operates any motor vehicle (i.e. employee's personal vehicle, rental vehicle) on, or in the course of HRDC business must strictly adhere to the following requirements:

- The employee must have and maintain at all times, without interruption, a valid driver's license and the minimum automobile coverage required by Maryland law. Employees are solely responsible for making sure that their licenses and automobile insurance are properly renewed / maintained.
- If an employee's driver's license and/or insurance is expired, suspended, revoked, or otherwise invalid, the employee must immediately notify their direct supervisor, and immediately stop driving on, or in the course of HRDC business. The immediate supervisor will notify HRDC's Personnel Department. The employee will only be permitted to begin driving again after providing acceptable proof of insurance coverage and driver's license (or appropriate documentation).
- All occupants (including non-employees) of any motor vehicle being used on, or in the course of HRDC business are required to wear a safety belt at all times.
- Employees who are required to transport children on, or in the course of HRDC business must follow all applicable Maryland laws regarding use of car seats or other restraints.

- Employees must follow all traffic laws and parking regulations. Employees are solely responsible for the cost of any driving/moving infraction/violation, parking tickets; impound charges, etc. incurred while driving an HRDC fleet vehicle on any other vehicle on, or in the course of HRDC business.
- The use of alcohol and/or other controlled substances-including a prescription or over the counter medication, which may temporarily render an employee unable to operate a vehicle-is strictly prohibited.
- An employee involved in a motor vehicle accident must immediately contact their supervisor and complete the required paperwork.

P. USE OF PERSONAL VEHICLE

An HRDC employee who is required to drive or operate their personal vehicle on, or in the course of HRDC business must adhere to the following requirements:

- The employee's personal vehicle's automobile registration must be current.
- Every employee who submits a Local Travel Reimbursement Form or an Out of Travel Form, certifies that he or she has a valid driver's license, vehicle registration, insurance, and personally operated the vehicle for which travel expense is claimed.
- The employee must maintain the vehicle in a good and safe operating condition.

CHAPTER XIII COUNSELING AND DISCIPLINE

A. POLICY STATEMENT

It is the policy of this Agency that all employees are expected to comply with HRDC's standards of behavior and performance. The objective of this disciplinary policy is to assure that employees know what is expected of them, when performance or conduct is below acceptable standards, and that non-compliance with these standards will be remedied. Furthermore, it is the intent of this policy to give clear guidelines as to what must be done to improve and within what time frames improper or prohibited behavior will be corrected.

B. GENERAL LIST OF INFRACTIONS

1. GENERAL LIST OF INFRACTIONS

The following enumeration of infractions is not meant to be an exhaustive list. HRDC reserves the right to discipline employees for other just causes.

The following can warrant disciplinary action ranging from *Written Warning* to *Immediate Dismissal*:

- (1) *Stealing private or Agency property.*
- (2) *Removing Agency property from premises (Unauthorized removal)*
- (3) *Falsification of any Agency records, document, or misrepresentation of material information.*
- (4) *Gambling or fighting on Agency property.*
- (5) *Insubordination or willful disobedience in carrying out reasonable requests of Supervisor or designee.*
- (6) *Deliberate destruction or unwarranted abuse of Agency property.*
- (7) *Violation of the policy on drug and alcohol abuse...*
- (8) *Breach of confidentiality.*
- (9) *Interpreting, by public announcement, Agency policy without authority of Executive Director.*
- (10) *Outside employment during Agency hours.*
- (11) *Violation of any safety, fire prevention, health or security rule, policy or practice.*
- (12) *Willful obligation of expenditure of project funds for purchase or rental of goods, space, or services which benefit the employee directly or indirectly.*
- (13) *Unexcused absence from work.*
- (14) *Sleeping on the job.*
- (15) *Personal work (other than Agency business) on Agency time.*
- (16) *Inefficiency: failing to do the amount and/or quality of work required.*
- (17) *Ignoring dress code.*
- (18) *Reckless driving or speeding while transporting clients or while using Agency vehicles.*
- (19) *Failure to receive approval from Executive Director to serve on any board, task force, or committee, whose appointment is a direct result of his/her affiliation with HRDC.*
- (20) *Representing Agency without authority of Executive Director.*
- (21) *Unauthorized use of telephone for long distance calls.*
- (22) *Excessive personal use of telephone.*
- (23) *Participation in partisan political campaigns during work hours.*
- (24) *Acceptance of gifts or gratuities.*
- (25) *Failure to report to a Supervisor, an accident in which you were involved or witnessed dealing with clients, other employees, or Agency property.*
- (26) *The use of profane or abusive language to any employee Supervisor or client.*
- (27) *Failure to abide by any Agency rule, regulation or policy.*
- (28) *Repeated tardiness without reasonable cause.*

- (29) *Malicious criticism of the Agency or any of its employees, on or off the premises.*
- (30) *Violation of the Agency's policy against harassment or discrimination towards an Agency employee or client.*
- (31) *Carrying any weapon while on Agency business, jobsite, premises or property without authorization from Executive Director.*
- (32) *Threatened or actual physical violence.*
- (33) *An arrest, criminal complaint, summons to answer a criminal charge, statement of charges, indictment, criminal information or any other criminal charge or conviction of an employee, depending on the particular circumstances and the offense charged, including but not limited to HRDC's judgment as to the potential risk to safety or health of employees, the security of HRDC premises and property, and/or HRDC's reputation.*
- (34) *False, fraudulent, misleading or harmful statement, action or omission involving another employee, a customer, HRDC or relations with HRDC.*
- (35) *False, fraudulent, misleading or harmful statement, action or omission related to an employment application or any other information provided to or requested by HRDC, whether oral or written; or refusal or failure to timely provide such information.*

Note: *A series of violations related or unrelated that reveal an undesirable work pattern will be treated as a single repeated violation and will be subject to disciplinary action.*

C. COUNSELING

Employees normally successfully perform their duties and follow existing rules. On occasion, it may be necessary to point out to an individual behavior or work habits, which need to be modified. Supervisors at all levels are expected to inform employees who are not performing to expectations. Many times this is accomplished informally by meeting with an employee to advise him or her of the problem, discuss a resolution to the problem, and to make it clear to the employee what is expected of them to correct the problem. In most cases this informal approach works.

It is acknowledged, however, that there are situations that, in the judgment of the supervisor, require a more formal mechanism. What distinguishes the informal counseling session from the formal counseling approach is that, in the latter, the substance of the meeting is committed to writing, given to the employee, and a copy placed in the employee's personnel file. **It must be understood that the counseling session is considered a part of the normal supervisory function and not part of the disciplinary process.** HRDC believes that most problems can be solved outside the disciplinary process by straightforward communication and mutual understanding of expectations. However, should an employee not respond to the counseling approach, and a pattern of behavior (indicated by a series of occurrences related or unrelated) is emerging; the supervisor is expected to take more aggressive action through the disciplinary process. It also must be understood that some problems are more effectively handled through progressive discipline from the onset.

D. DISCIPLINE

1. Disciplinary action can be taken when an employee breaks a specific rule, regulation, policy, request or order, verbal or written, or who is not performing his/her job in a manner required. In administering disciplinary action, the Agency seeks to maintain reasonable consistency and equity by considering, whenever possible, comparable cases. All the circumstances should be weighed carefully, considering fully the employee's previous record, his/her character and his/her potential and probable consequences before disciplinary action is initiated.

2. The following levels of discipline are set forth merely as a guideline. The implementation of these procedures should not be construed as creating a contract or a guarantee of employment for any specific duration. Nor should they be construed as preventing, limiting, or delaying the agency from taking disciplinary action, including the immediate discharge of an employee without prior warning, in circumstances where the agency, in its sole discretion, deems such action appropriate.

- a. Written Warning
- b. Formal Reprimand
- c. Suspension
- d. Discharge (Termination for Cause)

CHAPTER XIV - RESIGNATIONS, FURLOUGHS, REDUCTIONS-IN-FORCE, AND TERMINATIONS

A. DEFINITIONS

1. RESIGNATION - employee terminates his/her employment voluntarily. This may be tendered at any time and must be in writing.
 - a. Notice: Employee should give a written two-week notice unless a longer period is required or recommended by contract or the standards or rules applicable to the position. A copy is to be forwarded to the Personnel Department.
 - d. Benefits: An employee who resigns his/her employment with the agency will be paid for any earned-but-unused compensatory time. To the extent available, employees who have successfully completed their probationary period and who provide proper notice as defined by paragraph 1.a will also be paid for:
 - earned-and-not-yet-credited annual leave,
 - credited-but-unused annual leave,
 - credited-but-unused holiday/personal days, and
 - a maximum of one week's unused sick leave.
2. FURLOUGHS - Scheduled furlough of employee due to program constraints, e.g., Head Start/ Early Head Start; or employees furloughed due to funding or other considerations that were not planned and are temporary in nature. Employee expected to be recalled at a later date.
 - a. Notice: When a furlough becomes necessary, HRDC will attempt to provide a written notice of action to the employee at least 1 month prior to the employee's last working day. When at least 2 weeks notice of a furlough is not possible, the employee will receive 2 weeks pay in lieu of notice. In the event of serious conditions beyond the HRDC's control such as severe fire, flood, snow, power failure, robbery or theft, the above 2 week notice/pay requirement does not apply.
 - c. Benefits: Employees who are the subject of a furlough will be paid for any accrued-but-unused compensatory time.
3. REDUCTIONS-IN-FORCE - Position is abolished because it is no longer needed or funding for position was terminated. Person not anticipated to be recalled in that position.
 - a. Notice: When a reduction-in-force becomes necessary, HRDC will attempt to provide a written notice of action to the employee at least 1 month prior to the employee's last working day. When at least 2 weeks notice is not possible, the employee will receive 2 weeks pay in lieu of notice. In the event of serious conditions beyond the HRDC's control such as severe fire, flood, snow, power failure, robbery or theft, the above 2 week notice/pay requirement does not apply.
 - b. Benefits: Employees who are the subject of a reduction-in-force will be paid for any accrued-but-unused compensatory time. To the extent available, employees subject to a permanent-reduction-in-force who have successfully completed their probationary period will also be paid for:
 - earned-and-not-yet-credited annual leave,
 - credited-but-unused annual leave,
 - accrued-but-unused holiday/personal days, and
 - a maximum of one week's unused sick leave.

4. TERMINATIONS - (employee is discharged)

a. For Cause

- (1) Notice: Given in writing at time of termination.
- (2) Benefits: A terminated employee will be paid for any accrued-but-unused compensatory time. To the extent available, terminated employees who have successfully completed their probationary period will also be paid for:
 - earned-and-not-yet-credited annual leave,
 - credited-but-unused annual leave,
 - accrued-but-unused holiday/personal days, and
 - a maximum of one week's unused sick leave.

b. Due to Expiration of Long-Term-Disability Leave

- (1) Notice: Given in writing at time of discharge.
- (2) Benefits: To the extent available, the employee will be paid for:
 - earned-and-not-yet-credited annual leave,
 - credited-but-unused annual leave, and
 - accrued - but-unused holiday/personal days.
- (3) Miscellaneous: Following recovery, the employee is also eligible for consideration in any vacancy for which he/she meets the minimum qualifications. This eligibility continues for one year following termination.

Consideration for placement must be initiated by the employee by responding to the published position vacancy announcement within the time frame established. Union employees' priorities for placement will be as specified in *Article 7, Section 2 of the Union Contract*. Non-union employees will be given priority based upon months of service at time of discharge. Non-union employees would get priority placement on Union vacancies only in those instances where there are no union applicants.

(For furloughs, recalls, etc., Union personnel should also *see Union Contract*).

B. EXIT PROCEDURES

1. POLICY

- a. Employees leaving the employ of HRDC will be responsible for returning all Agency property and/or equipment assigned to them during the course of their employment prior to his/her last working day. The property shall be returned to the immediate supervisor. Once the property is returned, a property receipt is issued to the employee with copies to the Personnel Department and Employee's personnel file.
- b. It is the Department Director's responsibility to notify the Finance Department regarding an exiting employee's obligation to repay and/or reconcile outstanding financial obligations. The exiting employee will be responsible for the settlement of all outstanding financial obligations to the Agency.
 - (1) Exiting employees may be required to repay benefits obtained under the Employee Training and Educational Benefits section of this manual.
 - (2) Exiting employees will be responsible for returning and/or reconciling travel advancement funds.

- c. It is the Department Director's responsibility to notify the Finance Department regarding an exiting employee's:
- amount of pay earned and due on time sheet,
 - annual leave and personal day pay owed (if any) in a memo,
 - compensatory time owed (if any) on time sheet,
 - reimbursable educational/training expenses (if applicable) in a memo; and
 - termination date of the exiting Agency provided employee's health care benefits.
- d. Exiting employees (and their dependents) may be eligible to elect to continue insurance coverage in accordance with their rights under COBRA.
- e. Absent the election of Continuation of Coverage by the exiting employee, (see d. above) the Personnel Department will notify the appropriate Insurance Company that the exiting employee (Name) is no longer eligible for health insurance coverage, (Effective date of coverage termination).

C. REFERENCE INQUIRIES FOR AGENCY PERSONNEL

1. Reference inquiries regarding verification of income and employment history on current or former Agency employees are answered by the following personnel, as appropriate: Head Start / Early Head Start Managers, Program Directors/Managers, Deputy Director, Department Directors, Executive Director, and Department of Finance employees. All reference requests not initially directed to the above personnel should be referred to them. **No personnel other than those listed are authorized give out references.**
2. When giving references, no information regarding former or current employee is to be released unless that former or current employee, has on file, a signed Employment Reference-Release of Information Form. The Personnel Department must be contacted to verify that the employee has the appropriate signed documents in his/her personnel file.
3. If the employee for whom the references are being sought does not have appropriate signed documents in his/her personnel file, the caller, or person writing the inquiry, is to be informed that until the employee gives us written permission to release information, no question can be answered except employment dates, title and duties of position.
4. When responding to a request for information concerning a former employee, HRDC will only provide: dates of employment, final position, and final base compensation.

CHAPTER XV - PROBLEM SOLVING PROCEDURE, DISCHARGE APPEAL CONFERENCE, OPEN DOOR AND GRIEVANCE POLICY

A. POLICY

It is the policy of Allegany County Human Resources Development Commission, Inc. to treat all employees equitably and fairly in matters affecting their employment. Each employee of HRDC will be provided ample opportunity to understand and resolve matters affecting his or her employment which the employee believes are unjust. Problem solving procedures are available to all employees, including probationary employees. For certain issues, union employees should refer to the current contract for grievance procedures.

B. PROBLEM SOLVING PROCEDURE

During the performance of an employees duties, questions or problems may occur that affect their work. The following more formal procedure has been established for employee's use in resolving these matters.

Step 1. Within a week of the occurrence of the problem, an employee may ask for a conference to talk it over with their immediate Supervisor.

Step 2. In the event the employee's Supervisor does not resolve their problem to their satisfaction within a week's time, the employee may ask (within the following week) for a meeting with their Department Director to talk it over.

Step 3. In the event the employee's Department Director does not resolve an employee's problem to their satisfaction within a week's time, the employee may ask (within the following week) to talk it over with the Executive Director or her/his designee for final resolution.

Step 4. In the event the Executive Director's decision does not satisfy the employee's grievance, within three working days after the receipt of decision in *Step 3*, the employee may notify the Board Chairperson in writing of the grievance. The Executive Committee of the Board, after collecting all data concerning the case from the Executive Director, shall review the record of the case and where warranted:

- a. Meet with the employee, his representative (should employee choose to have one), the Department Director concerned, and witnesses called by either party.
- b. In the event the Executive Committee of the Board determines that no hearing is necessary, the Committee shall render its decision in writing to the aggrieved after receipt of the grievance from the aggrieved.

This procedure makes it possible for employees to obtain a quick review of their problem through channels up to our Executive Director.

HRDC recognizes that some problems may be of such a personal nature or that, for some other good reason, you may prefer not to discuss the matter within your department or with your Supervisor. In such a case, employees should take the problem directly to the Executive Director.

This problem-solving procedure is an employee's "direct line" to HRDC management -- If an employee fails to follow this procedure in a timely manner, however, it is understood that the employee will not contest the HRDC's action further. The Employee should remember that HRDC's Management could not help them solve the problem if they are not aware of the problem.

C. DISCHARGE APPEAL CONFERENCE

If an employee is suspended subject to discharge, or discharged, for violation of the HRDC's standards of conduct or attendance as provided in this Manual, they may request an informal conference to discuss their suspension and/or termination. An employee's request must be made in writing to the Executive Director within two days of the time they are notified of the suspension or discharge. If the employee fails to follow this procedure in a timely manner, it is understood that the employee will not contest the HRDC's action further.

If an employee makes a timely request for such a conference, it will be held promptly. The immediate Supervisor and/or Department Director, the Executive Director or his/her designee and any other HRDC personnel deemed appropriate by HRDC, will be present. Employees will remain in disciplinary status during this meeting, pending the HRDC's review and decision on their appeal. No decision on the appeal is final until approved by the Executive Director or his/her representative designated for this purpose. HRDC's decision on an individual's employment status will be given to them promptly, and is final and binding on the individuals and all other persons or entities involved in any way, directly or indirectly.

D. OPEN DOOR POLICY

HRDC has always had a policy that the office of the Executive Director is open to all employees. So, if everything else fails, and an employee does not get a satisfactory answer to a problem or the employee does not get the answer as quickly as they think they should under other communications network channels listed herein, employees are free to walk in the open door of that office and address the problem directly with the Executive Director.

E. DEFINITION OF NON-GRIEVANCE ISSUES

1. Any matter which is subject to final administrative review outside the Agency, such as an alleged case of discrimination (*see Agency Affirmative Action Plan.*)
2. The content of published policy of the Agency unless alleged to be in violation of federal, state or local laws.
3. Non-selection for interview or promotion from a group of ranked candidates.
4. Non-adoption of a suggestion.
5. Disapproval of a merit increase, performance award, or other kind of honorary or discretionary award, or the awarding of the above to another employee.
6. A preliminary warning or notice of specific action which, if affected, would be covered under the grievance system.
7. Performance evaluations.
8. A furlough or a reduction-in-force resulting in lay-offs or a reduction/increase in work hours
9. A change in work schedule or work assignment.
10. A position classification within a level on the grade scale.

F. DISCIPLINARY ACTION

All appeals of disciplinary action shall be initiated from the third step of the grievance procedure. Any employee who takes his employment problems outside of the Agency without first attempting to resolve said problems with the grievance procedure outlined above in *Section E., Grievance Procedure* shall be subject to disciplinary action. However, nothing in this section shall be deemed to abrogate any legal means of redress in the courts.

G. PERSONNEL ADMINISTRATION

The Executive Director shall be responsible for overseeing the handling of all employee grievances to ensure that they are processed in accordance with the procedures stated in this section. Supervisors and Department Directors shall keep the Executive Director informed of all grievances in progress.

CHAPTER XVI - FACILITY CLOSING

DEFINITIONS

AVAILABLE LEAVE TIME - Accrued, unused annual leave, and/or accrued, unused holiday/personal days and/or accrued, unused compensatory time.

OFFICIAL CLOSING - The appropriate decision maker authorize the program or facility to cease providing services to clients and close its doors to the public.

CODE RED EMPLOYEES - Employees who work in programs that must provide essential services to clients regardless of weather (Office of Housing Opportunities and Head Start/ Early Head Start Classroom(s) and Adult Medical Day Care). Head Start/ Early Head Start, Adult Medical Day Care personnel must report to work only if there are children or clients requiring care that day.

A. POLICY:

1. The inclement weather procedure was developed to respond to issues raised by employees and with the following considerations in mind.
 - a. Safety of clients and staff when weather conditions cause hazardous travel.
 - b. The Agency's duty to continue to provide essential services to clients in certain programs.
 - c. Acknowledging that the geography in this area may cause some regions to be adversely affected by bad weather while other areas may be less severely impacted, thus creating a situation where some employees could get to work while others could not.
 - d. Providing work for employees who can get to their job sites that accomplishes two things:
 - (1) tasks are completed that usually cannot get done during normal work days and;
 - (2) offers employees the opportunity to be paid for working rather than using accrued leave time **or** taking time off without pay.
 - e. Spending grant funds wisely by paying employees to do meaningful work during inclement weather days, not for sitting in a center where there are no clients or staying at home when the weather is bad.
 - f. Maintaining a method of payment for those employees who cannot get to work or for whom no work is available, by permitting the drawdown of available leave time in order to receive pay for such days.
 - g. Ensuring fair treatment regarding pay issues considering there are employees who must report to work regardless of whether to provide essential services and there are those who, given the option of working on bad weather days, and who can get to work, will want to work.
2. Because our greatest priority on inclement weather days is transportation safety, this policy gives each employee (excluding code red employees) the responsibility to decide whether or not he/she can get to work or to remain at work on bad weather days (if there is documented, approved work for them to do.)

3. To ensure there is meaningful work available on inclement days, supervisors, in consultation with employees, develop a list of tasks that can be accomplished by each employee in the absence of clients and supervisors. The number of days during which these duties can be carried out is not to exceed three (3). Depending on the position, meaningful work may be available for less than three days. The final determination as to the work to be done and the days available to work rests with management. Exceptions to the three day maximum may be granted by the Executive Director.
4. In the event of a total Agency closing, no HRDC employees will report to work.
5. To address fair pay issues, this policy allows each employee who has accrued leave to cover time lost due to weather with available leave time.

B. CLOSING FOR REASONS OTHER THAN WEATHER

1. In the event that a facility must be closed because of problems with a building resulting from fire, flood, power failure, robbery or theft or any other conditions beyond the employer's control, management shall endeavor to maintain service to the clients and minimize, as much as possible, hardship on employees.
2. Management shall have the flexibility to exercise a series of options, including but not limited to:
 - a. Employees whose job duties can be carried out in another location (as determined by management) may be sent to another location to work.
 - b. If the building is habitable and does not pose an imminent danger to employees' safety, employees may be allowed to work in the building subject to the approval by the supervisor. A five-day work schedule must be submitted by each employee for his/her supervisor's approval prior to the end of the first day the building is closed.
 - c. Employees who are not dispatched to alternate locations or who do not elect to work under the stipulations described above in *paragraph b.* can choose to use any accrued annual leave, holiday/personal days and/or flex time. All employees who have no accrued time or who choose not to take their accrued leave will be placed on temporary furlough status.
 - d. It is understood that any option or combination of options shall not be held as precedent setting for future determinations. In the severe or prolonged cases of shutdown, management will reserve the right to furlough any or all employees.

CHAPTER XVII - CLIENT RECORDS

A. POLICY

Note: Adult Care Program employees should consult the program's HIPPA Compliance Manual for further instructions regarding the confidentiality of client records.

1. HRDC is obligated to collect and maintain client records. These records are to be kept confidential to protect the client's rights to privacy.
2. At the same time, HRDC is obligated to collect, maintain, and make public, statistical data regarding client groups, their geographic concentrations and their needs.
3. The difference between statistical information and confidential information is that the client is not identifiable in statistical information. Examples of statistics (without identifying information) are income, disability, age, size of family, etc. Identifying information is name, date of birth, social security number, or address.
4. In addition to releasing information in a statistical fashion, HRDC receives request from other Agencies or individuals to release complete client records. Such requests, when made on the client's behalf, are sometimes warranted. Information from a client's file may then be released to the designated individual. However, no information may be released to anyone unless the CLIENT HAS GRANTED WRITTEN PERMISSION FOR RELEASE OF SPECIFIC CONFIDENTIAL INFORMATION.
5. From time to time, HRDC takes photographs of program activities involving clients. Sometimes these photos are used in newspaper articles or other publications. However, no client photographs may be released for publication unless the CLIENT HAS GRANTED WRITTEN PERMISSION FOR RELEASE OF HIS/HER PHOTOGRAPH.
6. The Freedom of Information Act and the Privacy Act apply only to federal agency records. The application to HRDC, therefore, of these acts is limited to specifically named records submitted to the federal grantor agencies (e.g. HHS, DOE). Those records are named in annual lists in the Federal Register.

A client shall be notified in the event that HRDC receives a subpoena for his/her records.

B. ACCESS

1. Client information is to be kept in locked files when not in use. Records shall remain on the premises of the office in which they are located at all times.
2. No information about or obtained from, an individual shall be disclosed in a form identifiable with the individual without the individual's or parent/guardian's informed consent. Clients will sign an HRDC Release of Information Statement authorizing the individuals outlined below in *paragraphs B. 3.and 4.* to have access to their client records.
3. Access to client's records in all programs is restricted to:
 - a. Staff involved in direct program planning for the client.
 - b. Administrators for the program, including Department and Executive Director, for monitoring purposes.
 - c. Independent Auditors under contract with the Agency
4. When outside consultation, referral, or coordination is necessary for a client's program planning, the client's records will be released only after the client has given written permission for that particular organization/individual to have access to designated documents.

5. Every client, or his/her parents/guardian in the case of a child, has access, upon request, to his/her file.
6. A client may view his/her file at a scheduled time during normal working hours. An appropriate program employee will be present at the time of the review. The client is not authorized to remove anything from his/her file; however, upon request, a photocopy may be furnished for a reasonable fee.
7. Head Start/ Early Head Start and Adult Day Care may need, from time to time, to have medical and/or psychological reports on their clients in order to appropriately plan for the client's maximum benefit. Any psychiatric profiles, medical reports and medical/psychological test scores will be available for client review unless the physician/psychologist states in the report that said disclosures are medically contraindicated. In those select cases, HRDC will honor the physician/psychologist's opinion and therefore not allow the client to view the record in question.

C. RELEASE OF INFORMATION

1. To request information from a client's files, the requester must:
 - a. Request specific records and/or information contained in the records;
 - b. Provide HRDC with his/her
 - Name
 - Address
 - Title
 - Employer
 - Employer's Address
 - c. State the purpose for requesting the information from the client's record and how the information is to be used;
 - d. Show just cause for personally viewing the confidential information.
2. Release of information is at the discretion of the Program Director, with approval of the Department Director.
3. After it has been determined that the information requested should be supplied, the client or parent/guardian must sign a written permission statement granting release of information.

D. RESPONSIBILITIES

1. Each administrator is responsible for:
 - a. ensuring that the program's client records are kept confidential.
 - b. ensuring that the program's procedures for records release are consistent with those of the grantor agency, licensing departments and officials, etc.
 - c. ensuring that clients are apprised of and approve the **Uses** and **Users** of the client records.
 - d. releasing only that information which is absolutely necessary.

2. Each authorized person with access to the client files is responsible for:
 - a. ensuring that the client's records remain confidential;
 - b. locking the files after use;
 - c. using the information only for that purpose for which the client has given permission.

E. RETENTION PERIOD

Client records inactive for six (6) years will be destroyed if an audit on the program has been conducted and a letter from the funding source indicated that the audit has been resolved and closed.

CHAPTER XVIII - CLIENT GRIEVANCES

(This Chapter does not apply to the Head Start/Early Head Start, Energy Assistance and Weatherization Programs which have their own client grievance procedures determined by their funding sources.)

A. POLICY

It is the policy of HRDC to treat all people equitably and fairly in all matters concerning participation in our programs. Any program participant or eligible non-participant will be provided ample opportunity to understand and resolve matters affecting their participation which the person believes are unjust, discriminatory, or not in compliance with Agency/program rules or policies. A written copy of the complaint procedure shall be made available to any program participant or eligible non-participant and the presentation of any complaint shall be considered the right of each person without fear of reprisal.

EMPLOYEES/CLIENTS MAY OBTAIN A WRITTEN COPY OF THE COMPLAINT PROCEDURE BY CONTACTING HRDC'S PERSONNEL DEPARTMENT.

CHAPTER XIX - REPORTING OF CLIENT ABUSE

The policies and procedures which have been developed for this Chapter are predicated on various segments of Maryland Law. Please review specific program procedures.

A. POLICIES

1. REPORTING POLICY

It is the policy of HRDC that any staff person who observes, or has reason to suspect, physical or sexual abuse or neglect of a child (under the age of 18) or abuse, neglect, self-neglect or exploitation of a vulnerable adult, shall be required to report the situation in a manner consistent with the with HRDC guidelines.

Employees should contact HRDC's Personnel Department for reporting procedures.

CHAPTER XIXI - AMENDMENT PROCEDURES AND AMENDMENTS

A. BOARD OF DIRECTORS INITIATED

If the majority of the Board of Directors wish to amend these procedures, it may be put to a vote at a regular Board meeting following a recommendation by the Personnel Committee.

B. UPDATES AND REVISIONS

Updates and revisions can include, but are not limited to typographical errors, editorial changes, and/or policy changes. Policy changes can include new or revised policies.

Updates or revisions to the agency's Policy manual are to be issued using the standard **yellow** *Updates & Revision* form.

The standardized form includes columns to list the page(s) to be removed, the page(s) to be inserted and a brief description/reason of/for the changes.

A revised/updated Amendment Log (kept in the front of this P&P manual) will be included each time an Updates & Revision form is issued. The master copy of the Amendment Log will be kept by the Personnel Department. An updated version of the amendment log will accompany each issued update packet with instructions to the manual owner to remove the existing amendment log and replace it with the revised one.

The Department of Personnel will maintain a master copy of all Updates & Revision forms issued.

When a revision involves a change in policy, the effective date change will be included on the right-hand top of the page(s) to be inserted. Typographical or editorial changes will not include an effective date.

The Head Start/Early Head Start Policy Council must also approve all amendments to Policies

CHAPTER XIXII – HRDC RESPONSIBILITIES

Notwithstanding any other provision of this Manual, all managerial and administrative functions and prerogatives entrusted to and conferred upon employers inherently, expressly, and by law, are retained and vested exclusively with HRDC, including but not limited to the right to exercise our judgment and discretion to take whatever action is necessary to operate HRDC's business, protect its health, property, security, and general welfare; to reduce, contract out, sell, close down, or relocate HRDC's operations or any part thereof; to hire, layoff, direct, discipline, discharge, or increase the efficiency of the workforce in the manner and to the degree HRDC deems appropriate; to set the standards of productivity, maintenance, services, security, research and development; and, in general, to take whatever other actions necessary in HRDC's judgment and discretion to administer HRDC's operations and direct its work force.

Although HRDC from time to time expects to expand the wages, benefits, work rules, services, and policies summarized in this Manual, we reserve the right to alter, amend, reduce or discontinue any wage schedule, policy, work rule or benefit included in this Manual. The failure of HRDC to exercise any prerogative or function in a particular way shall not be considered a waiver of HRDC's right to exercise such prerogative or function or preclude it from exercising that prerogative or function in some other way.

Allegany County Human Resources Development Commission, INC.
Personnel Policy Manual Acknowledgement Page



By signing this page below, I am acknowledging that I have received and had the opportunity to read, review and understand the contents of this HRDC, Employee Personnel Policy Manual.

Again, any questions, comments, or concerns about the contents of this manual should be addressed to your immediate supervisor, who may seek technical assistance from the fiscal and/or personnel departments. The HRDC highly values its most precious resource, its employees. The HRDC intends for this manual to be a valuable resource for all personnel.

Employee Signature

Date: