



# Employee Handbook

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## INTRODUCTION

### *010 Welcome to NCCAA*

On behalf of your colleagues, we welcome you to Nueces County Community Action Agency (NCCAA) and hope you will find your employment with NCCAA a rewarding experience. We look forward to the opportunity of working together to create a more successful Agency. We believe that each employee contributes directly to NCCAA's growth and success, and we hope you will take pride in being a member of our team.

The NCCAA Employee Handbook and all subsequent revisions shall constitute the official personnel policies and procedures for the Agency. This Employee Handbook has been prepared to inform you of NCCAA's mission, employment practices, policies, as well as the benefits provided to you as a valued employee.

Things You Must Understand:

The policies in this Employee Handbook are to be considered as guidelines and should not be construed as a contract.

- NCCAA may change, delete, suspend or discontinue any part or parts of the policies in this book at any time for any reason without prior notice as business, employment legislation, and economic conditions dictate any such action shall apply to existing, as well as, to future employees.
- Employees shall not accrue eligibility for any benefits, rights, or privileges beyond the last day worked.

- No one other than the Chief Executive Officer (CEO), with the Board of Directors approval, may alter or modify any of the policies in this Employee Handbook; any alteration or modification of the policies in this Employee Handbook must be in writing and signed by the CEO, with the Board of Directors' approval.
- No statement or promise by any Supervisor, Staff Member or Director, past or present, may be interpreted as a change in policy nor will it constitute an agreement with an employee.
- All Staff participate in the new employee orientation within the first week of employment.

NCCAA reserves the right to modify or deviate from this policy at any time with or without prior notice.

This Employee Handbook may provide answers to most of the questions you may have regarding NCCAA's benefit programs, as well as, Agency policies and procedures. You are responsible for reading and understanding this Employee Handbook. If anything is unclear, please discuss the matter with your Supervisor, or Human Resources

We extend our personal best wishes for success and happiness here at NCCAA and hope your experience here will be challenging and rewarding.

Sincerely,

Nueces County Community Action Agency

**020 Mission**

NCCAA works with partners to apply comprehensive strategies to eliminate the causes of poverty for people of Nueces County.

**030 Community Action Promise**

Community Action changes people's lives, embodies the spirit of hope, improves communities, and makes America a better place to live. We care about the entire community, and we are dedicated to helping people help themselves and each other.

**040 Pledge**

We promise to provide you with courtesy, dignity, respect and confidentiality in the delivery of service.

**050 Agency History**

NCCAA is a 501(c)(3) private non-profit corporation. NCCAA was established on September 24, 1964. This Agency has a long history of successfully operating programs that assist low-income families, the elderly and disabled population. NCCAA has led the way in providing social service information and referral to the needy across Nueces County. NCCAA administers a broad scope of services and a variety of programs all aimed at helping those in Nueces County who are in need of assistance. The reputation of this organization was built on a framework of grass-root efforts to support and advocate for the poor low-income, disabled and the disadvantaged.

Community Action Agencies were established as a result of the government's "War on Poverty" during the 1960's. The federal government funded these agencies through the Community Services Block Grant (CSBG) in order to provide the support needed for administering the program service grants. NCCAA opened its doors with the first Head Start Program in Nueces County

Birth-to-Five Head Start Program is comprehensive in nature and is designed to foster the healthy development of children from income eligible families within Nueces County. The Early Head Start Program (EHS) for 0–3-year-old, the Expectant Women's Program and the Head Start Program (HS) for 3–5-year-old provide services for families within the Nueces County area. Program service components are in the areas of Education and Child Development, Disabilities, Family and Community Partnerships, Health and Safety, Nutrition, and Mental Health.

Community Services provides a variety of programs to eligible, low-income individuals and families. Services include assistance with Case Management, Utilities, Weatherization, Housing, Information & Referral, and free Notary services.

NCCAA owns and operates 17 apartment rental units and 2 rental homes for eligible, low-income individuals and families who qualify. NCCAA Housing Initiative develops affordable single and multi-family housing for income-eligible households. When funding is available, substandard homes are rehabilitated. NCCAA also offers assistance in Subdivision/Housing Development; Single Family Down Payment Assistance; Homebuyer Education and Counseling; Community Development & Revitalization; Infill Properties Rural Housing Development; and Colonias.

## **060    *Employee Handbook***

NCCAA Board of Directors and the Birth-to-Five Head Start Program Policy Council have approved the Employee Handbook and all subsequent revisions as the official policies and procedures for the

Agency. The information contained in this Employee Handbook will only be used for guidance and should not be construed as a contract. The information contained in the Employee Handbook shall apply equally to all Agency employees.

This Employee Handbook and all subsequent revisions shall constitute the official Policies and Procedures of NCCAA, hereinafter referred to as “the Agency.” This Employee Handbook is to be reviewed annually by the Board of Directors and the Birth-to-Five Head Start Program Policy Council. The Board of Directors and the Birth-to-Five Head Start Program Policy Council shall have the authority to approve or disapprove the Policies and Procedures. The Board of Directors is the corporate authority and is responsible for the approval and the implementation of the Policies and Procedures.

#### *Applicability*

The policies in this Employee Handbook set forth the major employment practices and procedures of the Agency and they supersede all past policies and procedures. The Agency’s Board of Directors, Birth-to-Five Head Start Program Policy Council, and management reserve the right to approve or disapprove all recommended policies, or to change or deviate, depending upon circumstances, from these policies and procedures at any time without prior notice except for the at will policy which must be in writing and signed by the Agency’s Board of Directors. These policies and procedures are neither intended to be a contract nor to guarantee employment for any particular period. If a conflict should exist between any policy described in this manual and the law, the requirement of the law will supersede the written policy. The Agency retains the exclusive right to manage its business including (but not limited to) the right to determine the methods and means by which its operations are to be

carried on, to assign and direct the workforce and to conduct its operation in a safe and effective manner.

This organization expects staff members to serve the public in the best manner possible and to execute the responsibility and duties of their position in conformance with the standards established by these policies.

The policies and procedures described herein apply to all employees of the Agency. Violations to NCCAA policies and procedures can lead to disciplinary action up to and including termination. All employees will be provided training and a copy of these policies and procedures during New Staff Orientation.

Updates to the Employee Handbook will be communicated through EWS (Employee Web Service) and at the annual pre-service training.

## **CHAPTER 1 – EMPLOYMENT AND RECRUITMENT**

### ***101 Employment “At Will”***

All employment with the Agency is “At Will” employment. Under “At Will” employment, your employment with the Agency can and may be terminated voluntarily by you and/or the Agency with or without cause, at any time, for any reason, or for no reason at all. This policy supersedes any statement regarding employment, whether written or oral, expressed or implied, which may conflict in any way with the “at will” employment policy of the Agency.

These policies are provided to inform employees of current policies and procedures but do not constitute a legal guarantee that the Agency will continue the practices described in the Employee Handbook.

### ***102 Open Door Policy***

NCCAA seeks to provide a work environment that encourages direct and open communication between employees and management. We encourage open communication, feedback, and discussion about any matter of importance to an employee. Management at NCCAA maintains this open-door policy and is committed to listening and responding to you.

### ***103 Equal Employment Opportunity***

NCCAA complies with all applicable state and federal laws, rules and regulations providing for Equal Employment Opportunity. In order to provide equal employment and advancement opportunities to all individuals, employment and personnel decisions at the Agency will be based on occupational

qualifications and job-related factors such as skill, knowledge, education, experience, merit and ability. NCCAA does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, political affiliation, and genetic information, or any other factor protected by state, federal or local law. Under Texas Labor Code Chapter 22 (Chapter 22), **an employer may not discharge or in any other manner discriminate against an employee who leaves the employee's place of employment to participate in a general public evacuation ordered under an emergency evacuation order.**

NCCAA will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship. This policy governs all aspects of employment, including recruitment, selection, placement, compensation, promotion, transfer, layoff, trainers, termination, other sponsored activity, benefits, and all other conditions and privileges or employment in accordance with applicable federal, state, and local laws.

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their Supervisor, Coordinator, their Program Director, and then Human Resources. If the employee is not comfortable following the listed chain of command, then the employee may report to any supervisor the employee chooses to.

The Agency shall not discriminate, retaliate, or harass any employee and any other agent(s) who reports a violation of the terms of contracts or grants to any of the Agency's funding sources or to any appropriate law enforcement Agency if the report is made in good faith. Employees and other agents can raise concerns and make reports without fear of reprisal.

Anyone found to engage in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

## ***104 Investigation of Equal Employment Opportunity (EEO) Complaints***

The Equal Employment Opportunity (EEO) Officer will promptly and thoroughly investigate all complaints of harassment or other Equal Employment Opportunity (EEO) violations of this policy to determine whether improper conduct has occurred. All employees are expected to cooperate fully in any investigation. The confidentiality of all complaints will be maintained to the extent possible while allowing the Agency to conduct a full and fair investigation. All statements made by an employee participating in an investigation will be maintained as confidential to the extent possible and will not be used as the basis for retaliation, discrimination, or harassment by the Agency. The EEO Officer will take all reasonable steps during the investigation to protect the privacy and minimize suspicion of all parties concerned.

### ***Disciplinary Action***

It is the responsibility of each Agency employee to ensure adherence to this policy of Equal Employment Opportunity for all individuals. Any employee found to have violated this policy will be subject to appropriate disciplinary action, up to and including termination.

Discrimination on the basis of race, color, sex, religion, national origin, age, disability or veteran status will not be permitted or condoned. Racial-, sexual-, religion-, age-, disability-, and ethnic-related slurs and insults are wholly inappropriate and violate the Agency's Equal Employment Opportunity policy and may also violate Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Texas Commission on Human Rights Act, the Americans with Disabilities Act, and/or other applicable laws.

Section 504 of the Rehabilitation Act of 1973 prohibits employment discrimination on the basis of disability in any program or activity that received federal financial assistance. The Americans with

Disabilities Act of 1990 prohibits employment discrimination against qualified individuals with disabilities. Discrimination is prohibited in all aspects of employment against disabled persons who, with or without a reasonable accommodation, can perform the essential functions of a job.

The Age Discrimination Act of 1975 prohibits discrimination based on age in programs and activities operated by recipients of federal financial assistance.

NCCAA facilities and programs will be maintained on a non-segregated basis. Social activities and employee benefits will offer equal opportunities. Any effort to impede or prevent compliance with this policy will be considered a violation of this policy and subject the offender to disciplinary action, up to and including termination.

The policy extends to NCCAA's treatment of all employees and applicants for employment and in all aspects of the employment relationship, including but not limited to, job structuring, recruitment, examination, selection, appointment, placement, training, training opportunity, upward mobility, discipline, demotion, transfer, layoff, termination, rate of pay or other form of compensation, selection for apprenticeship or educational benefit or other form of personnel action including any other aspect of personnel administration.

The tenure of employment (length of employment), need of the position and job performance will be considered in the event of budget cuts resulting in reduction of staff or reduction of salaries.

Application, effectiveness and enforcement of this policy are the responsibility of NCCAA Supervisor, Employees, Directors, Chief Executive Officer, and Board of Directors. *The Chief Executive Officer has assigned the duties of the EEO to Human Resources.*

Any employee who feels he or she has been discriminated against or in violation of NCCAA's Equal Employment Opportunity Policy should immediately notify the EEO Officer. If you are not comfortable speaking with the EEO Officer, please notify any member of management.

### **105 Workplace Harassment**

NCCAA provides a work environment that is free from harassment. NCCAA will not tolerate harassment based on age, race, gender, color, religion, national origin, disability, marital status, covered veteran status, sexual orientation, status with respect to public assistance, and other characteristics protected under state, federal or local law. Such conduct is prohibited in any form at the workplace, at work-related functions, or outside of work if it affects the workplace. This policy applies to all NCCAA employees, volunteers, clients, guests, and vendors doing business with NCCAA. Violation of this policy will result in disciplinary action and up to including termination.

Sexual harassment, one type of prohibited harassment, warrants special mention. Sexual harassment, a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, has been defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition, either explicitly or implicitly, of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as a factor in decisions affecting that individual's employment; or
- Such conduct has the purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Examples of conduct prohibited by this policy include, but are not limited to:

- Unwelcome sexual flirtation, advances or propositions;
- Verbal comments related to an individual's age, race, gender, color, religion, national origin, disability, or sexual orientation;
- Explicit or degrading verbal comments about another individual or his/her appearance;
- The display of sexually suggestive pictures or objects in any workplace location including transmission or display via computer;
- Any sexually offensive or abusive physical conduct;
- The taking of or the refusal to take any personnel action based on an employee's submission to or rejection of sexual overtures;
- Displaying cartoons or telling jokes which relate to an individual's age, race, gender, color, religion, national origin, disability, or sexual orientation.
- Isolating the person by no longer talking to him or her, denying or ignoring his or her presence, distancing him or her from others.
- Wearing clothing that could be offensive to a particular ethnic group
- Using language or engaging in a conversation that another employee finds offensive.

This policy applies to all work-related settings and activities (whether inside or outside of the physical workplace) and includes customer sites, business trips, and business-related social events. In addition, calls, texts, and social media usage by individuals may constitute unlawful harassment under this policy even if they are sent or created during non-working hours and away from the workplace.

Sexual harassment can occur between any individuals, regardless of their sex or gender. Moreover, a perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace, including an independent contractor, contract worker, vendor, client, customer or visitor.

NCCAA encourages employees to come forward with any complaints of discrimination, or of sexual or other harassment, and requires employees to cooperate in any investigation. Managers and supervisors are required to report any complaint of harassment that they receive and any harassment that they observe. This policy and the law prohibit retaliation against an employee for filing a complaint of discrimination or legally protected harassment, or for cooperating in the investigation of such a complaint, and any retaliation will not be tolerated.

If you believe that you have been subjected to unlawful discrimination, sexual harassment or other protected harassment, or if you have witnessed what you believe to be discrimination, harassment or sexual harassment, you have the right to file a complaint with NCCAA. This may be done in writing or orally. To file a complaint, discuss a concern, or get additional information about NCCAA’s discrimination or harassment prevention policies and/or complaint process, you may contact one of the following people, either in writing or orally:

HR Director

HR Generalist

Office: 361.654.7935

Office: 361.654.7916

Cell: 361.906.4484

Cell: 361.906.4480

Email: [hr@nccaatx.org](mailto:hr@nccaatx.org)

When NCCAA receives a complaint of discrimination or harassment, impartial and appropriately qualified personnel will conduct a thorough investigation of the complaint in a fair and timely manner and document the investigation. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and to afford due process to all parties. NCCAA will strive to inform or involve only those who “need to know” but it cannot guarantee complete confidentiality. Any form of

retaliation directed toward an individual who makes a complaint, or towards a person who participates or otherwise cooperates in an investigation, is unlawful and will not be tolerated by NCCAA.

After the investigation, if it is determined that inappropriate conduct has occurred, NCCAA will act promptly to eliminate the offending conduct, and where appropriate, NCCAA may also impose disciplinary action, which could include termination of employment. The nature and degree of such remedial action will vary given the particular circumstances of the situation. NCCAA will also impose disciplinary action against any supervisor or manager who knowingly allowed harassment to continue.

After the investigation, NCCAA will also strive to ensure that any improper conduct has stopped, and that there has been no discrimination or retaliatory action against the complaining employee or any employee participating in the investigation. Consistent with its confidentiality obligations, NCCAA will notify the person filing the complaint of the conclusions and results of the investigation.

## **106 Diversity**

All employment decisions, including hiring, training, compensation, evaluations, discipline, and promotions are made without regard to race, ethnicity, color, religion, sex, gender, age, national origin, disability, orientation, or any other basis unrelated to performance or job requirements. NCCAA believes that providing equal opportunities for all employees is both a moral responsibility and a good business practice.

All employees are expected to abide with the following principles at work or at work-related activities.

- Respect individual, social, and cultural differences such as race, gender, ethnicity, age, national origin, religion, sexual orientation, language, physical capability, or organizational role.
- Treat all individuals with dignity and respect.
- Serve as a positive leader for change by eliminating stereotypical, derogatory, and unprofessional comments and behavior from the workplace and create an atmosphere of zero tolerance for any person or organization that seeks to discriminate against others.

If you feel these principles are not being followed at NCCAA, please tell your Supervisor, Director, or Human Resources.

### ***107 Genetic Information Nondiscrimination Act (GINA) of 2008***

NCCAA prohibits discrimination on the basis of genetic information with respect to health insurance and employment decisions such as hiring, firing, compensation, terms, conditions, or privileges of employment.

Genetic information is defined broadly to include such data as any information about an individual's genetic tests, the genetic tests of family members, and the manifestation of a disease or disorder in family members. GINA prohibits employers from using genetic information to discriminate in employment, and makes it unlawful for an employer to request, require, or purchase genetic information about an employee, applicant, or their family members (with limited exceptions.)

Any genetic information that is maintained must be treated as a confidential medical record and stored in a separate file. Group health plans may not use genetic information to deny health coverage or to raise premiums.

## **108    *Americans with Disabilities***

NCCAA complies with applicable laws ensuring Equal Employment Opportunities to all qualified individuals with disabilities as stated in the Americans with Disabilities Act of 1990 (ADA) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). NCCAA will make every effort to provide reasonable accommodations for known physical or mental limitations, unless undue hardship to the Agency would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of his/her job should communicate such request to Human Resources to begin the interactive process. Accommodation requests will be reviewed to determine the reasonableness of the request. Human Resources will provide a written Job Description, if requested, to which a health care provider must provide written medical certification of the employee's inability to perform specific essential functions without accommodation. The Agency reserves the right to implement what it deems to be the most feasible and reasonable accommodation. Supervisors must contact Human Resources to handle all reasonable accommodation requests.

## **109    *Whistleblower Protection***

NCCAA is committed to high standards of ethical, moral and legal business conduct. In line with this commitment, and NCCAA's commitment to open communication, NCCAA aims to provide an avenue for employees to raise concerns and reassurance that they will be protected from reprisals or victimization for Whistle blowing.

Whistleblower Protection is intended to cover protections for you if you raise concerns in good faith, regarding NCCAA, such as concerns regarding:

- incorrect financial reporting;
- unlawful activity;
- activities that are not in line with NCCAA's policies;
- activities that otherwise amount to serious improper conduct.

Harassment or retaliation for reporting concerns under this protection will not be tolerated. Every effort will be made to treat the complainant's identity with appropriate regard for confidentiality. Allegations in bad faith may result in disciplinary action up to and including termination.

NCCAA strongly urges the reporting of all incidents relating to financial reporting, unethical or illegal conduct. To report this concern, contact Human Resources, the Chief Financial Officer, the Chief Executive Officer and/or the appropriate government agency.

### ***110 Communicable Disease Policy***

A Communicable Disease is a disease that can be transmitted from one individual to another via: (1) direct physical contact, (2) through the air (cough, sneeze or particle inhaled), (3) through a transmission vehicle, either ingested or injected or (4) through a vector (animals or insects). Examples of some of the most common Communicable Diseases include Influenza and COVID-19. This definition may be broadened in accordance with the recommendations and information provided from the Centers for Disease Control and Prevention (CDC).

The Agency will make decisions involving those with communicable diseases based on medical information concerning the disease in question, the risks of transmission to others, symptoms and any special circumstances of the individuals involved. The Agency will weigh potential risks and available alternatives before making any decisions.

## **Reporting Procedure**

Those employees who demonstrate signs or symptoms of a communicable disease that pose a credible threat of transmission in the Agency workplace should stay home from work and report that potential infection or disease IMMEDIATELY to the Supervisor, Director, and Human Resources. The employee is then responsible for keeping the Agency informed of his/her condition that may include, but not be limited to, extended care, missed work. The employee may also be required to provide written documentation from a physician to return to the worksite.

### ***111 Employee Classification***

Employees are classified as either Exempt or Non-exempt for pay administration purposes, as determined by the Federal Fair Labor Standards Act (FLSA).

The definitions of the worker classification categories can be summarized as follows:

Exempt: Management, supervisory, professional, sales or administrative employees who are salaried and whose positions meet FLSA exemption tests. Exempt employees are not entitled to overtime pay.

Non-exempt: Employees whose positions do not meet the FLSA exemptions standards are entitled to overtime pay.

Employees classified as non-exempt generally work in non-supervisory, non-professional or non-administrative capacities. Overtime work, however, is prohibited without specific supervisory authorization.

In addition, each employee's status is defined as one of the following:

Full-time: An employee who is regularly scheduled to work 40 hours per week. Such full-time employees are eligible for benefits after applicable requirements for length of service have been met. Full-time employees accrue 8 hours of annual leave per month and 8 hours of sick leave per month.

Part-time: An employee who is regularly scheduled to work less than 32 hours per week. Such part-time employees are eligible for all benefits after applicable requirements for length of service have been met. Part-time employees accrue 4 hours of annual leave per month and 4 hours of sick leave per month.

While part-time employees may occasionally work 40 or more hours in a particular workweek, or in a series of workweeks, that by itself will not change their regular schedule. However, the Agency reserves the right to change the regular schedules of employees at any time. In such a case, the Agency will give affected employees as much advance notice as possible of their new regular schedules and will advise employees of the effect of such changes on their eligibility for company benefits.

Temporary: Temporary employees are those engaged to work either part-time or full-time on NCCAA's payroll, but have been hired with the understanding that their employment will be terminated no later than upon their completion of a specific assignment. This category includes substitutes, interns and co-op students, such employees may be either "exempt" or "non-exempt" but are not eligible for any NCCAA benefits except as mandated by law.

Independent Contractors: Consultants, freelancers or independent contractors are not employees of NCCAA and are not eligible to participate in the benefit programs.

Inactive Employees: Employees who are on approved leave of absence with or without pay. Sick leave and annual leave benefits do not accrue during this period time. Employees who are on inactive

status are responsible for the continuation of payment of all their benefits. Failure to continue the payments of all applicable employee related premium costs could result in the termination of those benefits.

## ***112 Personal Appearance***

NCCAA promotes a professional and positive personal appearance. Staff represents the Agency when interacting with clients, parents, children, visitors and the community. Employees are expected to dress in professional and appropriate attire according to the Agency requirements and the nature of their job responsibilities.

*Employees who appear for work inappropriately dressed will be sent home by appropriate management. Under such circumstances, non-exempt employees will not be compensated for the time away from work. Consult your Supervisor or Director if you have questions as to what constitutes appropriate appearance.*

**All NCCAA employees, including Birth-to-Five Head Start employees, when applicable, must comply with the following Personal Appearance Standards.**

Appropriate attire or appearance includes:

Central Office:

- For women: suits, jackets, blouse, pants, Capri's, Dockers, dresses and skirts. Skirts and dresses must not exceed two inches above the knee, measured by standing; open-toe shoes with a back strap, or business or casual shoes.
- For men: suits, jackets, dress or sports shirts, polo shirts, slacks, Dockers; business or casual shoes.

### **Unacceptable attire or appearance includes:**

- Revealing clothing, such as sundresses, tank tops, tube or halter tops
- Exercise clothes
- Clothing that displays offensive comments, inappropriate pictures, items, drugs, alcohol or tobacco
- Hickeys
- Body jewelry seen through or under clothing
- Crocs, flip flops or slip-ons

### **Classroom and Field Staff:**

- As a safety precaution, no open-toe shoes are allowed. Shoes must have a back strap to be worn and no high heels. Crocs, slip-ons or flip-flops are strictly prohibited, but tennis shoes are appropriate. This requirement must be adhered to at all times.
- Only small studded earrings or small hoop earrings are allowed to be worn.
- Scrubs, jeans, blouses, Agency t-shirts and Capri's may be worn.
- Classroom staff must follow Food Handler's guidelines regarding nails and hair.

### **Tattoos and face piercing**

NCCAA expects all employees to exercise appropriate judgment with regard to personal appearance, dress and grooming to be most effective in the performance of their workplace duties. The Agency recognizes that personal appearance is an important element of self-expression and face piercing or tattoos are worn as a matter of personal choice.

In keeping with this approach, NCCAA allows reasonable self-expression through personal appearance, unless:

- a) it conflicts with an employee's ability to perform his or her position effectively or with his or her specific work environment, or
- b) it is regarded as offensive or harassing toward co-workers or others with whom the Agency conducts business and has contact with employees.

NCCAA permits employees to wear face piercing or to display tattoos at the workplace within the following guidelines. Factors that management will consider to determine whether face piercing or tattoos may pose a conflict with the employee's job or work environment include:

- a) Personal safety of self or others, or damage to company property.
- b) Productivity or performance expectations.
- c) Offensiveness to co-workers, customers, vendors or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature.
- d) Corporate or societal norms.
- e) Customer complaints.

Face tattoos are not allowed. Neck tattoos in the front half area of the neck are not allowed; neck tattoos in the back half area of the neck is allowed, as long as they are not visible.

Only one small face piercing is allowed.

Ear gauges are allowed, as long as they are solid (no hole in the middle) and they are size 19mm or smaller.

If management determines an employee's clothing, face piercing or tattoos may present such a conflict, the employee will be encouraged to identify appropriate options, such as removal of excess or offensive face piercing, covering of tattoos, transfer to an alternative position, as long as there is vacancy, and the employee meet the minimum qualifications and follows HR hiring procedures, or other reasonable means to resolve the conflict.

An environment of mutual cooperation, respect, and fair and consistent treatment for all employees is the Agency's goal. Nonetheless, the company is legally responsible for ensuring that no employees are subject to harassment or a hostile work environment.

As an initial step toward resolution of any complaint or offense under this policy, supervisors and managers will be responsible for explaining the policy and answering employee questions. If an agreeable solution cannot be reached at that stage, the Human Resource Manager will follow company procedures to resolve the issue.

All Agency Staff must follow guidelines set forth in this policy.

Failure to abide by this Personal Appearance policy may result in disciplinary action up to and including termination.

**Kitchen Staff:**

For safety reasons the following must be adhered to:

- Wear long pants or jeans.
- Shoes with rubber soles and closed toe only
- Food Handler's guidelines must be followed regarding nails, jewelry, and hair.

**Maintenance Staff:**

For safety reasons the following must be adhered to:

- Wear long pants or jeans.
- Wear steel-toe shoes or boots. The Agency will provide each newly hired maintenance employee a one-time stipend to be used to assist in the purchase of a new pair of steel toe boots. Subsequently, the purchase, maintenance and upkeep of the steel-toe boots are the sole responsibility of the employee.
- Wear safety vest, goggles, safety glasses, and earplugs, when appropriate.

**Exception:**

NCCAA participates in Casual Friday workplace dress. T-shirts may be worn in good taste without advertisements or words which promote tobacco, firearms, lewd behavior or activity, drugs, alcohol or inappropriate language.

Directors may waive, modify or change certain or all dress code policies when appropriate for events calling for different attire.

**As part of the Personal Appearance requirement and for employee safety purposes, all employees are required to wear their name badges at all times identifying themselves as NCCAA employees.**

Failure to abide by this Personal Appearance policy may result in disciplinary action up to and including termination.

### **113 Funding**

The Agency is a private, non-profit corporation that operates with federal, state, and local funds. Funding is made available on an annual basis and can be terminated without notice. All Agency job positions are contingent upon availability of funds.

### **114 Introductory Period**

An employee's first 90 calendar days of employment will be referred to as the employee's Introductory Period of employment. The Introductory Period gives the new employee an opportunity to discover whether he/she enjoys working for the Agency. It also gives the Agency's management the opportunity to evaluate the employee's interest in the job and his/her ability to carry out its requirements. At the end of the Introductory Period a *Performance Review, 90 Day Appraisal* will be conducted and reviewed with the employee. Management may choose to extend the initial Introductory Period for up to an additional 90 days due to extraordinary circumstances.

The Introductory Period of 90 days should not be considered as an employment contract for the respective periods. Termination is possible during the Introductory Period just as it is at any time.

Employees who have been promoted, reclassified or transferred to another position will also have a 90-day Introductory Period. During this time period the employee must demonstrate the ability to satisfactorily perform the duties required. Failure to perform satisfactorily during this Introductory Period may result in termination, reassignment or a demotion.

Trial employees are not entitled to accrue annual and sick leave hours during the first 90 days of employment. Trial employees will start accruing annual and sick leave hours the first of the month

following 90 days of employment. Trial employees are not entitled to any holiday, jury duty pay, or funeral leave benefits until the first of the month following 90 days of employment. Trial employees will not be eligible for retirement benefits until they have been with the Agency for one full year of active employment.

**\*\* Trial employees generally will have three occasions that they are allowed to be late or absent during their 90-day introductory period before NCCAA separates employment for excessive absenteeism. \*\***

### **115 Lunch Periods**

Employees are allowed an unpaid one-hour lunch break. Lunch breaks are established on the basis of work requirements in each office. Programmatic needs supersede employee's lunch periods and are scheduled and allowed at the discretion of the employee's Supervisor. Birth-to-Five Head Start lunch schedules are determined by Head Start management directive.

### **116 Break Periods**

*Break periods are a benefit and not required by law.* Programmatic needs supersede employee's break periods and are scheduled and allowed at the discretion of the employee's Supervisor.

### **117 Political Activity (The Hatch Act)**

The Hatch Act limits the political activity of persons involved in the administration of programs supported by federal funds. Regulations made by public declaration under the Hatch Act, by the Civil Service Commission, are found at 5 CFR, Part 151.

The regulations specifically prohibit Agency employees from engaging in the following activities:

- They may not use their official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
- They may not directly or indirectly coerce, attempt to coerce, command, or advise a covered employee to pay, lend, or contribute anything of value to a political purpose.

They may not run for a *partisan office* while employed with the Agency.

### ***118 Prevention of Fraud and Abuse***

NCCAA maintains and utilizes established internal control systems and procedures sufficient to prevent, detect, and correct incidents of waste, fraud, and abuse. NCCAA provides proper and effective management of agency-wide programs and fiscal activities. In addition, internal control systems and all transactions and other significant events are clearly documented and the documentation is made readily available for review.

NCCAA cooperates with efforts to detect, investigate, and prevent waste, fraud, and abuse. NCCAA will immediately notify the funding source of any identified instances of waste, fraud or abuse.

NCCAA does not discriminate or retaliate against any employee or other person who reports a violation of the terms of any of its contracts or of any law or regulation to any appropriate law enforcement authority, if the report is made in good faith.

### **119 Political Activity and Lobbying Prohibited**

NCCAA does not permit the use funds provided under any federal, state, or local contracts for influencing the outcome of any election, or the passage or defeat of any legislative measure.

Any action taken against an employee for supplying such information shall subject the person initiating the action to immediate dismissal from employment. Employees witnessing this type of activity are to report any violations of this provision without fear of any form of retaliation.

### **120 Solicitation**

Solicitations on behalf of NCCAA must receive prior approval through the Program Director. All donations must be in the form of a check payable to Nueces County Community Action Agency. All checks must be turned in to the Chief Operating Officer for deposit into the Agency account. Failure to comply with this policy will result in disciplinary action up to and including termination.

NCCAA recognizes that employees may have interests in events and organizations outside the workplace. However, NCCAA prohibits solicitation during working time and in working areas. Employees may not solicit, initiate, advertise, or encourage a discussion of soliciting activities during working time or in work areas. Working time means time during which either the soliciting employee or the employee who is the subject of the solicitation is expected to be engaged with work. Working time does not include the time before or after work, or during break time. For the purpose of this policy, working areas do not include break/rest areas, lunchrooms or parking lots.

Examples of impermissible forms of solicitation include:

- Collection of money, goods, or gifts for political groups

- Sale of goods, services, or subscriptions outside the scope of official organization business
- Circulation of petitions
- Distribution of literature not approved by the Agency
- Solicitation of memberships, fees, or dues

In addition, the posting of written solicitations on Agency bulletin boards is restricted. These bulletin boards are used solely to display important information for employees. Employees should consult the Bulletin Boards frequently for:

- Child Labor Laws
- Employee announcements
- Internal memoranda
- Job openings
- Organization announcements
- Payday notice
- Workers' Compensation Insurance information
- Other required information postings

### ***121 Smoke-Free Environment***

Our goal is to have a smoke-free environment. Smoking or the use of tobacco products is not permitted at any time on NCCAA property, including Agency vehicles.

Texas Department of Family and Protective Services (TDFPS) Minimum Standards 746.3703 for Child Care Centers, people must not smoke or use tobacco products at the childcare center, on the premises, on the playground, in transportation vehicles, or during field trips.

## **122    *Violence-Free Workplace***

It is NCCAA's policy to provide a workplace that is safe and free from all threatening and intimidating conduct. Therefore, NCCAA will not tolerate violence or threats of violence of any form in the workplace, at work-related functions, or outside of work if it affects the workplace. This policy applies to NCCAA employees, clients, customers, guests, vendors, and persons doing business with NCCAA.

It will be a violation of this policy for any individual to engage in any conduct, verbal or physical, which intimidates, endangers, or creates the perception of intent to harm persons or property.

Examples include but are not limited to:

- Physical assaults or threats of physical assaults, whether made in person or by other means (i.e., in writing, by phone, fax, or e-mail.)
- Verbal conduct that is intimidating and has the purpose or effect of threatening the health or safety of a co-worker.
- Possessions of firearms or any other lethal weapon on Agency property, in a vehicle being used on Agency business on Agency property, or in an Agency owned or leased parking facility that is on Agency property, or at a work-related function.
- Any other conduct or acts which management believes represent an imminent or potential danger to workplace safety/security.

Anyone with questions or complaints about workplace behaviors which fall under this policy may discuss concerns with their Supervisor or Human Resources. The Agency will promptly and thoroughly investigate any reported occurrences or threat of violence. Violations of this policy will result in disciplinary action, up to and including immediate termination of employees. Where such

actions involve non-employees, NCCAA will take action appropriate for the circumstances. Where appropriate and/or necessary, NCCAA will also take whatever legal actions are available and necessary to stop the conduct and protect Agency employees and property.

### ***123 Drug-Free Workplace***

It is the policy of NCCAA to provide a drug-free workplace. As a condition of employment each employee shall abide by the terms of the policy respecting a drug-free workplace. ***NCCAA has a No Tolerance policy.***

The Agency explicitly prohibits:

- The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on Agency property, client or training premises or while performing a job-related assignment.
- Being impaired or under the influence of legal or illegal drugs or alcohol during working hours.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from the Agency or client or training premises, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the Agency's reputation.
- The presence of any detectable amount of prohibited substances in the employee's system while at work, while on the premises of the Agency or its clients, or while on Agency business. "prohibited substances" include illegal drugs, alcohol, or prescription drugs not

taken in accordance with a prescription given to the employee and prescription drugs not prescribed for the employee; and

- Failure to cooperate in the testing process.
- Substances can be any controlled or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
- The use of alcohol or any alcoholic beverage; any abuse of glue, aerosol paint or any other chemical substance for inhalation; any other intoxicant, or mood-changing, mind altering, or behavior-altering drugs unless prescribed by a healthcare provider for that employee.

An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.

The Agency will conduct drug and/or alcohol testing under any of the following circumstances:

PRE-EMPLOYMENT: New hire candidates will be subject to drug and/or alcohol testing prior to employment.

RANDOM TESTING: Employees may be selected at random for drug and/or alcohol testing at any interval determined by the Agency as permitted by law.

FOR-CAUSE TESTING: The Agency may ask employee to submit to a drug and/or alcohol test at any time it feels that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee’s person or in the employee’s vicinity, unusual conduct on the employee’s part that suggests impairment

or influence of drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness.

POST-ACCIDENT TESTING: Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. “Involved in an on-the-job accident or injury” means not only the one who was or could have been injured, but also any employee who potentially contributed to the accident or injury event in any way.

If an employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy, or if an employee refuses a request to submit to testing under this policy, the employee will be subject to discharge from employment. Refusal includes failure to timely report to a designated testing site (collection site). The employee will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.

Violation of this policy will result in notification to appropriate law enforcement agencies. As a condition of employment, each employee has an ongoing duty to notify his or her supervisor of any charge, conviction or other adverse adjudication of any criminal drug statute. Such notification shall be provided no later than five (5) days after such conviction. This also includes any DWI/DUI offenses. The employee’s supervisor is required to notify their Director and Human Resources, as soon as possible, but no later than twenty-four (24) hours after notification from employee.

Violation of this policy will result in disciplinary action up to and including termination.

## **124    *Outside Employment***

Employees will not engage themselves in other employment outside of the Agency, during the employee's regular or assigned working hours, that will create a conflict of interest, impair the employee's job performance or interfere with their duties and responsibilities.

The Agency will be the employee's primary employer and their assigned work hours will come before an outside job.

### **125 *Nepotism***

NCCAA allows the hiring of family members\* as long as they are not:

- Assigned to the same location,
- Supervised by a family member at any time,
- Related to the CEO.

\*Subject to review and modification by the CEO on a case-by-case basis.

### **126 *Confidentiality of Information***

An employee who gains knowledge of information, within the scope of employment, may not take advantage of such information for personal gains, nor may such information be disclosed to anyone, except as required by the employee's position. Information gained about clients and volunteers through virtue of employment with the Agency is considered confidential and will not be disclosed to third parties without client consent and the Chief Executive Officer's approval. All employees must sign the Agency's *Advocacy and Confidentiality Statement* as part of their employment requirements.

No confidential information regarding income, health or other circumstances is to be shared for any reason other than program-related purposes and only with those employees who have a

“need-to-know.” Employees unsure of the confidentiality of information are responsible for checking {00036725}

with their Supervisor, prior to sharing information, to determine whether or not the information is confidential.

All inquiries, by individuals not associated with the Agency, for information about the Agency's financial matters, operations, volunteers, or other sensitive type information must be directed to the Chief Executive Officer. No employee is authorized to disclose Agency information without the Chief Executive Officer's approval. The CEO will inform the Chairperson of the Board of Directors when Agency information is disclosed.

A breach of confidentiality may cause an employee or client serious stress or other difficulties. It is every employee's duty to rigorously respect all employees' and clients' right to privacy. Therefore, any breach of confidentiality may result in disciplinary action up to and including termination.

### ***127 Personnel Records***

NCCAA maintains a personnel file on each employee. Personnel records are kept highly confidential and are not available to anyone outside the Agency unless the employee has authorized release or release is to an authorized governmental Agency, or is required by law. The personnel files include such information as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases, and other employment records.

Personnel files are the property of NCCAA, and access to the information they contain is restricted. Only Supervisor, NCCAA management personnel and funding sources/program monitors who have legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact Human Resources with reasonable advance notice; employees may review their own personnel files in the Human Resources office and in the presence of Human Resources.

Personnel Medical Records are maintained separately, and are available on a “need-to-know” basis.

### **128    *Employment Verification***

Human Resources shall provide, in response to requests, dates of employment, the last position held and salary/wage information if requested in writing. Human Resources shall have five days to respond to the request.

### **129    *Personal Data Changes***

It is the responsibility of each employee to promptly notify Human Resources of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishment, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify Human Resources.

Additionally, employees are to maintain current documentation of Auto Liability Insurance, Driver’s License and Professional License/Certification when job-related, as required by the job description.

### **130    *Conflict of Interest***

The purpose of this policy is to ensure continued conformity by Agency employees with the high ethical standards expected of them in carrying out their job-related responsibilities. Actions that result

in circumstances in which conflicts of interest would clearly exist are therefore prohibited. The policy will be interpreted and applied in a uniform, objective and reasonable manner that will achieve its obvious purpose to avoid apparent or actual conflicts between personal and public services interest by individuals who are employed with the Agency.

All Agency employees are expected to avoid conflict between the Agency's interests and their personal interests. A conflict of interest will exist if an employee:

- Uses or makes available for anyone's benefit or advantage, except in conformity with Agency policy, the property, records, services, names, emblem or endorsement of the Agency's affiliation with the employee.
- Publicly utilizes the employee's affiliation with the Agency or with any Agency employee in connection with personal association with partisan politics, denominationally religious matters or positions on issues that are not in conformity with Agency policy.

Employees should report to their Supervisor any situation or position (including outside employment by the employee or any member of the employee's immediate household) which may create a conflict of interest with NCCAA.

### ***131 Accepting Gifts, Gratuities, or Favors and Copeland "Anti-Kick Back" Act***

No employee, officer, or agent shall participate in the selection, award or administration of a contract if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of NCCAA shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or

parties to sub-agreements. Officers, employees, or agents found to have engaged in any of the above transactions shall have their employment or services terminated. However, if the financial interest is less than \$75 or the gift is an unsolicited item of less than \$75, the officers, employees, or agents will not violate the Code of Conduct provided that a letter is sent to the CEO detailing the financial interest or gift received, company, or person providing benefit, and value of benefit.

The provisions of the Copeland “Anti-Kickback” Act (18 U.S.C. 874), as supplemented by the Department of Labor regulations (29 CFR part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”) presented in The Act provides that each contractor or sub-recipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal-awarding Agency.

### **132 Criminal Provisions**

This section is applicable to all Agency employees and criminal penalties may not be limited to what is stated. Other criminal charges for willful misconduct of the type described in this section may be assessed by other state or federal law enforcement agencies.

Whoever, being an officer, Director, agent, or employee of or connected in any capacity with any Agency financial assistance under the Economic Opportunity Act of 1964 as amended and subsequent laws, embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to the Economic Opportunity Act of 1964 as amended and subsequent laws, shall be prosecuted to the full extent of the law.

Whoever, by threat or procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Economic Opportunity Act of 1964 as amended and subsequent laws, induces any person to give up any money or thing of any value to any person (including such grantee Agency), shall be prosecuted to the full extent of the law.

### ***133 Use of Agency-Owned Property***

Agency property should only be used for employment purposes. Extra care should be exercised to minimize damage to the equipment or waste of supplies such as, but not limited to, office machines (furniture, computers, laptops, copiers/fax, etc.), maintenance equipment, tools, automobiles, cell phones. These items should be properly cared for and, if applicable, safely stored when not in use. No cosmetic alterations will be made to any Agency property without prior approval of a supervisor, and/or Department Director; IT equipment will require the approval of the IT Coordinator, or designee, as well. Agency employees who intentionally or negligently damage Agency property or equipment will be held monetarily responsible for the full replacement cost of the item damaged. Employees who refuse to reimburse the Agency will face disciplinary action up to and including termination.

All facilities, services, equipment and supplies belonging to the Agency shall not be used for any other purpose other than conducting Agency business. Such actions may result in disciplinary action, up to and including termination.

All employees are required to fill out and sign a *Property Issuance and Agreement Form* upon being issued Agency property. In like manner, employees are required to fill out and sign a *Property Return Form* whenever they are returning property to the Agency

#### **134 Public Statements**

All media inquiries and phone calls are to be immediately directed to the Chief Executive Officer.

An employee may act in an official capacity if in fact they are authorized by the Chief Executive Officer to officially and legally represent the Agency in that capacity, or if they are authorized by law.

Failure to abide by these requirements may result in disciplinary action up to and including termination.

#### **135 Use of Mail, Telephone, Electronic Communications, and Internet**

Employees should have no expectation of privacy in the communications systems of the Agency.

All communications systems (including but not limited to, e-mail, voice mail, or computer data) and all information transmitted by, received from or stored on Agency systems are the property of the Agency, and as such are to be used solely for job-related purposes and are subject to examination, review, opening of packages, and electronic data files at any time without notice.

##### *Mail*

Agency Staff must not receive non-job-related mail, materials, or packages at the Agency address.

Staff will be reprimanded and discouraged from continuing such a practice. Failure to comply with this is subject to disciplinary action up to and including termination.

The use of any software and business equipment (including, but not limited to fax machines, copiers, and computers) for private purposes is strictly forbidden, unless authorized by his/her Supervisor.

### *Phone Calls*

Employees are not allowed to make personal long-distance phone calls at any time. NCCAA recognizes that periodically, personal phone calls must be made or be received during business hours. Such calls should be held at a minimum so that they do not interfere with the workflow.

Employees who use cell phones for official business are required to *pull their vehicle over* while they talk or text. No employee should operate any vehicle, personal or company owned, while on a cell phone.

Employees are not allowed to conduct unofficial business via text message or phone calls while assisting clients, or while in the classroom, attending training/meetings.

In order to provide an optimum work environment, employees assigned to a classroom are expected to have cell phone turned off during work hours. Flexibility will be provided in circumstances demanding immediate/emergency attention.

### *Electronic Communication*

***The electronic mail system (e-mail) is limited to business-related communications and transactions only.***

***E-mail should never be used to communicate confidential, defamatory, derogatory, obscene or inappropriate messages.***

E-mail is property of NCCAA and NCCAA retains the right to monitor and review the content of all e-mail at any time. Should NCCAA uncover possible improper activity in system usage, it may provide the results of such monitoring to law enforcement officials.

*Failure to abide by this Electronic Communication Policy may lead to disciplinary action up to and including termination.*

NCCAA strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore, NCCAA prohibits the use of computers and the e-mail system in ways that are disruptive, offensive, or harmful to others. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

***Employees should never use e-mail for personal purposes.***

Employees should refrain from sending “global” (messages addressed to mailing lists) unless these messages are business related and relevant to a majority of employees. Employees are strongly encouraged to utilize private or public mailing groups as an alternative.

*Sending and receiving messages via the Internet must be solely for business purposes and only if the source is trusted.* Employees should exercise extreme caution when opening files received via the Internet, as these files may contain destructive viruses. If you have any questions, do not open the file and contact the IT team immediately.

Any e-mail pertaining to, or including NCCAA employee information should be made only in compliance with NCCAA's Confidentiality Policy.

### *Internet*

All employees are required to abide by the Internet Policy. Internet usage is subject to all existing confidentiality and harassment policies. Improper or offensive Internet usage may garner negative publicity for NCCAA and expose the Agency to significant legal liabilities.

NCCAA has systems in place to monitor and record Internet usages and reserves the right to do so at any time. *Employees should not have any expectation of privacy as to Internet usage.*

NCCAA may review Internet activity and analyze usage patterns to ensure NCCAA resources are being used in compliance with NCCAA standards.

NCCAA reserves the right to inspect any files stored in private areas of the network or in an employee's computer in order to assure compliance with this policy.

The display of any kind of sexually explicit image or document via Internet violates NCCAA's Sexual Harassment Policy. Employees may not engage in any form of sexually explicit forums, e-mail, chat groups or any other mediums of this nature. In addition, said materials may not be stored anywhere on the network or local hard drive.

Any sexually explicit material unknowingly received via e-mail must be deleted upon receipt. Any unintended incidental connections to sexually explicit web sites must be terminated immediately.

NCCAA's Internet facilities and computing resources must not be used knowingly to violate laws and regulations of the United States or any other nation, or of any state, city, province or other local jurisdiction in any material way. *Use of any NCCAA resources for illegal activity is grounds for*

*immediate dismissal.* In no event may the material located on the Internet be copied, downloaded or used in violation of applicable copyright laws.

No employee may use NCCAA facilities knowingly to download or distribute unlicensed or otherwise pirated software or data.

No employee may use NCCAA's Internet facilities to deliberately operate or download any virus, worm, Trojan horse or Back Door program.

No employee may use NCCAA's Internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

Employees may only download software (either demo, shareware etc.) that has a direct business use. Any software downloaded must be FIRST approved and tracked by the NCCAA (via e-mail to the Information Technology Department.) Any software that is intended for permanent use (longer than demo period) must be properly licensed and registered. No software may be downloaded unless and until NCCAA confirms that it has a valid license to do so and for the software to be used as intended.

Any software or files downloaded via the Internet are, and shall remain the property of NCCAA.

Storing of client or personnel information on external drives is prohibited.

Each employee using NCCAA's Internet facilities shall identify him or herself honestly, accurately and completely when communicating externally or setting up accounts on with external sources where appropriate.

Employees may not divulge confidential NCCAA information in public forums (including but not limited to Facebook, Twitter, Pinterest, Linked-In) or the Internet such as newsgroups or chat rooms.

Employees may not speak on behalf of NCCAA in any such public forums.

## *Security*

NCCAA has put mechanisms in place to assure the safety and security across the network. Any employee who attempts to disable or circumvent any security mechanism will be subject to disciplinary action up to and including termination.

### Remote Computing & Telecommuting

Employee may be required to conduct business either offsite or from home that requires a connection to the NCCAA network. Employees who access the NCCAA network through these or related methods (at such time the appropriate security technology is in place and with appropriate approval from senior management) are subject to the same policies and procedures as if using their desktop workstation in the office.

Abuse of the Internet access provided by NCCAA is a violation of NCCAA policies and will result in disciplinary action, up to and including termination. Employees may also be held personally liable for any violations of this policy. Using NCCAA's computers, telephones, technology, networks or electronic systems for any of the following activities is strictly prohibited and can result in disciplinary action:

- Using the organization's time and resources for personal gain
- Playing games
- Stealing, using, or disclosing someone else's code or password without authorization
- Copying, printing or downloading software and electronic files without permission
- Sending or posting confidential material, trade secrets, or proprietary, staff/client information outside of the corporation
- Violating copyright law

- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the corporation or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the corporation's image or reputation through social media (for example: sending or posting discriminatory, harassing, or threatening messages or images)
- Soliciting business (non-NCCAA or unauthorized)
- Participating in the viewing or exchange of pornography or obscene materials
- Accessing sexually explicit web sites
- Sending or forwarding sexually explicit or harassing e-mail, phone mail or faxes
- Sending or posting messages that defame or slander other individuals
- Sending or forwarding inappropriate, non-business-related material such as large graphics or file attachments
- Down-loading or transmission of offensive or derogatory material
- Attempting to break into the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Otherwise engaging in non-NCCAA related commercial activities other than those expressly permitted by NCCAA management
- Using the Internet for political causes or activities, religious activities, or any sort of gambling or betting
- Jeopardizing the security of the organizations' electronic communications systems
- Sending or posting messages that disparage another organization's products or services

- Passing off personal views as representing those of the organization
- Sending anonymous or personal e-mail messages
- Engaging in other illegal activities
- NCCAA equipment may not be used at any time for non-Agency related social media

Employees should report any violation of this policy to their Supervisor and/or Director.

Failure to abide by this policy can lead to disciplinary action, up to and including termination.

### **136    *Workplace Monitoring***

Workplace monitoring may be conducted by NCCAA to ensure quality control, employee safety, security, and customer satisfaction.

Computers furnished to employees are the property of NCCAA. As such, computer usage and files may be monitored or accessed. All files created with Agency equipment are the property of NCCAA.

NCCAA may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

Because NCCAA is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

### **137    *Employee ID and Security Cards***

All Agency employees must wear their Employee ID, ***AT ALL TIMES***, while working.

Employees who lose or abuse their employee ID or Central Security card must pay a \$5.00 replacement card fee for each. The fee is due at the time the photo is taken or at time of replacement.

Employees who change job titles or whose card is worn out by normal wear and tear may obtain a replacement card at no charge provided they turn in their old card or obtain Human Resources verification of a change in job title.

Replacement ID cards can be ordered through Human Resources.

### ***138 Tuberculosis (TB), Physical Examinations, and Employee Immunizations***

*All medical exams will comply with the ADA and all medical records will be maintained as confidential medical records under the ADA.OK*

#### *Tuberculosis (TB) Testing or X-Rays*

All employees are required, at hire, to obtain an initial employment Tuberculosis (TB) test or x-ray, if applicable, with a licensed medical provider of his/her choice and periodically as indicated by the regional Texas Department of State Health Services or local health authority.

NCCAA covers the full cost of the TB test or x-ray.

NCCAA may require current employees to undergo an additional TB testing or x-ray when information from the employee, employee's supervisor, employee's health professional or other sources or mandates that indicate that the employee has an impairment that interferes with his or her ability to perform essential job functions or poses a direct threat to the health and safety of the employee, children, volunteers, or others. A communicable disease may constitute a direct threat to health and safety.

TB tests or X-ray results must be submitted to Human Resources immediately as requested. Failure to submit the TB test or X-ray results is subject to disciplinary action, up to and including termination.

### *Physical Examinations*

All employees are required, at hire, to obtain an initial employment physical examination with a licensed medical provider of his/her choice and as indicated by their health care provider or as mandated by state or local laws.

NCCAA covers the full cost of the physical examination.

NCCAA may require current employees to undergo an additional physical examination when information from the employee, and/or, employee's health professional indicate that the employee has an impairment that interferes with his or her ability to perform essential job functions or poses a direct threat to the health and safety of the employee or others. A communicable disease may constitute a direct threat to health and safety.

Employees required to obtain an additional physical examination, after initial testing, due to employment fit test, will be paid for by the Agency. The Agency reserves the right, if the physical examination is paid for by the Agency, to designate the provider to perform the examination.

The physical examination results must be submitted to Human Resources immediately as requested. Failure to submit the examination results is subject to disciplinary action, up to and including termination.

## *Employee Immunizations*

NCCAA has implemented the following immunization policy for all of its employees to be in compliance with the Texas Department of Family and Protective Services Minimum Standard Rule # 746.3611 which requires a policy for protecting children from vaccine-preventable diseases.

While the safety of our employees and the children in our care is paramount, we have elected to make immunizations for vaccine- preventable diseases optional to employees.

Vaccines that we currently recommend:

- Influenza (Annually)
- Pertussis (Tdap) (Every 10 Years) Varicella (Chickenpox)
- Measles, Mumps, Rubella (MMR)

If the employee is not exempt from having these immunizations, NCCAA recommends that employees consider these immunizations.

The employee will indicate below if there are any exemptions that would prevent them from receiving an immunization for a vaccine-preventable disease.

If the employee decides that these immunizations are appropriate and beneficial for their health and well-being, and receive the immunization, they are asked to provide Human Resources with documentation that the immunizations have been received. Human Resources will provide the Site Based Managers with documentation for their compliance records on their employees.

NCCAA will encourage the use of protective medical equipment to protect employees and children in care from exposure to possible disease. The protective medical equipment would include gloves, masks, and hand washing/hand sanitizer. The use of protective medical equipment will be based on

the level of risk the employee presents to children by the employee's routine and direct exposure to children.

Employees should not be in direct contact when they are ill or exhibiting signs of illness. NCCAA will monitor information provided to the public through the CDC and/or other sources to determine the level of risk the employee presents.

There will be no discrimination or retaliatory action against any employee who does/does not receive immunizations for vaccine-preventable illness. The use of protective medical equipment will not be considered retaliatory when used by employees of NCCAA.

### **139    *Performance Review***

The Agency utilizes a system of formal Performance Reviews as a necessary management tool to aid in decisions regarding promotions, compensation, training, and disciplinary action. It is designed to focus on examining the employee's past performance and establishing mutually agreed to future goals and objectives. Both the Supervisor and the employee are responsible for the attainment of these goals and objectives.

All employees, at hire and upon promotion to a new position, will be provided a copy of their job description by Human Resources. The Supervisor (or designee) is responsible for training and assisting the employee in learning their job duties and responsibilities.

*Employees are required to have Annual Performance Reviews.* Reviews are to be completed by the employee's Supervisor. Employees will receive a copy of the Review. Employee's Development Objectives are required when an Overall Performance rating of "Unacceptable Work" or "Needs Development" is indicated.

## *Recordkeeping*

The Supervisor conducting the Performance Review is required to submit the original document to Human Resources.

Original Performance Reviews, responses, and related documentation are filed by Human Resources in the employee's personnel file, and a copy will be given to the employee by his/her Supervisor.

## *Introductory Period Performance Reviews*

Individuals becoming employed or re-employed with the Agency must serve a three-month (90 day) Introductory period. The Introductory period is a period of time that gives the new employee an opportunity to discover whether he/she enjoys working for the Agency. It gives the Agency the opportunity to evaluate the employee's interest in the job and his/her abilities to carry out their assigned job duties. The Introductory period evaluation does not apply to Temporary Employees.

Employees are subject to a 45-day and/or a 90-day Review depending upon the employee's work performance.

If the Supervisor determines that the employee is not performing satisfactorily within the first 45 days of employment, an *Employee Introductory Period or Introductory Performance Review* may be conducted. The supervisor will review with the employee the training objectives, job responsibilities, and individual guidance, and may be given further disciplinary action up to and including termination. The employee will continue to be evaluated.

It is understood that the employee may be separated from employment "At Will" any time prior to the completion of such Introductory period.

The Introductory period should not be considered as an employment contract for the respective periods.

### *Annual Performance Evaluation*

All of the Agency's employees, other than Temporary Employees, shall receive an Annual Performance Review to review progress and discuss standards of performance and job responsibilities.

Evaluations are to be completed by the employee's Supervisor and will be reviewed by the subsequent levels of supervision.

Any employee who is dissatisfied with his/her evaluation may appeal it to the level of Chief Executive Officer, according to the procedures described in the Problem Resolution section.

### *Performance Reviews*

Employees placed on Growth Plan will receive ongoing review during the Introductory period. The review is to determine if the employee has satisfactorily completed the Introductory period requirements or if the employee will be subject to additional disciplinary action in accordance with the *Employee Handbook*. Review verbiage

## **140 Promotions, Demotions, and Transfers**

NCCAA ensures each employee has equal access to opportunities for growth and development. First consideration will be given to internal candidates who have a history of satisfactory job performance and meet the job qualifications for the vacancies. In all its selection and promotion decisions, NCCAA complies with equal employment opportunity requirements.

## *Promotions*

1. Two types of advancement opportunities are outlined below:
  - a. A promotion is the movement from one position to another position which is in a higher salary grade and may involve a salary increase. A promotion may be within a program or between programs and may result in a title change.
  - b. A reclassification is an approved change in pay grade of an existing position as a result of significant changes in the duties and responsibilities of that position. A reclassification may result in a pay grade and/or title change.
2. Every effort is made to fill vacancies by promoting qualified employees. Directors are encouraged to identify employees for promotion. Employees must possess the necessary skills, abilities, and knowledge to satisfactorily perform the work of the advanced position. Past work history is also reviewed in order to make this determination.
3. Employees are encouraged to maintain an awareness of vacancies and to seek job opportunities for which they qualify. An expression of interest in a promotion, either by submitting an internal application to Human Resources as a result of a job posting or through discussions with management, does not have any adverse effect on the status of the employee's current position.
4. The Director and Human Resources selects the appropriate candidate for promotion.
5. The newly promoted employee is subject to Introductory Period. Refer to policy 115 on Introductory Period for more information.

6. An employee's change in pay rate, if applicable, arising from a promotion will become effective on the first day of the pay period the employee assumes his/her new job duties.

### *Demotions*

NCCAA may find it necessary or in the employee's best interest to transition an employee through demotion. The Organization provides a fair and equitable process in addressing demotion.

### Procedure

A demotion occurs when an employee moves into a lower pay grade level or into a position with significantly less job responsibilities.

A demotion may occur when:

1. An individual is unable to perform satisfactorily in the higher-level position.
  - a. The employee's request for a demotion is approved.
  - b. There is a restructuring of the Organization.
  - c. As a result of disciplinary action.
2. All demotions must be discussed with Human Resources prior to communicating any information to employees.
3. If the demotion is at the employee's request, a written letter from the employee requesting the demotion action will be required.
4. Supervisors will work with the Human Resources Department to ensure efforts are made to provide proper training and development opportunities via the Corrective Action process before demotion is considered.

5. The employee's applicable work experience, educational level and review of incumbent's salaries holding the same job title will be reviewed by the Program Director and Human Resources to determine an appropriate new rate of pay.

### *Transfers*

NCCAA provides opportunities wherein an employee may transfer, or may be transferred, when the employee meets the job qualifications and when the transfer will benefit both the employee and the Organization.

### Procedure

1. An employee who is transferred temporarily to a higher paying position is compensated at an adjusted rate for the duration of the assignment. Temporary assignment constitutes a formal assumption of another position's duties for an established period of time, not the occasional filling in for a job or "helping out."
2. An employee who is transferred temporarily, at the request of NCCAA, to a lower paying position continues to be paid at his/her existing rate for as long as the temporary transfer is in effect.
3. If the employee has not been returned to his/her regular position at the end of temporary transfer date, NCCAA will review the situation and either return the employee to his/her former position, extend the period of temporary transfer, or complete the transfer to the new position.
4. Employees transferred to lower paying positions are paid at the lower rate of the new position on the first day of the pay period the new position is assumed.

A promotion is any personnel action resulting in movement to a position affording higher starting salary or greater rank and/or providing for greater skill or responsibility. It is the Agency's policy to give qualified employees advancement opportunities whenever possible.

#### *Performance Review Requirements*

An employee who assumes a new job position due to a promotion, demotion or transfer will be observed during the first 90 days in order to determine if their job performance is satisfactory. The *Employee Introductory Period or Introductory Performance Review* is completed at the end of the 90-day Introductory or Introductory period. Employee's Development Objectives are required when an Overall Performance rating of "Unacceptable Work" or "Needs Development" is indicated. At this time, the Supervisor will make a recommendation to the Chief Executive Officer to either retain the employee, demote the employee to their prior position subject to position availability, or to terminate the employee's employment with the Agency. The Supervisor will issue a copy of the review to the employee and will submit the original Performance Review to Human Resources for placement in the employee's personnel file. Review!!

#### *Pay*

An employee's change in pay rate, if applicable, arising from a promotion or transfer, will become effective on the first day the employee assumes his/her new job duties.

#### **141 Administrative Reassignment**

The Chief Executive Officer and Directors retain the right to reassign, temporarily or permanently, any employee as may be necessary in order to accomplish the standards, goals, and mission of the

Agency. Staff that are reassigned will be given at least 48 hours written notice, unless the situation requires immediate action be taken because the safety of Agency employees is at risk.

#### **142 Job Posting**

The Chief Executive Officer is engaged by the Board of Directors and is authorized to hire and terminate all Agency personnel. In addition to the Chief Executive Officer, all Birth-to-Five Head Start personnel must be approved or disapproved by the Birth-to-Five Head Start Program Policy Council.

No member of the Agency's Board of Directors or Birth-to-Five Head Start Program Policy Council may be employed by the Agency during his/her active service. The Agency's Board of Directors cannot be employed for twelve (12) months thereafter.

No person less than eighteen (18) years of age shall be eligible for regular or temporary employment with the Agency.

Agency positions may require certified supportive documentation verifying credentials from high school, college, universities, and CDA. Positions requiring special training or licensing requirements must provide satisfactory evidence of completion.

NCCAA provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. Job postings are a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring Supervisor. In general, notices of all job openings are posted, although NCCAA reserves its discretionary right to not post a particular opening.

Job openings are posted on the Employee Bulletin Boards, Job Announcement Binder at Central Office, the Agency website at [www.nccaatx.org](http://www.nccaatx.org), Texas Workforce Commission [www.WorkinTexas.com](http://www.WorkinTexas.com), local colleges and businesses that request our job listing and when needed, advertising in a variety of media.

To be eligible to apply for a posted job, employees must have performed satisfactory for at least 90 calendar days in their current positions. Employees who are on trial or suspension are not eligible to apply for posted jobs.

To apply for an open position, employees should submit a completed application for employment along with an *Employee Internal Job Application*, and two recommendation letters (one Personal and one Professional) to Human Resources. Applications must be submitted prior to the closing date and time specified in the posting to be considered.

### ***143 Arrests, Indictments, Convictions, and Other Adjudications***

An employee shall notify Human Resources, right away but no later than 24 hours of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, misdemeanor, any offense involving moral turpitude, for any of the offenses indicated below:

- Crimes involving NCCAA property or funds;
- Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any Certificate or permit that would entitle any person to hold or obtain a position as an Educator;
- Crimes that occur wholly or in part on NCCAA property or at an NCCAA-sponsored Event or activity; or
- Crimes involving moral turpitude, which include:

- Dishonesty, fraud, deceit, theft, misrepresentation
- Deliberate violence;
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
- Felony possession transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
- Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12- month period; or,
- Acts constituting abuse under the Texas Family Code.

#### ***144 Background Checks and Fingerprinting***

NCCAA conducts background checks and fingerprinting in compliance with federal and state statutes of the Fair Credit Reporting Act.

NCCAA conducts background checks on persons the Agency intends to employ in any capacity; persons who have indicated, in writing, an intention to serve as a volunteer; and current volunteers or employee.

Background checks are done prior to hire for Birth-to-Five Head Start employees and every 5 years thereafter.

Fingerprinting is done prior to hire for Birth-to-Five Head Start employees and as required thereafter.

#### ***145 Motor Vehicle Requirements***

All employees approved to drive Agency vehicles are required to possess and to maintain a clean and current Texas Driver License. The employee assumes responsibility for any traffic or parking violations that are issued while using an Agency vehicle or while driving their personal vehicle on Agency business.

Additionally, employees are to maintain current documentation of auto Liability Insurance, Driver's License and Professional License/Certification.

### *Reporting*

All drivers are required to report ***immediately*** to their Supervisor, and/or Director, Chief Operating Officer and Human Resources any motor vehicle accidents or infractions that impact their driving status. Drivers failing to follow this policy may be restricted from driving an Agency vehicle or restricted from driving for Agency purposes. Employees violating this policy may result in disciplinary action up to and including termination.

### **146    *Rehire Policy***

Former employees who are seeking reemployment must indicate his/her prior employment with NCCAA on the job application. Failure to do so will result in ineligibility for reemployment regardless of the reason for separation.

All applications will be subject to a Human Resources search of NCCAA employment records to determine previous employment status, reason for termination of employment, and eligibility for rehire.

### **147    *Social Media Policy***

## Personal Use (Not Related to NCCAA Business)

Employees may not participate in Social Media while on work time. Any personal use of NCCAA computer or communications equipment such as workstations, phones, laptops, external devices or network infrastructure, to participate in Social Media is prohibited. An employee should not use her/his NCCAA email address to register on any Social Media website for personal use. Any Social Media postings by an employee shall be consistent with NCCAA's policies including, but not limited to, NCCAA's anti-harassment and non-discrimination policies as well as NCCAA's policies regarding the non-disclosure of information NCCAA is required to keep confidential pursuant to state and federal laws. Inappropriate postings that may include discriminatory remarks, harassment and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject an employee to disciplinary action up to and including termination.

## *NCCAA Business-Related Use*

An employee is not permitted to visit Social Media websites during work hours, unless specifically authorized to do so for business-related purposes, either: (1) by virtue of employee's job responsibilities; or (2) with express authorization as specified below.

Those employees who do have authorization and post messages on NCCAA websites or social media accounts should understand that they are posting on behalf of NCCAA and must adhere to NCCAA's professional standards, values, policies and applicable laws at all times.

1. Employees who have job responsibilities that include posting information to NCCAA maintained websites and/or social media accounts understand and agree that the content and followers of the blog or other website belong exclusively to NCCAA and that upon request the

employee must provide NCCAA with any information necessary to log in to a NCCAA-maintained website or social media account.

Employees are not permitted to audio/video record meetings and conversations without the CEO approval.

#### General Implementation of Policy

Employees who violate this policy are subject to discipline, up to and including dismissal or legal action. NCCAA prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

If you have any questions or concerns regarding these policies, you are encouraged to speak to Human Resources.

#### **148    *Employee Fraternization Policy***

NCCAA's fraternization policy outlines our guidelines on employees forming personal relationships, sexual in nature, with each other. Romantic relationships between colleagues may negatively impact our workplace.

This policy applies to all NCCAA employees regardless of gender or sexual orientation. For the purposes of this policy, "dating" includes consensual romantic relationships and sexual relations. Non-consensual relationships constitute sexual harassment and NCCAA prohibits them explicitly.

NCCAA prohibits its employees from forming personal relationships, sexual in nature, with colleagues, clients, and/or vendors.

NCCAA expects employees to comply with this policy.

Failure to comply will result in disciplinary action, up to and including termination.

## **149 COVID 19 Mandate Policy**

*As of Dec. 31, 2021, following a decision by the United States District Court for the Northern District of Texas, implementation and enforcement of the [Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs](#), 86 Fed. Reg. 68052 (Nov. 30, 2021) (the "Interim Final Rule" or IFC), is preliminarily enjoined in Texas. Head Start, Early Head Start, and Early Head Start-Child Care Partnership grant recipients in Texas are not required to comply with the IFC pending future developments in the litigation.*

On September 9, 2021, The Office of the President published an Executive Order requiring, amongst others, that all Head Start personnel be vaccinated against COVID 19, by January 2022. This Order was followed by guidance from the Director of the Office of Head Start, reiterating the guidance from the Executive Order. As of October 28, 2021, this policy applies only to personnel who fall under the Head Start program.

All personnel are required to provide proof of vaccination to HR; the copy of the vaccination card will be kept in the employee's medical file. Nueces County Community Action Agency allows for exemptions to COVID-19 immunization requirements as a reasonable accommodation to assist any employee who is disabled, has a qualifying medical condition that is a contraindication to the vaccination, or who objects based on sincerely held religious beliefs and practices unless doing so would create an undue hardship for NCCAA.

Please contact the HR Department if you require an accommodation. Further guidance from the Office of Head Start, or the Office of Community Services, will be provided in a separate revision or addendum. Policy subject to Court decision. Failure to follow this guidance will result in termination.

## CHAPTER 2 – COMPENSATION, HOURS, AND PAY

### **201    *Recording Time***

Accurately recording time worked is the responsibility of every employee. Federal and state laws require NCCAA to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

All employees should accurately record the time worked by cost center, if applicable.

***Overtime work must be approved by the Director and Chief Executive Officer before it is performed.*** Failure to comply may result in disciplinary action.

Altering, falsifying, tampering with time records, or recording time for another employee may result in disciplinary action, up to and including termination.

It is the employee's responsibility to ensure their electronic time sheet is complete and accurate. The Supervisor will review and approve time sheets electronically. Failure to comply may result in disciplinary action.

### **202    *Pay Period and Hours***

The Agency's payroll workweek begins at 12:01 a.m., Wednesday mornings (one minute after Tuesday midnight) of each week and ends on Tuesday at 12:00 (midnight) of the following week. Employees will work and document hours worked before the end of the workweek each Tuesday.

**Full-time:** An employee who is regularly scheduled to work 40 hours per week. Such full-time employees are eligible for benefits after applicable requirements for length of service have been met.

Full-time employees accrue 8 hours of annual leave per month and 8 hours of sick leave per month.

Part-time: An employee who is regularly scheduled to work less than 32 hours per week. Such part-time employees are eligible for all benefits after applicable requirements for length of service have been met. Part-time employees accrue 4 hours of annual leave per month and 4 hours of sick leave per month.

While part-time employees may occasionally work 40 or more hours in a particular workweek, or in a series of workweeks, that by itself will not change their regular schedule. However, the company reserves the right to change the regular schedules of employees at any time. In such a case, the company will give affected employees as much advance notice as possible of their new regular schedules and will advise employees of the effect of such changes on their eligibility for company benefits.

If an employee (exempt or non-exempt) has an attendance issue (i.e., leaves early, comes in late), please refer to Policy 401 Attendance Standards, and/or Policy 403 Work Performance Violations, for guidelines on disciplinary action(s).

### **203    *Pay Cycle***

Employees are paid biweekly and payday is every other Friday. There are twenty-six (26) pay periods per calendar year.

All Agency employees will be paid no less than the federal minimum wage.

### **204    *Pay Advances***

NCCAA does not allow employees to draw earnings in advance of their regular payday.

## **205    *Direct Deposit***

Employees of NCCAA are required to have their paycheck direct deposited to a savings or checking account at any financial institution of their choice that accepts direct deposit. Direct deposit is handled by Human Resources. Employees must provide a voided check and/or a direct deposit form when requesting this service to assure deposit to the proper account.

## **206    *Payroll Deductions***

NCCAA is required by law to make certain deductions from paychecks. There are three types of deductions required by law and those authorized by the employee which include Federal Income Tax, Social Security, and Medicare. ok

The amount of deductions from an employee's paycheck will depend on earnings and on the information furnished on the W-4 Form. Every employee is required to complete a W-4 Form.

Payroll deductions that may be authorized by employees include but are not limited to:

- Health insurance
- Dependent health insurance
- Dental coverage
- Dependent dental coverage
- Term life/accidental death and dismemberment insurance
- Optional term life with optional dependent coverage
- Disability insurance

- Retirement program
- 
- Additional voluntary benefits

*All voluntary deductions will not be made without the written authorization of the employee.*

Legally mandated pay setoffs are pay deductions taken by NCCAA usually to help pay off a debt or obligation, such as court-ordered garnishments or loans to NCCAA or others.

*NCCAA advises employees to check their pay stubs to ensure that it reflects the proper number of withholdings, pay information and deductions.*

Employee's having questions concerning deductions should contact Human Resources.

#### **207 Administrative Pay Corrections**

NCCAA takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

Employee's having questions concerning errors in their pay should promptly bring the discrepancy to the attention of Fiscal Department so that corrections can be made as quickly as possible.

#### **208 Compensatory Time**

*No Agency employee may earn compensatory time.*

## **209 Overtime**

In all instances, the definitions, practices, and procedures in regard to payment of overtime for Agency employees are in accordance with the provisions of the Fair Labor Standards Act of 1936 as amended.

Effective hereafter and for purposes of calculating overtime pay, the regular work week for all non-exempt employees of the Agency will begin at 12:01 a.m. Wednesday morning (one minute after Tuesday midnight) and will end on Tuesday at midnight the following week.

No Agency non-exempt employee is to work more than forty (40) hours in one work week **without first obtaining approval from the Director and Chief Executive Officer**. Failure to obtain proper authorization may be grounds for disciplinary action up to and including termination.

Hours which a nonexempt employee receives sick leave pay, holiday pay, or annual leave pay are not included in the calculation of overtime pay.

***Supervisors who knowingly permit employees to work off the clock or overtime hours without the Chief Executive Officer's prior approval are subject to disciplinary action up to and including termination.***

Exempt employees are not eligible for overtime pay and will not receive any overtime pay for extra work above 40 hours per week that might be necessary to accomplish their assigned tasks.

## **210 Employee Travel and Expenses**

### *General Guidelines*

All travel advances issued to employees must be supported by properly approved travel documentation covering both travel and, if applicable, *per diem*.

Employees are required to submit an *After Travel Report* within three (3) work days after the travel has been completed.

Employees who fail to submit the *After Travel Report* and supporting documentation within three (3) work days after the travel has been completed is subject to disciplinary action; and are therefore ineligible for future travel until such time that all necessary documents and or money is submitted.

No one under any circumstances will be allowed to travel on Agency business as long as they have outstanding travel expenses unless travel is approved by the Chief Executive Officer.

#### *Mileage*

Mileage costs for use of privately owned automobiles shall be paid in accordance with the current Standard Mileage Reimbursement rate set by the IRS. In no event may the rate exceed the Federal allowable rates.

Mileage will be payable to only one (1) of two (2) or more persons traveling together on the same trip and in the same vehicle.

#### *Local Travel*

Local travel is defined as “Mileage incurred by an Agency employee who uses their own personal vehicle to conduct Agency business, which is approved by their Supervisor that does not require an overnight stay in another city or town.” Employees who use their personal vehicle will be reimbursed for their local travel mileage expense only after they have submitted a *Mileage Expense Report*.

Employees will be reimbursed at a rate approved by the Chief Executive Officer and the Agency's Board of Directors, but the rate will not exceed the Federal allowable rate.

Employees must use the preset mileage chart when applicable.

Employees will not be reimbursed for costs incurred due to mechanical and/or other automobile malfunction.

Employees will not be reimbursed for meal expenses incurred during local travel.

#### *Out-of-town Travel*

All travel accommodations will be based on funding and at the discretion of the Director.

Travel allowance includes but is not limited to all reasonable charges for meals, lodging, and work-related transportation.

## CHAPTER 3 – EMPLOYMENT BENEFITS

### *301 Annual Leave Benefits*

The Chief Executive Officer has the authority to waive restrictions on Annual Leave during emergency situations.

In scenarios where, special legislation or legally binding rules are passed or promulgated at a state or federal level, as it pertains to handling and paying leave during a pandemic, epidemics, state of emergency, national disaster, NCCAA will follow the legislation as it is outlined. OK

#### *Eligibility and Accrual Standards*

Paid Annual Leave is designed to allow employees meaningful rest and a change of pace from their daily work activities. Therefore, the following Annual Leave eligibility and accrual standards shall apply:

#### *Regular, Full-time Employees*

An employee who is regularly scheduled to work 40 hours per week. Such full-time employees are eligible for benefits after applicable requirements for length of service have been met. Full-time employees accrue 8 hours of annual leave per month and 8 hours of sick leave per month.

#### *Regular Part-time Employees*

An employee who is regularly scheduled to work less than 32 hours per week. Such part-time employees are eligible for all benefits after applicable requirements for length of service have been

met. Part-time employees accrue 4 hours of annual leave per month and 4 hours of sick leave per month.

While part-time employees may occasionally work 40 or more hours in a particular workweek, or in a series of workweeks, that by itself will not change their regular schedule. However, the company reserves the right to change the regular schedules of employees at any time. In such a case, the company will give affected employees as much advance notice as possible of their new regular schedules and will advise employees of the effect of such changes on their eligibility for company benefits.

#### *Temporary Employees*

Temporary NCCAA employees are eligible to accrue Annual Leave, based on grant guidelines.

#### *Inactive Employees*

Inactive employees are not eligible to accrue Annual Leave.

#### *Introductory Period Employees*

Introductory period employees are not eligible to accrue Annual Leave benefit hours during the first 90 days of employment. Introductory employees will start accruing Annual Leave hours on the first payday of each month following 90 days of employment. Employees will be able to use Annual Leave the 1st payday of the month following the accrual of Annual Leave.

#### *Notice of Annual Leave*

If the need for Annual Leave is foreseeable, the employee must give their Supervisor a minimum of 5 days advance notice. When the need for leave is not foreseeable, the employee is expected to notify

their Supervisor; if he/she is not available, the Coordinator or Director at least one hour prior to scheduled reporting time. Failure to provide such notice may be grounds for disciplinary action.

Leave taken without providing a five (5) day advance notice will be considered Leave without Pay unless the Director determines such leave to be an emergency situation. If approved, accrued Annual Leave hours may be used during the leave period.

#### *Other Matters*

Annual Leave benefits shall not be available for use until they are earned, which is the first payday of each month following a month for which an employee performed work duties.

New Agency employees are not eligible to use any Annual Leave benefits until they have successfully completed a ninety (90) calendar day Introductory period, have accrued Annual Leave, and is the first payday of the month following the accrual of the Annual Leave. This does not apply to employees who are undergoing an Introductory period due to a promotion or transfer.

Employees will not be allowed to carry over more than 144 hours, the equivalent of eighteen (18) days, of earned Annual Leave from one (1) calendar year to the next. All Annual leave hours exceeding 144 by the 25<sup>th</sup> pay period will be removed from each employee's Annual Leave bank (record) on January 2 of each year.

Holidays occurring during the time an employee is on Annual Leave will not be charged against such leave.

When an employee leaves NCCAA, all accrued annual leave is paid, up to 144 hours or eighteen (18) days of pay provided the employee has given a two (2) week notice and works the 2 weeks they have

given in their notice; an exit conference has been conducted; all items (keys, badges, etc.) have been returned; and the employee has not been terminated involuntarily.

Mitigating circumstances will be taken on a case-by-case basis. This payment will be included in the employee's final paycheck. No advance payment will be made for unearned Annual Leave.

***Annual Leave may be taken in one-hour increments.***

Annual Leave may be taken for any reason provided adequate notice is given to his/her Supervisor. Such reasons may include personal matters, funerals, illness, injury, school, and vacation time.

**302 Sick Leave Benefits**

In scenarios where, special legislation or legally binding rules are passed or promulgated at a state or federal level, as it pertains to handling and paying leave during a pandemic, epidemics, state of emergency, national disaster, NCCAA will follow the legislation as it is outlined

*Eligibility and Accrual Standards*

Paid Sick Leave is designed to protect against the loss of income due to personal illness or illness of those who are dependent on you for care during illness. Therefore, the following Sick Leave eligibility and accrual standards shall apply:

*Regular, Full-time Employees*

An employee who is regularly scheduled to work 40 hours per week. Such full-time employees are eligible for benefits after applicable requirements for length of service have been met. Full-time employees accrue 8 hours of annual leave per month and 8 hours of sick leave per month.

### *Regular, Part-time Employees*

An employee who is regularly scheduled to work less than 32 hours per week. Such part-time employees are eligible for all benefits after applicable requirements for length of service have been met. Part-time employees accrue 4 hours of annual leave per month and 4 hours of sick leave per month.

While part-time employees may occasionally work 40 or more hours in a particular workweek, or in a series of workweeks, that by itself will not change their regular schedule. However, the company reserves the right to change the regular schedules of employees at any time. In such a case, the company will give affected employees as much advance notice as possible of their new regular schedules and will advise employees of the effect of such changes on their eligibility for company benefits.

### *Temporary Employees*

Temporary NCCAA employees are eligible to accrue Sick Leave, based on grant guidelines.

### *Inactive Employees*

Inactive employees do not accrue any Sick Leave.

### *Introductory Period Employees*

All Introductory period employees are not eligible to accrue Sick Leave benefit hours during the first 90 days of employment. Introductory employees will start accruing Sick Leave hours the first payday

of the month following 90 days of employment. Employees will be able to use Sick Leave the first payday of the month following the accrual of Sick Leave.

#### *Notice of Sick Leave*

If the need for Sick Leave is foreseeable, the employee must give their Supervisor a minimum of five (5) days prior notice. Where the need for leave is not foreseeable, ***all employees must notify their Supervisor and/or Director no later than 60 minutes prior to their assigned work time, unless there are extraordinary circumstances that prevents this. Teaching Staff should notify their Supervisor, and if he/she is not available, their designee or Director no later than 60 minutes before their scheduled work time, except in extraordinary circumstances, so that substitute staffing can be found for the classroom.***

Failure to provide such notice may be grounds for disciplinary action up to and including termination.

#### *Medical Certification*

Any time an employee is away from their duties, for one (1) or more days, on Sick Leave, the supervisor may require a *Medical Certification* of their illness. ***If an employee is out on Sick Leave for more than three (3) consecutive workdays, they must provide their Supervisor a Medical Certification of their illness or a Medical Release immediately upon returning to work.*** If an employee fails to provide adequate Medical Certification or a *Release to Return to Work*, the time spent away from work will be deducted from available Annual Leave. If the employee does not have any or enough Annual Leave, the Sick Leave time will be charged to Leave Without Pay. If an employee is out for more than three (3) consecutive workdays, they may be placed on Family Medical Leave, if applicable.

HR has the authority to temporarily waive the requirement for staff to furnish a return to work note from a doctor in extreme circumstances (i.e., pandemics, epidemic, state of emergency, national disaster) so long as the policy is uniformly to all employees.

*Other Matters*

Sick Leave benefits shall not be available for use until they are accrued; this is the first payday of each month following the month for which an employee performed work duties.

All new Agency employees are not eligible to use any Sick Leave benefits until they have successfully completed a ninety (90) calendar day Introductory period, have accrued Sick Leave, and is the first payday of the month following the accrual of the Sick Leave. This does not apply to employees who are undergoing an Introductory period due to a promotion or transfer.

Illness extending beyond accrued Sick Leave may be charged against accrued Annual Leave or Leave without Pay.

Sick Leave may be carried over on a year-to-year basis without the loss of accrued Sick Leave hours.

No pay will be granted at termination of employment for any unused Sick Leave. All accrued Sick Leave will be forfeited.

Sick Leave may be taken in one-hour increments.

Sick Leave may be taken by an employee for any of the following reasons:

- Personal illness of the employee or their immediate family. Immediate family for this purpose is defined as spouse, mother, father, brother, sister, and children, stepchildren, and foster children or legal wards.

- Pregnancy shall be treated as any other condition that warrants Sick Leave usage.

*Paid holidays* immediately preceding, immediately following, or wholly within the period for which Sick Leave is granted shall not be regarded as part of such period of Sick Leave.

Employees who are found to be abusing Sick Leave privileges are subject to disciplinary action up to and including termination.

### **303    *Leave of Absence***

#### *General Guidelines*

Employees are entitled to Leave of Absence as specified in this section. For clarification purposes, Leave of Absence requests are for those employees who are seeking a period of absence or who plan to exercise their rights under the Family Medical Leave Act (FMLA) of 1993 as discussed later in this chapter.

For all Leave of Absence requests, with the exception of FMLA, the Chief Executive Officer and Directors reserve the right to approve or deny all leave requests. Such factors as an employee's job duties, job performance providing proper notice, adequate staffing levels and applicable federal and state laws will have a significant impact on management's decision to approve or deny the leave request.

The Chief Executive Officer reserves the right to fill the position of an employee on Leave of Absence if the situation should arise that creates a hardship on the Agency or for situations that management has deemed to be an emergency except were prohibited by law.

Any absence from work during an individual's Introductory period of employment, regardless of cause or reason, will be charged to Leave Without Pay.

All Agency employees requesting a Leave of Absence for a FMLA qualifying event will be required to exhaust their FMLA leave prior to requesting and receiving approval for any other type of leave.

Employees that take an unpaid or paid Leave of Absence, for any reason, must contact Human Resources to discuss continuation of benefits to ensure benefits are paid so cancellation does not occur.

### *Notice*

If the need for a Leave of Absence is foreseeable, the employee must give their supervisor, and Human Resources, thirty (30) days prior notice by submitting an Employee Action Notification Form (EANF). If thirty (30) day notice is not possible, the employee must at least give notice within 1 to 2 business days after learning about the need for leave, except in extraordinary circumstances. Failure to provide such notice may be grounds for management to deny the requested leave or for a delay in having the leave approved.

All Leave of Absence requests do not become official until approved by the employee's Supervisor and Human Resources.

### *Compensation*

Any employee who requests a Leave of Absence must use up all available Annual Leave and Sick Leave (if applicable) prior to taking Leave Without Pay.

All available Annual Leave and Sick Leave used during an approved Leave of Absence shall be compensated at the employee's regular hourly rate of pay.

### *Payment of Wages*

All employees on Leave of Absence will receive employment compensation in accordance with the policy in Compensation, Hours & Pay, under Pay Periods and Hours, Pay Cycle and Pay Advances section.

### *Reporting While on Leave*

The employee should notify their Supervisor and Human Resources of any tentative return to work date as soon as it becomes available. They also should notify their Supervisor and Human Resources of his/her intent to return to work at least five (5) days, if possible, before the expiration of the period of leave or if the employee will not be able to return to work on the specified date of return.

### *Benefits during Leave of Absence*

Employee is responsible to pay the employee's portion of the cost of the health insurance premium while the employee is out on any type of approved Leave of Absence. In addition, if the employee is purchasing other services or benefit services, the employee is responsible for the payment of these services or products, in accordance with the same terms that were in place prior to them going on leave. All insurance premium payments and other payments should be remitted to Human Resources by the first day of each month or by each pay period. Failure to make timely payments will result in the cancellation of their health coverage and other product services or benefits as permitted by law, unless prior arrangements are made in advance with Human Resources.

An employee, on any type of Leave of Absence, stops accruing Annual Leave or Sick Leave benefits starting the first day of their leave. In addition, the employee is not entitled to any other compensation such as holiday or personal holiday pay that may occur during any Leave of Absence period. This policy begins with the employee's first day of their Leave of Absence.

Upon returning from an approved Leave of Absence, employees will be restored to their original or equivalent position with equivalent pay and benefits.

### *Leave Without Pay*

No employee can use Leave without Pay if they have Annual Leave accrued unless it is for disciplinary reasons by the employee's Supervisor. An employee on a Leave Without Pay will not be eligible to accrue Annual or Sick leave benefits. In addition, the employee is not entitled to any other compensation, such as holiday that may occur during their leave without pay.

### **304 Non-Family Medical Leave of Absence**

Employees needing a Leave of Absence that does not qualify for Family Medical Leave Act (FMLA) must request the leave through an *Employee Action Notification Form (EANF)*, at least, thirty (30) days in advance, but no less than five (5) working days before forms effective date, unless emergency situation has occurred, such as, death in immediate family, sudden illness, or unexpected accident.

Non-FMLA is requested through Human Resources to determine eligibility and certification.

If Leave of Absence Request is denied, Human Resources will submit to Chief Executive Officer for final review. Chief Executive Officer shall make final determination on request and forwards Leave of Absence form back to Human Resources.

If Chief Executive Officer is not available, Human Resources' decision shall be final. If request is denied, employee can file a written request for Problem Resolution with the Chief Executive Officer, in accordance with current Personnel Policies.

If employee is unable to return to work as initially planned, another *Employee Action Notification Form (EANF)* must be submitted prior to expiration of previous request form. Employee must call Human Resources to discuss possible options and/or request for more time.

The employee should notify Human Resources of any tentative return to work date as soon as it becomes available. They also should notify their Supervisor and Human Resources of his/her intent to return to work at least five (5) days, if possible, before the expiration of the period of leave or if the employee will not be able to return to work on the specified date of return.

***Failure to return to work, without proper notification and approval from Human Resources, will be considered an abandonment of their job and will result in termination.***

### ***305 Family Medical Leave Act (FMLA)***

Employees are allowed to take unpaid Family Medical Leave under federal law under Family Medical Leave Act (FMLA).

#### *Eligibility*

An eligible employee is an employee who:

- Works for a covered employer;
- Must have worked for the employer for at least one year, and worked 1,250 hours within that year. The twelve (12) months need not be consecutive.
- Must have worked in an office or work site where at least 50 or more employees are employed within 75 miles of that office or work site.

Eligible employees are eligible for up to a total of twelve (12) weeks of protected leave, except for service member family leave who may be entitled to additional leave.

For purposes of an employee's entitlement to FMLA, the Agency has opted to use calendar year.

### *Qualifying Reasons for FMLA*

An eligible employee may take FMLA for the following reasons:

- The birth of a son or daughter, and to care for the newborn child;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent with a serious health condition;
- Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;
- Because of any qualifying need arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty (or has been notified of an impending call or order to active duty) and,
- To care for a covered service member with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent or next of kin of the service member.

**The Federal FMLA does not cover care for a parent-in law.**

### *Combined Leave for Employed Family Members*

If both spouses, siblings, and/or other immediate relatives are employed by the Agency, the Agency shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a

serious health condition, to a combined total of 12 weeks. The Agency shall limit military caregiver leave to a combined total of 26 weeks.

### *Serious Health Condition of Employee*

If, as an eligible employee, you experience a *Serious Health Condition* that renders the employee unable to perform the functions of their position as defined by Federal Law, you may take medical leave under this policy. A serious health condition occurs when you:

- Receive inpatient care in a hospital, hospice or nursing home;
- Suffer a period of incapacity accompanied by continuing outpatient treatment/care by a health care provider; or
- Have a history of a chronic condition that may cause episodes of incapacity.

Need for leave must be documented by your treating healthcare provider throughout the medical certification process.

### *Fitness for Duty Certification*

If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a Fitness-for-Duty certification. The Medical Certification shall contain a statement about the employee's ability to perform essential job functions. Failure to provide the certification may result in a delay or denial of restoration of employment. The costs associated with obtaining the certification shall be the employee's responsibility.

Employees must give notice of their intent to return to duty before expiration of the FMLA leave. The employee should notify Human Resources of any tentative return to work date as soon as it becomes available. They should notify Human Resources of his/her intent to return to work at least five (5)

days, if possible, before the expiration of the period of leave or if the employee will not be able to return to work on the specified date of return. Such notice is necessary to minimize potential workplace disruption and to allow for the smooth transition of assignments from other employees to the returning employee.

#### *Active Duty Because of Any Qualifying Need*

If, as an eligible employee, you need Family Leave because of any Qualifying Need arising out of the fact that your spouse, son, daughter, or parent is on active duty, or has been notified that they will be called or ordered to active duty in the Armed Forces in support of a contingency operation, you may take Family Leave under this policy.

Intermittent and/or Reduced Schedule Leave for Family Leave for any Qualifying Need arising out of the active duty of a family member may be taken all at once or intermittently.

In addition to an *Employee Action Notification Form (EANF)* to request Leave of Absence, you will be required to complete a *Certification of Qualifying Need for Military Family Leave Form* and furnish to the Agency in a timely manner any certification that your family member is issued regarding their active duty or call to active duty in the Armed Forces.

#### *Service Member Family Leave*

If, as an eligible employee, you need Family Leave to care for a covered service member who is your spouse, son, daughter, parent or next of kin and who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty, you may take up to 26 weeks of unpaid leave during a single 12-month period under this policy.

The need for leave must be documented by the family member's treating healthcare provider through our Medical Certification process.

### *Definitions*

*"Spouse"* - A husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides.

*"Parent"* - A biological parent or an individual who provides or provided day-to-day care and financial support to the employee when the employee was a child. This includes foster parent, adoptive parent, step-parent, and legal guardian. Parent does not mean a parent-in-law.

*"Child"* - A biological, adopted or foster child, stepchild, legal ward, or under the federal FMLA, the child of a person having day-to-day care and financial responsibility for the child who is under age 18. Child includes a person 8 years of age or older who is incapable of self-care because of a mental or physical disability. For Qualifying Need Leave or Service member Family Leave, the child does not have to be a minor (under the age of 18) and can be of any age.

*"Incapable of Self-care"* - The child requires active assistance or supervision to provide daily self-care in three or more "activities of daily living," or "instrumental activities of daily living," including adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, eating, or instrumental activities such as shopping, taking public transportation, maintaining a residence, etc.

*"Physical or Mental Disability"* - A physical or mental impairment that substantially limits one or more major life activities of the individual.

*“Next of Kin”* - Used with respect to an individual means the nearest blood relative of that individual other than the spouse, parent or child.

*“Serious Health Condition”* - Illness, injury, impairment or physical or mental condition that involves:

- Inpatient care in a hospital, hospice or residential medical care facility.
- A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves: treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by or under the orders of a health care provider, or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider. The first (or only) visit must occur in person or via a telemedicine visit within seven days of the first day of incapacity.
- Any incapacity due to pregnancy or for prenatal care.
- Chronic conditions requiring periodic treatment by or under the supervision of a health care provider which continues over an extended period of time and may cause an episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
- Permanent/long-term conditions requiring supervision for which treatment may not be effective (e.g., Alzheimer’s, a severe stroke, or the terminal stages of a disease.)
- Multiple treatments by or under the supervision of a health care provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy), severe arthritis (physical therapy) or kidney disease (dialysis).

*“Serious Injury or Illness”* - In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

*“Continuous Treatment”*

- Two or more treatments by a health care provider;
- Two or more treatments by a provider of health care services (e.g., physical therapist) on referral by or under orders of a health care provider;
- At least one treatment by a health care provider which results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a program of medication or therapy);
- Or under the supervision of, although not actively treated by, a health care provider for a serious long-term or chronic condition or disability which cannot be cured (e.g., Alzheimer’s or severe stroke).

*“Health Care Provider”* – Includes but is not limited to medical doctors, osteopaths, podiatrists, dentists, clinical psychologists, optometrists, and (in certain cases) chiropractors authorized to practice in the State, nurse practitioners and nurse-midwives authorized under State law, certain Christian Science practitioners, and others authorized to practice in the State and performing within the scope of their practice as defined under State law.

*“Unable to Perform the Functions of His or Her Job”* - An employee is unable to work at all; or unable to perform any of the essential functions of his/her position. The term “essential functions” is taken from the Americans with Disabilities Act (“ADA”) to mean “the fundamental job duties of the employment position,” and does not include the marginal functions of the position.

### *Notice of Leave*

If the need for Family or Medical Leave is foreseeable, the employee must give Human Resources 30-days prior notice. If 30-day notice is not possible, the employee must at least give notice as soon as practicable (within 1 to 2 business days of learning of the need for leave). Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, the employee is expected to notify Human Resources within 1 to 2 business days of learning of the need for leave, except in extraordinary circumstances. It is the employee's responsibility to notify Human Resources, 30 days in advance, of absences that may be covered by Family Medical Leave Act.

You must provide to Human Resources sufficient information regarding the reason for an absence for the Agency to know that protection may exist under this policy. Failure to provide this information may result in delay and/or forfeiture of rights under this policy.

Requests for leave should be made on an *Employee Action Notification Form* and submitted to Human Resources. Employees should contact Human Resources to discuss FMLA. Upon doing so, the employee will be notified as to the status of their FMLA request.

An employee who is eligible for FMLA benefits and has a qualifying event must exhaust their 12-week FMLA leave prior to requesting any other type of Leave of Absence including Leave without Pay.

### *Medical Certification*

If requesting leave because of his/her own or a covered relative's serious health condition, an employee must provide a *Medical Certification* that is signed by a health care provider. *Medical Certification* forms are available from Human Resources. When an employee requests leave, the Agency will notify the employee of the requirement for *Medical Certification*, which will be due

fifteen (15) calendar days after the request for leave. Failure to provide requested *Medical Certification* in a timely manner may result in denial of leave until it is provided.

The Agency, at its expense, may require an examination by a second health care provider designated by the Agency, if it reasonably doubts the *Medical Certification* initially provided. If the second health care provider's opinion conflicts with the original *Medical Certification*, the Agency, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The Agency may require subsequent medical recertification on a reasonable basis as permitted by law, which shall be no more often than every 30 days.

#### *Reporting While on Leave*

The employee should notify Human Resources of any tentative return to work date as soon as it becomes available. They also should notify Human Resources of his/her intent to return to work *at least five (5) days* before the expiration of the period of leave or recovery from the serious health condition, if applicable, or if the employee will not be able to return to work on the specified date of return.

#### *Unpaid Leave*

Family and Medical Leave is unpaid leave. However, other provided benefits such as Sick Leave, Annual Leave, or Workers' Compensation benefits, may under certain circumstances, provide some pay during the leave. Employees must use up all accrued Sick Leave and Annual Leave hours prior to taking Family Medical Leave without pay.

***When an employee is absent due to a work-related illness or injury that meets the definition of a serious health condition, the absence will be counted against the employee's entitlement under this policy. In other words, the employee is using FMLA leave concurrently with the Workers'***

***Compensation absence.*** An employee is not required to substitute paid time off for an absence covered under Workers' Compensation.

#### *Leave Period and Extended Leave*

The duration of a leave period is 12 weeks unless a request for additional leave has been made and granted as provided for in this policy. After an employee's FMLA leave has been exhausted, the Agency may extend a leave. Employment may be terminated at the conclusion of the 12-week extension period if an employee is unable to return to work and perform the essential functions of their job unless the leave is extended as a reasonable accommodation.

#### *Benefits*

The employment and benefits of an eligible employee shall remain the same while an employee is on Family Medical Leave and they shall not be entitled to any right benefit, or position, to which the employee would not normally be entitled. Eligible employees under this provision are entitled to the following:

- Upon return from Family and Medical Leave, employees (with exception to those highly compensated employees identified by the act) must be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms.
- The use of Family and Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- The use of unpaid Family and Medical Leave cannot affect the exempt status of bona fide executive, administrative, and professional employees under the Fair Labor Standards Act.

The employee is responsible to continue to pay their portion of the health insurance premium. In addition, if the employee is purchasing other services or benefit services, the employee is responsible for the continued payment of these services or products. All insurance contribution payments and other payments should be remitted to Human Resources by each pay period or the first day of each month while the employee is out on Family and Medical Leave. Failure to make timely payments when scheduled can result in the employee losing their health coverage or other services or benefits. Contact Human Resources for explanation of benefits.

The Agency will recover premiums paid to maintain insurance coverage for an employee who fails to return to work from FMLA Leave.

It shall be unlawful for any employee or member of management to do the following:

- Interfere with, restrain, or deny the exercise of any right provided under this policy and/or FMLA; and/or
- Terminate or discriminate against any person for opposing any practice made unlawful by Family Medical Leave Act or for involvement in any proceeding under or relating to FMLA.
- An employee on Family and Medical Leave with or without pay, shall not accrue any Annual Leave or Sick Leave benefits and shall not be entitled to any other compensation such as holiday pay.

Upon returning from Family and Medical Leave, employees will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms as required under the FMLA. Certain highly compensated key employees may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to the Agency’s operations. A “key” employee is

a salaried eligible employee who is among the highest paid ten percent (10%) of the employees within 75 miles of the work site. Employees will be notified of their status as a key employee, when applicable after they request FMLA leave.

### *Violations of Policy*

Leave may not be provided or the employee may not be reinstated for any of the following reasons:

- The employee advises the Agency that he or she will not return to work, in which case the employment relationship is deemed terminated and the employee's entitlement to reinstatement, continued leave, and health benefits ceases;
- The employee fraudulently obtains leave in which case the Agency will not restore the employee's job or maintain health benefits; or
- The employee accepts other employment while on leave, in which case the employee will not be entitled to benefits under this policy, and employment will be terminated.

### *Other Matters*

Employees affected by pregnancy, childbirth, or related medical conditions shall be entitled to Leave of Absence on the same basis as employees affected by other medical conditions. Notwithstanding any provision of this policy to the contrary, this policy will at all times be construed in a manner consistent with the Family and Medical Leave Act, the Americans with Disabilities Act, and other applicable laws.

### *Returning From Leave*

If an employee takes leave because of his/her own serious health condition, the employee is required to provide a Fitness-for-Duty Certification that the employee is able to resume work without

limitations or restrictions. Employees failing to provide the *Medical Certification Form* will not be permitted to resume work until it is provided.

If you wish to return to work before the scheduled expiration of FMLA leave, you must notify the Agency of the changing circumstances as soon as possible but no later than two working days prior to your desired return date.

***An employee who fails to return to work immediately after the expiration of the leave period will be considered to have voluntarily resigned his/her employment unless the leave is extended as a reasonable accommodation.***

In general, an employee who returns from an authorized period of leave will be restored to the same position held by the employee when the leave began or to a position equivalent in pay, benefits, and other terms and conditions of employment.

This policy provides an introduction to the rights and provisions of the federal FMLA. Department of Labor form WHD Publication 1420 is attached to this policy and further explains the FMLA's provisions and the procedures for filing complaints of violations of the FMLA with the US Wage and Hour Division. Questions you may have about this law should be directed to Human Resources.

### **306 Intermittent and Reduced Schedule Leave**

Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a Reduced Leave Schedule (reducing the usual number of hours of work per workweek or workday) only when it is medically necessary or for a qualifying need/call to active duty if approved by Human Resources. All Intermittent or Reduced Leave Schedule time will be paid to the employee at their normal rate of pay. In addition, while the employee is on an

Intermittent or Reduced Leave Schedule, the Director may, at his/her discretion, temporarily transfer the employee to an alternative position which better accommodates the recurring leave and which has equivalent pay and benefits.

Intermittent and/or Reduced Schedule Leave may not be taken for birth, adoption & childcare leave per Federal law. Documentation by your treating healthcare provider or documented proof of placement of child is required for leave.

Intermittent and Reduced Schedule Leave must be scheduled with minimal disruption to an employee's job. To the extent an employee or family member has control, medical appointments and treatments related to an employee's or family member's serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work.

### **307    *Requesting Family Medical Leave (FMLA)***

Employees needing FMLA must request the leave through an *Employee Action Notification Form (EANF)*, at least, thirty (30) days in advance but no less than five (5) working days before form's effective date, unless an emergency situation has occurred, such as, death in immediate family, sudden illness, or unexpected accident.

The *Family Medical Leave* request is turned into Human Resources to determine if it meets FMLA criteria and the employee is eligible.

The employee needs to schedule a meeting with Human Resources to discuss all aspects of FMLA, benefits, required *FMLA Physician's Certification form*, and Return to Work.

If the event does not qualify for FMLA, the employee will be scheduled to meet with Human Resources to discuss options. If employee requests, Human Resources will submit to Chief Executive Officer for final determination on request.

*An employee who fails to return to work immediately after the expiration of the leave period will be considered to have voluntarily resigned his/her employment unless the leave is extended as a reasonable accommodation.*

### **308 Employee Rights and Responsibilities under FMLA**

<http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>

### **309 Military Leave**

#### *Definition and Eligibility*

Only Regular, Full-time and Regular, Part-time employees are eligible to receive compensation for an approved Military Leave request.

Military service means uniformed service in the Armed Forces, the Coast Guard, the Army National Guard or Air National Guard when engaged in active duty, training, full-time National Guard duty, or time away for a physical examination to determine fitness for duty. Also included are the commission corps of the Public Health Service and any other category of persons designated by the President in time of war or emergency.

Military Leave is applicable to all staff that is enrolled in a U.S. military reserve program or the National Guard reserves that perform weekend drills, summer encampment, or similar types of training duty, as well as those who volunteer or are drafted for service.

### *Notice of Leave*

Any employee who presents official records requiring his/her attendance for training as a member of the United States Armed Forces, Reserves, or the Texas State Guard shall be entitled to Military Leave in accordance with the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994.

An employee who is called to military service should provide proper notification as discussed under Chapter 3, Family Medical Leave Act.

### *Payment of Wages*

Federal and state law does not require employers to pay Exempt or Non-exempt employee for time off for military service. However, the Agency has chosen to provide employees (Exempt and Non-exempt) their regular rate of pay for a maximum of 10 days per calendar year. This is subject to employee providing the Agency with proper documentation, which must be submitted to the Supervisor and then given to Human Resources.

Employees are required to submit an electronic time sheet, as required under payroll procedures, for each pay period containing days for which the employee is requesting compensation for Military Leave. Failure to do so will result in a processing delay of the employee's payroll check.

All payroll checks will be issued in the usual manner unless the employee has made other arrangements in accordance with the Agency's payroll standards.

Benefits - See Chapter 3 (Benefits during Leave of Absence) for details.

### *403b Retirement Benefit*

Under the USERRA 1994 Act, no break in employment is considered to have occurred because of military service, no forfeiture of benefits already accrued is allowed and there is no need for an employee to re-qualify for participation in the Agency's plan because of absence for military service. In addition, the Agency will make all applicable contributions to an employee's plan account during their absence due to military service.

### *Other Matters*

It shall be unlawful for any member of management to discriminate against any employee or prospective employee with regard to hiring, retention, or promotion, or any benefits of employment, because of past, present, or future application for, or membership in a uniformed service as prohibited under the USERRA of 1994 Act.

Upon returning from Military Leave, employees will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms as permitted by the USERRA of 1994.

The Agency's policies shall adhere to the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 and if a conflict should arise, the USERRA law will prevail.

### **310 Funeral Leave**

#### *Eligibility and Qualifying Event*

Only NCCAA employees are eligible to obtain paid leave to arrange for or attend the funeral of a member of the employee's immediate family which includes: his/her spouse, child, stepchild, foster child, legal ward, parent, brother, sister, aunt, uncle, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, or son-in-law.

## *Compensation*

An eligible employee shall be paid up to eight (8) hours per day at his/her regular, straight time rate for a maximum of three (3) days per occurrence.

This allowance will not be paid for any day for which the employee is otherwise compensated, or for any day for which the employee would otherwise not have been at work.

### **311 Jury Duty**

Jury Duty is considered to be an obligation, and in the event an employee is called for jury duty, the Agency will grant an employee jury duty leave for the term of jury service if proper supporting documents and notice is provided.

Only NCCAA employees are eligible for paid jury duty.

#### *Notice of Jury Duty*

Upon receiving a Jury Summons notification, an employee should immediately notify their Supervisor so that proper scheduling arrangements can be made and to request time off for Jury Duty through the Electronic Time Sheet System. *A copy of the Summons Notice and Court Document showing Jury service dates must be sent to the Human Resources.* Employees who fail to provide a timely and adequate notice will not be entitled to Jury Duty pay for the duration of jury service.

#### *Payment of Wages*

Federal and state law **does not require** employers to pay Non-exempt employees for time off for court appearances or Jury Duty. However, the Agency has chosen to provide employee (Exempt and

Non-exempt) their regular rate of pay for a maximum of 30 days of jury duty service. Introductory employees are not eligible for Jury Duty pay.

***Employees must submit proper Jury Duty supporting documentation, to be entitled to Jury Duty pay. If supporting documentation is not submitted, Jury Duty pay may be delayed until received.***

An employee who serves on a federal, state, or municipal court jury is entitled to retain all court payments issued to them for jury service.

#### *Other Matters*

An employee who is dismissed early by the court is expected to report to work for the balance of the working day.

It shall be unlawful for any member of management to do the following:

- Interfere with, restrain, or deny the right of an employee to serve on a jury as provided under this subsection; and/or
- Terminate or discriminate against any person for choosing to exercise their right and obligation to serve on a jury as provided by the Jury System Improvement Act of 1978.

#### **312 Educational Leave**

All staff members may request Educational Leave, which will enable them to attend daytime classes while receiving regular pay, if they have 12 hours or less remaining to complete a degree. Compliance of program staff and child ratios are factors which will affect educational leave approval.

#### **313 Educational Assistance**

The Birth-to-Five Head Start Program only has provisions for Head Start and Early Head Start staff; funding doesn't allow for this policy to apply to all NCCAA staff. Educational Assistance must be in the field of Education.

### **314 Workers Compensation**

Medical and hospitalization expenses and loss of salary benefits are provided under the Texas Workers' Compensation Act to employees injured while on the job. Workers' Compensation benefits are paid to a worker or his/her beneficiaries in case of death, for lost wages and reasonable medical expenses following a compensable on-the-job injury or work-related illness.

***NCCAA requires that on-the-job injuries be reported immediately after the incident to the employees' Supervisor and then the Supervisor must report the incident to Human Resources by the end of the day in which it occurs.***

***Employees and Supervisors not reporting on time may be subject to disciplinary action up to and including termination.***

Employee is responsible for completing the *Employee Incident Report* and submitting to Supervisor.

Supervisor is responsible for ensuring the well-being of employee, obtaining eyewitness statements, signing and ensuring the *Employee Incident Report* is completed and submitted with all required forms to Human Resources.

Employees may at their discretion, use available accrued Sick Leave and Annual Leave in place of the lost time from work. If no accrued Sick Leave or Annual Leave is available, all time off from work will be Leave Without Pay except as provided by law.

When an employee returns to work but is still under doctor's care, employee will be granted Leave With Pay provided the condition has been determined to be work-related. To receive this compensation, employees must request through the Electronic Time Sheet System, a Request for Workers' Compensation Leave and submit supporting documentation to Human Resources every pay period.

Employees will not accrue Sick Leave or Annual Leave if they are on Worker's Compensation Leave for more than 30 calendar days.

Employee on Worker's Compensation Leave are not entitled to Holiday pay, Jury Duty pay, or any other type of Agency paid compensation usually available to actively working employees.

The Agency pays for all costs associated with providing Workers' Compensation insurance coverage. **The insurance carrier makes all decisions pertaining to which claims qualify for benefits under the Texas Workers' Compensation Law.** If an employee has any questions concerning their rights, benefit amounts, or benefit services, they may contact Human Resources, the Workers' Compensation insurance provider, or the Texas Workers' Compensation Commission in Austin.

Benefits available to employees injured on the job consist of the following provisions:

- Medical expenses including doctor's visitation, treatment, surgery, medication and hospitalization.
- Temporary replacement income.

#### *Return to Work*

Employees are expected to return to work as soon as written authorization is received from a physician. Management prefers for employees to obtain a full *Medical Release* to return to duty

without any limitations or restrictions. However, if an employee is given certain limitations, the Supervisor, Director, and Human Resources will determine if the employee can be allowed to return to work. NCCAA does provide the opportunity for employees to return to work on light duty when available and make every effort to accommodate when possible.

The Agency reserves the right to have any employee who has filed a Workers' Compensation claim examined by a company-approved physician at the Agency's expense.

The Agency reserves the right to fill the position of an employee on Workers' Compensation Leave if the situation should arise that creates a hardship on the Agency or for situations that management has deemed to be an emergency.

**Employees on Workers' Compensation Leave will run concurrent with Family Medical Leave.**

An employee out on Workers' Compensation Leave, generally will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms.

### ***315 Notice to Employees Concerning Workers' Compensation in Texas***

#### COVERAGE:

NCCAA has Workers' Compensation insurance coverage from Texas Mutual to protect you in the event of work-related injury or illness. This coverage is effective from October 1st to September 30th of every year. Any injuries or illnesses which occur on or after that date will be handled by Texas Mutual.

An employee or a person acting on the employee's behalf must notify the employer of an injury or illness not later than the 30<sup>th</sup> day after the date on which the injury occurs or the date the employee

knew or should have known of an illness, unless the Division determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by Workers' Compensation insurance.

**EMPLOYEE ASSISTANCE:** The Division provides free information about how to file a Workers' Compensation claim. Division staff will explain your rights and responsibilities under the Workers' Compensation Act and assist in resolving disputes about a claim. You can obtain this assistance by contacting your local Division field office or by calling 1-800-252-7031.

**SAFETY HOTLINE:** The Division has established a 24-hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division of Workers' Health and Safety at 1-800-452-9595.

### ***316 Notice to New Employees on Common Law Rights with Workers' Compensation***

You may elect to retain your common law rights of action if, no later than five days after you begin employment or within five days after receiving written notice from the employer that the employer has obtained coverage, you notify your employer in writing that you wish to retain your common law right to recover damages for personal injury. If you elect to retain your common law right of action, you cannot obtain Workers' Compensation income or medical benefits if you are injured.

### ***317 Health Insurance***

### *Eligibility*

All Regular, Full-time and Part-time employees are eligible for Health Insurance coverage. Inactive employees are eligible to maintain their Health Insurance coverage if they pay their portion of the monthly insurance premium biweekly but no later than the first day of the month. Failure to make a timely payment may result in the employee having their insurance coverage canceled by the insurance carrier in accordance with the law.

### *Effective Date*

There is a minimum 60-day waiting period for all new employees who are eligible to sign up for health insurance coverage. New employees must enroll in the Agency's health insurance plan within the first 30 days of hire. Once enrolled, the employee's coverage takes effect on the first day of the month immediately following the employee's 60th day of employment.

### *Costs*

Health insurance premium costs are shared by the employee and the Agency. The employee's portion of the premium will be handled through payroll deductions whenever possible.

If the employee is not receiving a payroll check, they must pay their portion of cost biweekly but no later than the first day of each month or per pay period. Failure to do so may result in the cancellation of the employee's health coverage by the insurance provider in accordance with the law.

### **318 Consolidated Omnibus Reconciliation Act (COBRA)**

When employees separate from employment at NCCAA, eligibility for continued health insurance is possible in many cases. The Federal Government under the Consolidated Omnibus Reconciliation Act

of 1985 (COBRA) allows certain individuals the option of continuing their group health benefits under specified conditions. Continued coverage for employees and covered dependents may be bought at a cost of up to 102 percent of the applicable group rate for up to eighteen (18) months if the qualifying event was termination or reduction of hours, unless the qualified beneficiary is disabled at the time of termination or reduction in hours, in which case coverage may extend to 29 months.

### **319 Life Insurance**

The Agency provides to Regular, Full-time and Part-time employees a \$10,000 Group Term Life and Accidental Death and Dismemberment policy to all eligible employees at no cost to the employee.

Life insurance coverage ceases upon leaving the Agency.

### **320 403b Retirement Plan**

Employee may voluntarily contribute to a 403b Retirement Plan, which allows investment in a plan before federal income taxes are deducted. Taxes are paid at the time the employee withdraws the money. NCCAA is not responsible for any transactions associated with this option other than the transaction related to payroll deductions, processing applications, and forwarding payments to the plan carrier(s) or administrator.

***Employees are eligible to receive employer contributions for the plan the first pay period following one year of active employment.***

Only Regular, Full-time and Part-time employees are eligible to participate in the plan. NCCAA contributes, to eligible employees, a percent of an employee's annual gross salary every year.

The vesting schedule is as follows:

| Years of Service | Percentage Vested |
|------------------|-------------------|
| Less than 2      | 0                 |
| 2                | 25                |
| 3                | 50                |
| 4                | 75                |
| 5 or more        | 100               |

Employee can contribute their own monies to their 403b Retirement beginning on the first payday of the month after successful completion of the 90-day Introductory period. For further information on the 403b Retirement Plan see the Summary Plan Description.

### **321 Cafeteria Plan**

NCCAA provides a Cafeteria Plan through Section 125 that allows employees to pay for fringe benefits with untaxed dollars, such as medical, life, cancer, and disability insurance.

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

### **322 Other Benefits**

#### *Social Security*

All employees of NCCAA are covered by Social Security. NCCAA also contributes to the Social Security system for each employee.

### *Workers' Compensation*

All employees of NCCAA are covered by the Workers' Compensation insurance programs, and NCCAA pays the premium. This coverage provides medical and salary continuation payments to employees who are unable to work due to work-related injuries or illnesses.

### *Unemployment Insurance*

All Regular employees of NCCAA are covered under the Texas Unemployment Compensation Insurance program, and NCCAA pays for this benefit. This program provides payments for unemployed workers in certain circumstances.

### **323 Holidays**

The Agency will observe the following Holidays: Only Regular, Full-Time and Part-Time employees are eligible for paid Holiday Leave:

|             |   |
|-------------|---|
| January     | - New Year's Day<br>- Martin Luther King, Jr. Day |
| February    | - Presidents' Day                                 |
| March/April | - Good Friday and Easter Monday                   |
| May         | - Memorial Day                                    |
| June        | - Juneteenth                                      |
| July        | - Independence Day                                |
| September   | - Labor Day                                       |
| October     | - Indigenous People's Day                         |
| November    | - Veteran's Day                                   |

December - Thanksgiving Holiday (Thursday and Friday)  
- Christmas Day

*To get paid for a Holiday, employees are required to work the day before and the day after the Holiday unless they have requested and been approved time off in advance. Mitigating circumstances are decided upon by case-by-case basis.*

*If an hourly employee works on a holiday, the employee shall be paid for the holiday in addition to receiving his/her normal hourly wage for the time worked on the holiday. Please see Agency Policy 209- Overtime, for guidance on overtime pay.*

*Introductory employees are not entitled to any holiday, jury duty pay, 403b retirement or funeral leave benefits until the first of the month following 90 days of employment. Exception to this rule would be the Christmas holiday.*

### **324 Religious Observances**

Federal and State Equal Opportunity laws generally require employers to accommodate the religious beliefs of employees, but do not require them to provide paid leave. NCCAA respects employees' religious beliefs and will accommodate, if possible, based on business need.

Employees who need time off for religious observances should request leave from their Supervisor in advance. Time off is granted only with prior approval, but will not be unreasonably withheld.

### **325 Right to Change**

The Agency reserves the right to alter or rescind any or all the above-mentioned benefits in accordance with budgetary constraints provided that the benefits are within the law.

### **326    *Emergency Leave due to Unexpected and Extraordinary Circumstances***

There may be times when offices may be required to close, due to unexpected and extraordinary circumstances. During this time, time off from scheduled work will be paid -finances permitting – and said leave shall not be charged to the employee’(s) accrued annual or sick leave. Salaries and fringe benefits can be paid for out of funding sources under these unexpected or extraordinary circumstances which include epidemic, pandemic, disaster or local, state or national emergency.

Communication regarding office closures will be communicated through all Program Directors to employees via email, text message, or phone and from the Chief Executive Officer to employees in the administrative office through the same methods. It is the responsibility of each NCCAA employee to stay informed of current work situations and regarding their work responsibilities, keeping in mind that the goal is to provide our clients with the best service possible under the circumstances.

### **327    *Telecommute***

Some circumstances may require staff to work away from the office or otherwise telecommute. Telecommuting can be a privilege, a requirement, a necessity, or a combination, depending on the circumstances. No positions have been designated as “telecommuting positions”, rather certain positions may, from time to time, be suitable for performance outside the workplace and in such a case, management may allow all of or part of the duties of the position to be performed away from the office on a temporary or ongoing basis. However, no such arrangement is promised or guaranteed. All

telecommuting situations must be evaluated on a case-by-case basis and approved the Chief Executive Officer.

To be eligible to telecommute, an employee must have access to reliable internet and a space that is free from excessive noise or distraction.

## **Procedures**

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.

## **Eligibility**

Individuals assigned telecommuting arrangements must be regular employees and must have a satisfactory performance record.

Before entering into any telecommuting agreement, the employee and manager, with the assistance of the human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuting.
- Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.

- Equipment needs, workspace design considerations and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for the telecommuting arrangement.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and manager agree, and the human resource department concurs, a telecommuting agreement will be prepared and signed by all parties, and 2-week Introductory period will commence. Evaluation of telecommuting performance during the Introductory period will include regular interaction by phone and e-mail between the employee and the manager, and face-to-face meetings to discuss work progress and problems, as deemed necessary by the manager. At the end of the Introductory period, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuting performance beyond the Introductory period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the employee and supervisor will be agreed to as part of the discussion process and will be more formal during the Introductory period. After conclusion of the Introductory period, the manager and employee will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

When working from home employees must:

- Work their full, typical schedule.
- Attend all meetings in a virtual capacity, as needed.
- Achieve the same level of production as in the office.
- Maintain equivalent availability for colleague and client communication, supervisor questions, etc.
- Be available online and by phone for the duration of their usual workday, minus breaks and rest periods.
- Respond promptly to communication via messaging app, email, and phone.
- Communicate consistently regarding their workload and status (break, lunch, working on a project, etc.).
- Follow all Agency's procedures and policies.
- Refrain from using alcohol or illegal drugs.

## **Equipment**

On a case-by-case basis, NCCAA will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, phone and internet access and other office equipment) for each arrangement. The human resource and information system departments will serve as resources in this matter. Equipment supplied by the organization will be maintained by the organization.

Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. **NCCAA accepts no responsibility for damage or repairs to employee-owned equipment.** NCCAA reserves the right to make determinations as to appropriate equipment, subject to change at any time.

Equipment supplied by the organization is to be used for business purposes only. The employee must sign an inventory of all NCCAA property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, and/or telecommuting arrangement or upon request by the Agency, Agency property will be returned to the agency.

The Agency will supply the employee with appropriate office supplies. Any equipment supplied by the Agency is to be used for business purposes only, unless otherwise specified. Employees must take appropriate action to protect these items from damage or theft.

The Agency is not responsible for costs associated with initial setup of the employee's home office such as remodeling, furniture or lighting, or for repairs or modifications to the home office space.

### **Security**

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary agency and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

### **Safety**

Any injury sustained by an employee performing regular work duties while under telecommuting direction will be reviewed by the Agency's workers' compensation provider to determine compensability. Employees are responsible for notifying the employer of such injuries as soon as

practicable. The employee may not hold in-person work-related meetings or have work-related visitors to his or her home worksite.

Telecommute is not designed to be a replacement for appropriate child or elder care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. O

### **Time Worked**

Employees who are non-exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using NCCAA's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

### **Ad Hoc Arrangements**

Temporary telecommuting arrangements may be approved for circumstances such as national emergencies, inclement weather, special projects or business travel. **These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.**

All informal arrangements are made on a case-by-case basis, focusing first on the business needs of the Agency.

**328**    *Lactating/Expressing Milk*

NCCAA supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

### **Accommodation for Lactating Mothers**

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. NCCAA has designated private rooms located at various centers/offices for this purpose. Employees who work offsite or in other locations will be accommodated/transferred as necessary. The employee is responsible to provide a cooling container to safely store the milk during the day.

### **Compensation**

Lactating/expressing milk breaks are not compensated; employee must notify supervisor when at the beginning of the breaks, and at the end of the breaks. At the end of the day, the supervisor will add the amount of time used during the breaks, and subtract this amount of time from the hours worked during the day. Employees are allowed to use sick leave in order to be fully compensated for the pay-period. Failure to follow this guidance can result in disciplinary action, up to, and including termination.

## CHAPTER 4 – EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

### *401 Attendance Standards*

Employees are expected to report to work on time each day to ensure the attainment of the Agency's goals and objectives and to minimize disruption in the workplace. Refer to Policy 202 – Pay Periods and Hours, for pay periods and hourly requirements.

Prior to an event taking place, each employee should discuss all circumstances that may affect their attendance with his/her Supervisor. All employees are required to report their tardies or absences themselves. Disabled employees may need time off as a reasonable accommodation. In such cases, this time off does not count toward the attendance policy.

***\*\* Introductory employees will generally have three occasions that they are allowed to be late or absent during their All***

***90-day new hire period before NCCAA separates employment for excessive absenteeism. \*\****

### *Tardy Reporting Requirements*

For the purpose of this policy the following terms and definitions shall apply.

*Excessive tardiness* shall occur when an employee is **tardy to work with more than four tardies during any 30-day period.**

An *unexcused tardy* shall occur when an employee **does not provide proper notification or justification as defined in this chapter for his/her tardiness.** An employee will not be allowed to use any accrued leave to compensate missing time for an unexcused tardy.

An *excused tardy* is when an employee **arrives to their job location tardy, but provided their Supervisor with proper and adequate notification as defined in this chapter and provides a valid reason for being tardy.** An employee will be allowed to use accrued time to compensate missed time for an excused tardy.

#### *Reporting Standards*

An employee who expects to arrive to work late (tardy) is required to notify their Supervisor, and if he/she is not available, the Director. Notification should take place no later than by their scheduled work time unless they have a valid reason such as: they were involved in an accident, they are hospitalized; or they can provide some other valid reason acceptable to his/her Supervisor. All tardiness in which the notification requirements were not followed or lacks adequate supporting documentation shall constitute an unexcused tardy.

***Excessive tardiness and the pattern of tardiness are subject to disciplinary action up to and including termination.***

#### *Absenteeism Reporting Requirements*

For purposes of this subsection the following terms and definitions shall apply.

***Excessive absenteeism*** shall occur when an employee is absent from work with **four or more absences during any calendar quarter (3-month period).**

An ***unexcused absence*** shall occur when an employee **misses one or more days of work and does not provide proper notification to his/her Supervisor or does not provide adequate supporting documentation to justify the reason for their absence.** Employees are not permitted to use accrued Sick Leave or accrued Annual Leave, if applicable, for unexcused absences.

An ***excused absence*** is when an employee **misses one or more days of work and provides his/her Supervisor with proper and adequate notification to justify the reason for their absence.**

Employees are permitted to use accrued Sick Leave or accrued Annual Leave, if applicable, for excused absences. If no leave is available, the time not worked will be Leave without Pay.

#### *Reporting Standards*

All employees who do not plan to report to work for the entire day because of an injury or illness or any other reason is expected to notify his/her Supervisor no later than 60 minutes prior to his/her scheduled work time every day they do not plan to attend work, except for the following situations: the employee is hospitalized; or if the employee is on any one of the following types of leaves: Medical Leave, Workers' Compensation Leave, Jury Duty, or Military Leave.

All absences in which the notification requirements were not followed or lacks adequate supporting documentation shall constitute an unexcused absence. An absence that is the result of an incarceration may result in the voluntary termination of the employee for not reporting to work. OK

***Excessive absenteeism is subject to disciplinary action up to and including termination.***

***Adequate supporting documentation*** shall consist of the following: a medical excuse from a medical provider's office or hospital, a Jury Duty notice and Court documentation with dates of service, a court subpoena, military orders, obituary or any other documentation determined to be acceptable by the employee's Supervisor.

#### *Extended Absences Reporting Requirements*

If an employee is absent from work ***due to an illness or injury or any other reason, for more than three (3) consecutive work days*** they must provide their Supervisor a medical release or statement,

explaining the reason, and permitting them to return to work. Failure to provide the proper documentation may result in one or more of the following actions:

- Employee will not be allowed to return to work until release is obtained.
- Employee may be denied the use of Sick Leave or Annual Leave for time missed from work.
- Employee may be subject to disciplinary action up to and including termination.

**Any employee who misses three (3) consecutive days of work for any reason and has failed to contact their supervisor during the three (3) consecutive days will be considered voluntarily resigned,** unless the employee can provide to the Director adequate documentation supporting the existence of extraordinary circumstances which prevented him/her from calling their Supervisor. If such documentation is acceptable to the Director, the employee will be reinstated to their former job position.

**Supervisors are required to notify Human Resources immediately if any employee fails to call in for three (3) consecutive days.**

Any employee who misses more than three (3) consecutive days, due to illness or injury, may be placed on FMLA, if applicable.

#### *Leaving Work Early*

If an employee must leave work early for any reason, he/she must notify their Supervisor and obtain their approval. Upon obtaining approval from their Supervisor or Director the employee may leave the workplace and will be allowed to use accrued Sick Leave or Annual Leave hours in lieu of hours they miss from work, in accordance with other chapters found in the Employee Handbook.

*Failure to obtain proper approval will result in leave without pay for the time missed and in disciplinary action up to and including termination.*

#### **402    *Workplace Standards***

All staff, consultants and volunteers must abide by these Workplace Standards:

- Agency employees, consultants, and volunteers must respect and promote the unique identity of each child and family and refrain from stereotyping on the basis of gender, race, ethnicity, religion, or disability;
- Agency employees, consultants, and volunteers must follow program confidentiality policies concerning information about children, families, and other staff members;
- Agency employees, consultants, and volunteers must ensure that no child will be left alone or unsupervised while under their care; and
- Agency employees, consultants, and volunteers must use positive methods of child guidance and must not engage in corporal punishment, emotional or physical abuse, or humiliation. In addition, they must not employ methods of discipline that involve isolation, the use of food as punishment or reward, or the denial of basic needs.

Any violation of this policy may result in disciplinary action up to and including termination.

#### **403    *Work Performance Violations***

To ensure orderly operations and provide the best possible work environment, NCCAA expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace.

The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment which includes but is not limited to:

- MISCONDUCT: Misconduct is defined as mismanagement of a position of employment by action or inaction, neglect that jeopardizes the life or property of another, intentional wrongdoing or malfeasance, intentional violation of a law, or violation of a policy or rule adopted to ensure the orderly work and the safety of employees, but does not include an act in response to an unconscionable act of an employer or superior.
- Any conduct contrary to the Equal Employment Opportunity Policy, including verbal or physical conduct constituting sexual or any other unlawful form of unwelcome harassment.
- Dishonest or fraudulent conduct, including but not limited to fraud, theft, embezzlement, misappropriation of, or unauthorized removal of Agency or fellow employee funds or property.
- Any unauthorized action that exposes the Agency or fellow employees to unnecessary civil or criminal liabilities.
- Any violation or attempt to violate any federal or state mandated law applicable to this Agency.
- Falsification of an application for employment, credentials, licenses, or certificates, or documents submitted in connection with the application and hiring process.
- Violation of any Electronic Time Keeping System policy and/or procedure, to include, clocking in or out of another employee's time on the Time Keeping System.
- Falsification of the Agency's business records and reports, including but not limited to employee time records, expense reports, travel expense reports, requests for reimbursement and any internal or external financial report.

- Physical violence, bullying or verbal threats of violence, or insulting, intimidating, coercive, whether excused or unexcused, abusive, or obscene language or gestures towards any Agency employee, Board member, Head Start Program Policy Council member, service providers, client, or Head Start parent.
- Violation of Agency policies regarding confidential information, including but not limited to unauthorized disclosure of confidential information, and conflicts of interest, or any conduct that is in conflict with the Agency's standards of appropriate business and professional ethics.
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs, pornography or associated paraphernalia in the workplace, while on duty, or while operating employee-owned or Agency owned vehicles or equipment.
- Damaging the Agency's reputation; including but not limited to slanderous comments and/or rumor spreading, behavior that damages partnerships or collaboration with other entities.
- Indecent or illegal conduct.
- Retaliating or interfering against anyone who reports a violation or cooperates during a review, audit inspection, investigation, hearing or other related activity.
- Knowingly providing false or misleading information during an investigation, learning of or other related activity.
- Possession of dangerous or unauthorized materials, such as explosives or firearms, or other weapons, in the workplace.
- Deliberate public or work-related activity which discredits the Agency or any of its Board of Directors.
- Deliberate public or work-related activity that conflicts with the Agency's policy, as determined by the Executive Committee of the Board of Directors

- Violation of Standards of Conduct
- Unauthorized audio or video recording

The following list also sets forth, by way of example and without limitation, conduct which may result in disciplinary action up to and including termination of employment:

- Unaccountable or insufficient quality of work.
- Excessive errors.
- Unacceptable appearance or personal hygiene.
- Excessive absenteeism, tardiness, or violation of the Agency's Attendance policy.
- Gambling on Agency property.
- Abuse of any Leave policy.
- Willful or careless damage to any Agency property or loss of property.
- Leaving department, job or office premises during working hours without proper authorization.
- Use of abusive, profanity or obscene language.
- Any violation of accepting gifts, gratuities, or favors that violate NCCAA's Conflict of Interest policy.
- Failure to observe health and safety rules.
- Insubordination, the refusal to comply with instructions, or the failure or refusal to perform assigned duties.
- Unsatisfactory job performance.

- The inability or unwillingness to cooperate with other employees when performing assigned tasks, or any interference with the performance of job duties of a fellow employee.
- Any violation of the Hatch Act as discussed in this policy.
- Failure to follow the rules of daily operational procedures and conduct established by the Agency, including but not limited to those practices and procedures set forth in this manual and any other written employment policies.
- Working without management authorization.
- Stopping work early or starting work early without management authorization.
- Unauthorized use of telephone, cell phones, fax, copiers, mail system, computer system or other employer-owned equipment.
- Disorderly conduct, such as, “horseplay” or practical jokes which may endanger the Agency’s operations or safety of any employee, visitor, or volunteer or which may create a hostile or unwelcomed situation.
- Any other practice, whether or not mentioned in this manual, that may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the Agency, its employees, volunteers, and clients.

**404    *Employee Corrective Action***

NCCAA reserves the right to terminate an employee at any time for any lawful reason with or without prior disciplinary guidance or notice. Nothing in this Employee Handbook or any other NCCAA document is intended to:

- modify this “At-Will” employment,
- promise progressive discipline or disciplinary guidance,

- promise of notice in circumstances where NCCAA considers immediate termination or discipline to be appropriate.

Progressive discipline is for improvement of an employee's performance and not to be punitive in nature. Disciplinary actions may entail verbal or written guidance, Introductory, suspension, pre-termination suspension, or termination. All of these actions may not be followed in some instances or in the same order. NCCAA reserves the right to exercise discretion in discipline. Prior warning is not a requirement for termination. All disciplinary actions will be placed in employees personnel file.

NCCAA reserves the right to take any disciplinary action it considers appropriate, including termination, at any time.

#### *Progressive Disciplinary Action*

##### *1. Verbal Guidance and Coaching*

Employee's violation of an Agency policy, rule or regulation or failure to meet behavior or performance standards may result in documented verbal guidance being issued.

##### *2. Written Guidance and Coaching*

Employee's violation of an Agency policy, rule or regulation or failure to meet behavior or performance standards and depending on severity, number of occurrences will result in, written guidance or disciplinary action up to and including termination.

##### *3. Suspension*

Employees who are suspended will be on a Regular Suspension, suspension pending an investigation or a Pre-termination Suspension depending on the situation.

Regular Suspension will be known as only Suspension

- Suspension is violating consequence for anyone who violates Agency operational or personnel policies but does not necessitate termination.
- Non-exempt and Exempt employees may be suspended with or without pay depending on severity and situation.
- All suspensions are approved by the employee's Supervisor and or Director, and, if applicable, Chief Executive Officer.

The *Employee Corrective Action Plan* is the form used to record suspensions. The original notice is placed in employees personnel file, kept in Human Resources, and a copy is given to the employee.

An employee's suspension period will not exceed fifteen (15) workdays per each occurrence.

#### *Suspension Evaluation*

At the end of the suspension period, the employee's Supervisor will inform the employee, in writing, of:

- Expected performance that needs immediate improvement and that the employee will be monitored; and
- If the expected performance does not improve, consequences may include further disciplinary action up to and including termination.

#### *Suspension Pending Investigation*

If an investigation by the Texas Department of Protective and Regulatory Services or any other State Agency or any State or Federal licensing Agency, the employee may be suspended with or without pay pending the final report of the investigating authority.

Non-exempt and Exempt employees may be suspended pending investigation with or without pay depending on severity and situation.

Employees are not allowed to contact any NCCAA employee, Board Member, and Birth-to-Five Head Start Policy Council Member during their suspension. In addition, computer access will be suspended, employee will turn in agency keys (if applicable) and badge until the investigation has been completed. Failure to comply will result in disciplinary action, up to and including termination.

All suspensions pending investigation are approved by the employee's Supervisor, Director, Human Resources and Chief Executive Officer.

- The *Employee Corrective Action Plan* is the form used to record suspension pending investigation. The original notice is placed in the employees file kept in Human Resources and a copy is given to the employee.
- Depending on the findings of the investigation, further disciplinary action up to and including termination may result.

Employees suspended without pay and are cleared of all allegations will be reinstated to his or her former position or a comparable position with full benefits, including, but not limited to back pay less any amount received, by the employee, from unemployment insurance.

#### *Pre-Termination Suspension*

All requests to terminate an employee are approved by the employee's Supervisor, Director, Human Resources, and Chief Executive Officer.

Upon having approvals, the employee will be placed on suspension with or without pay, depending on the situation. **Birth-to-Five Head Start Program requires approval or disapproval for termination from the Birth-to-Five Head Start Program Policy Council.**

An employee's suspension period will not exceed fifteen (15) work days.

Upon approval of employee's termination, the employee will be notified in accordance with the Agency's termination policy.

#### *Growth Plan*

may be used as a result of poor work performance.

- Employees placed on Introductory Periods shall be for a period of; no less than; thirty (30) calendar days or up to forty-five (45) calendar days or more depending on the situation.
- All employees placed on Introductory Periods are still eligible for all Agency benefits in accordance with the Personnel Policies.
- During this disciplinary action period, all employees are given every opportunity, including training, guidance and supervision, to correct his/her performance deficiency.

All Introductory Periods are approved by the employee's Supervisor, and/or Director, and, if applicable, Chief Executive Officer.

The *Employee Corrective Action Plan Form* is used to record Introductory Periods. The original notice is placed in the employee's file kept in Human Resources and a copy is given to the employee.

The *Employee Corrective Action Plan Form* shall identify the specific conduct or performance that led to the Introductory period. The Supervisor will also inform the employee of consequences that may result if the performance does not improve.

At the end of the Introductory period, the employee's Supervisor will inform the employee, in writing that he or she has done one of the following:

- Has completed the Introductory Period satisfactorily,
- Is being given a reassignment of duties; or
- Is being recommended for termination, or
- Will continue to be monitored regarding the expected performance standards.

Introductory may be appealed in accordance with the Problem Resolution procedures described in this Employee Handbook.

#### ***405 Termination of Employment***

Termination of employment with the Agency will fall within one of the following categories with indicated policies applicable to each: Voluntary Resignation, Abandonment, Unsatisfactory Performance, Misconduct, or Reduction-in-Force. Just as employees have the right to terminate their employment "At Will," the Agency reserves the right to sever the relationship "At Will."

All terminations are approved by the employee's Supervisor, Director, and Chief Executive Officer. If a termination request is for an employee who is funded and employed under the Birth-to-Five Head Start Program, the request will be forwarded to the Birth-to-Five Head Start Program Policy Council for approval or disapproval.

#### ***Voluntary Resignation***

***Employees who freely and voluntarily resign are expected to give at least a two-week notice.*** Failure to comply may affect future consideration of re-employment with the Agency.

### *Termination by Employer*

The termination and discharge procedures set forth in this section are only guidelines. The Agency reserves the right to implement its policies and procedures as it sees fit and to terminate employment of any employee for any reason. The grounds for termination specified are not all-inclusive and should not be construed to be the only basis for termination by the Agency. All employees who are funded and employed under Birth-to-Five Head Start Program will not be involuntarily terminated without the Birth-to-Five Head Start Program Policy Council's approval.

### *Abandonment*

**An employee who is absent for more than three consecutive workdays without approval and notification to the Agency is considered to have abandoned his/her employment.** This applies to an employee during the normal course of employment, as well as the scheduled return from Annual, Sick, or other types of Leaves of Absence. On the fourth consecutive day of absence from scheduled work, the Agency will notify the employee by certified mail that employment has been terminated as of the first day of the unauthorized absence.

Employees who are absent without approval, but who make reasonable attempts to notify the Agency of their interest in retaining employment will not be terminated under the employment abandonment provisions. Rather, if the additional time off is not approved, the employee's absences will be considered as unexcused absences, leave without pay, and may be the basis for disciplinary action, up to and including termination.

*Once an employee gives their notice of Intent to Terminate, the employment termination notice will not be retracted unless approved by the Chief Executive Officer.*

### *Unsatisfactory Performance*

Unsatisfactory Performance, such as failure of an employee to meet performance standards, complete tasks in a timely manner, or maintain an adequate attendance record, can result in termination. An employee terminated for Unsatisfactory Performance will be paid earned wages and will not be paid for earned unused accrued Annual Leave.

### *Misconduct*

Misconduct is defined as mismanagement of a position of employment by action or inaction, neglect that jeopardizes the life or property of another, intentional wrongdoing or malfeasance, intentional violation of a law, or violation of a policy or rule adopted to ensure the orderly work and the safety of employees, but does not include an act in response to an unconscionable act of an employer or superior.

Misconduct involving misbehavior, refusal to work a reasonably expected amount, wrongful use or taking of Agency property, failure to pass an Agency requested drug test, or conviction of a felony, to name a few, are examples of grounds for termination. **An employee terminated for misconduct will be paid earned wages and will not be paid for unused accrued Annual Leave.**

### *Reduction-in-Force*

*Reduction-in-Force resulting from funding cuts, financial considerations and/or reorganization will be paid wages and unused accrued Annual Leave up to a maximum of 144 hours. If the need to lay-off or reduce the staff is caused by an emergency or by factors that could not be reasonably anticipated and planned for, the Agency will not be bound to give notice or provide additional pay in lieu of notice.*

A retiring employee will be paid wages and unused accrued Annual Leave up to a maximum of 144 hours. The Agency will assist, as needed, with employee's 403b Retirement Plan process.

### *Death*

In the event of an employee's death, NCCAA will pay to the estate of the deceased, wages and unused accrued Annual Leave up to a maximum of 144 hours. The Agency will assist the family of the deceased, executor, or designated beneficiary to expedite the processing of Agency-provided Life Insurance Benefits and/or 403b Retirement Plan process, if any.

### *Exit Interviews*

Whenever possible, an Exit Interview will be completed by Human Resources to determine termination date, review of benefits, if any, the return of keys, ID Badge, Security Badge if applicable, Employee Handbook, and other Agency property and to verify address and final administration and transmittal arrangements of the employee's final paycheck.

Employees who are voluntarily resigning should schedule an appointment with Human Resources for an Exit Interview as early as possible.

Employees who are terminated involuntarily by the Agency will have an Exit Interview with Human Resources.

### *Terminated Employees (Voluntary and Involuntary)*

#### *Payment of Wages*

All voluntary terminated employees will receive their final wages through direct deposit on the next regularly scheduled payday.

All involuntary terminated employees are entitled to receive their final wages within six (6) calendar days after the date of termination. Employees will receive their final wages through direct deposit.

*Balance of Annual and Sick Leave Hours*

When an employee leaves NCCAA, all accrued annual leave is paid, up to 144 hours or eighteen (18) days of pay provided the employee has given a two (2) week notice and works the 2 weeks they have given in their notice; an exit conference has been conducted; all items (keys, badges, etc.) have been returned; and the employee has not been terminated involuntarily.

Once resignation notice is given, employee will not be allowed to use Annual Leave and/or Sick Leave, but will be allowed time off (Leave Without Pay).

Mitigating circumstances will be taken on a case- by-case basis.

***Remaining accrued unused Sick Leave hours will not be paid out to any employee and are forfeited.***

**406 Problem Resolution**

The Agency has established the Problem Resolution in order to solve internally generated personnel issues that affect an employee's working conditions, work performance, career development, or salary, due to some action taken by management, or by any Agency employee, vendor, customer, or parent. This will involve using either the Problem Resolution procedure or the Complaint procedure. No adverse action will be taken against an employee for reason of his or her exercise of their Problem Resolution right.

A Grievance may be filed by a regular employee, except an employee who has been terminated, on one or more of the following grounds: Improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves); unfair treatment, illegal discrimination based on race, religion, color, sex (including sexual harassment), age, handicap, or national origin; disciplinary action taken without cause, improper application of fringe benefits; or improper working conditions.

Temporary or Introductory employees do not have access to a Problem Resolution Procedure. They must file their grievance with Human Resources.

### *Definition*

A Grievance is an attempt by any Agency employee to remedy their dissatisfaction with their working conditions, work performance, or with any action taken by management that results in the actual loss or reduction of their salary or with any management action that adversely affects his/her career.

### *Complaints Relating to Sexual Harassment or Discrimination*

If the employee complaint is related to alleged sexual harassment or discrimination by the employee's Supervisor or Director on the basis of race, religion, sex, national origin, age, disability, then the initial written Grievance may, at the employee's option, be submitted directly to Human Resources. In such an instance, to allow adequate time for investigation by the EEO Officer or the person he or she designates, the total cumulative time period which would have been allowed at the other steps in the grievance process will be the maximum time period before written resolution of the grievance is required to be received by the employee. The EEO Officer will follow the EEO Investigation process. If employee receives unfavorable response, he/she may want to pursue the appeal process.

### *Mediation*

Mediation is a voluntary process by which an impartial person, mediator, helps participants in a dispute communicate between each other to promote reconciliation, settlement or understanding among them.

Mediator fees shall be paid for equally by the Agency and the employee, except costs associated with either side, as they are the responsibility of the requester

### *Appeal Procedure*

An Appeal is an employee's request to management to reconsider an unfavorable response to a Problem Resolution issue or a complaint they had filed and where mediation did not resolve the matter to the satisfaction of the employee. An appeal may include a full and impartial hearing.

## **CHAPTER 5 – SAFETY**

### **501 Safety**

It is the policy of NCCAA to provide a safe and healthy place of employment for every employee and to abide by accident prevention regulations set forth by the federal, state, and local governments.

Specifically, the Agency aims:

- To provide rules and regulations for the safety of employees and to warn them under certain conditions, as to the hazards of their position or employment.
- To provide employees with employment and a place of employment free from recognized hazards, which cause or are likely to cause death or serious physical harm.

All staff should be constantly alert and knowledgeable about health and safety rules, policies and procedures to situations/conditions in the workplace, and his/her obligation to OBSERVE, REPORT, AND FOLLOW-UP on his or hers observations.

As an employee, you must be aware that your actions, mental state, physical condition and attitude affect your personal safety as well as that of your fellow employees and the clients you serve.

An employee's choice to abuse or disregard Agency Rules or Policy Procedures is a violation and will be treated accordingly through Disciplinary Action. Consequences may result in disciplinary action up to and including termination.

Employees are urged to cooperate fully. Remember, efforts in preventing accidents benefit you and your fellow employees. **All employees must strive for a record of zero accidents.**

Safety meetings will be held for Agency staff on a schedule appropriate for the department and jobs performed. Topics will relate to the job duties and responsibilities. Supervisors will complete the *Supervisor Orientation Checklist* and *Safety Training Orientation* with each new employee at hire and when an employee changes location.

### *Safety Rules*

The maintenance of a safe and healthy working environment is of the utmost importance for the successful operation of the Agency. Each employee must be constantly alert and it is their personal obligation to observe safe operating procedures.

All employees must adhere to the following safety rules:

- All staff, volunteers, and visitors must sign in and out when entering or exiting Agency buildings.
- Report **all** accidents immediately after the incident and all work-related illnesses to Supervisor, and/or Director, and Human Resources.
- All staff must ALWAYS wear ID Badge while on work time.
- All staff must attend all emergency and safety training provided by the Agency.
- Report unsafe conditions, practices, or defective equipment immediately to Supervisor.
- Clean up spills immediately and display the Caution Wet Floor Signs
- Ensure that walkways, work areas are free of tripping hazards
- Pick up toys and other classroom materials immediately after use and as needed to prevent slips, trips and falls.
- Keep fire exits clear and accessible at all times.
- Wear seat belts at all times in a motor vehicle.
- Distractions such as cell phone use (talking, texting, web browsing), reading, eating, and applying makeup or hairstyling while driving is unacceptable, dangerous and strictly prohibited. Play it safe and refrain from these activities while driving on Agency business.
- Maintain good housekeeping and storage practices.
- Use electrical equipment that is in good working condition.
- Use ladders or stepstools when reaching for objects.
- Use ladders properly--never lean when using them; never use the top two steps.
- Use proper safety procedures when moving furniture or heavy objects
- Use caution when lifting heavy loads. Lift with legs instead of the back.

- Report suspicious or threatening situations that may involve criminal activity or violence in the workplace.
- Ensure breaker panels are not obstructed (3 feet clearance is required all around).
- Use personal protection equipment (goggles, gloves, clothing, shoes, mask, etc.) as required.
- Wear protective gloves when administering First Aid.
- Obey ALL warning signs.

**Caution should be exercised when walking or working on wet or slick surfaces.**

**Remember:**

- **Horseplay is not permitted.**
- **Alcohol and/or drugs are not permitted.**
- **Smoking or the use of tobacco products is not permitted at any time in NCCAA buildings, including Agency vehicles.**

### ***502 Employee's Children at Work***

Due to safety and the liability involved, employees are not allowed to bring their child(ren) of any age to their place of work or training location at any time. Alternate arrangements must be made for childcare.

### ***503 Hazardous Communication (Hazcom)***

In accordance with the Hazard Communication Act, NCCAA maintains a list of certain hazardous chemicals normally present in the workplace and is kept at all work sites. This list is updated annually and is available for review upon request with the Maintenance Supervisor or Human Resources.

Employees who use, handle or may be exposed to hazardous chemicals shall be informed of the exposure and shall have ready access to the workplace chemical list and to the most current Safety Data Sheets (SDS) which detail physical and health hazards and other pertinent information. The Maintenance Supervisor will be responsible for assuring that SDSs are available for all chemicals.

Employees who work with hazardous chemicals shall receive, at hire, and annually, training on the hazards of the chemicals, measures they can take to protect themselves, and procedures to follow if exposed to chemicals.

Supervisors shall inform employees of chemical hazards, and protective/safety measures the employee can take, when applicable.

The Maintenance Supervisor, or appropriate designee, will insure that all containers received for use by the Agency will be clearly labeled as to the contents, and that an SDS is obtained on all chemicals. All SDS sheets shall be sent to Human Resources to insure they are included in all Hazcom manuals.

Employees shall not be required to work with hazardous chemicals from unlabeled containers, except portable containers for immediate use when the contents are known to the user.

Employees may file complaints or inquire with the Texas Department of Health for violations of the Hazard Communication Act and may not be discharged or discriminated against in any manner for the exercise of any rights provided under the Act.

Further information may be obtained from [txhazcomhelp@dshs.state.tx.us](mailto:txhazcomhelp@dshs.state.tx.us).

#### **504    *Reporting Child Abuse or Neglect***

Texas law requires that anyone who thinks a child or adult (65 or older) or an adult with disabilities is being abused, neglected, or exploited **must** report it to the Department of State Health Services (DSHS) or Texas Department of Aging and Disability Services (DADS). The Department of Family and Protective Services (DFPS) keeps the name of the person making the report confidential. Anyone who does not report suspected abuse can be liable for misdemeanor or felony. Call 1-800-252-5400 or go to [www.txabusehotline.org](http://www.txabusehotline.org) to report a violation.

### **505 Child Injury Reporting Procedures**

All injuries incurred, regardless of how minor, **must** be reported to the Health Coordinator, Certified Medical Assistant (CMA) and Director of Birth-to-Five Head Start Program immediately.

The staff will notify the parent/primary caregiver when their child has been injured. NCCAA Birth-to-Five Children's Incident/Illness Report Form should be completed by the person responsible for the child at the time the incident/illness occurred. If a staff member or other person witnessed the incident/illness, the Incident/Illness Supplemental Report Form is completed. All information requested on these forms is vital; therefore, all sections should be filled in completely.

Any violation of these procedures could lead to disciplinary action up to and including termination.

### **506 Emergency Closing**

At times, emergencies such as severe weather, fires, power failures, hurricanes, tornados, or earthquakes, can disrupt company operations. In extreme cases, these circumstances may require the closing of NCCAA.

Salaries and fringe benefits can be paid for out of funding sources under unexpected or extraordinary circumstances such as an epidemic, pandemic, disaster (natural or man-made), or state of emergency.

When the decision to close is made, employees will receive official notification from their Supervisor. Time off from scheduled work will be paid as funding allows. Previously scheduled leave will be applied as approved. The Chief Executive Officer may modify this procedure on a case-by-case basis as the situation dictates.

In cases where an emergency closing is not authorized, employees may request available paid leave time such as Annual Leave. Employees who fail to report for work will not be paid for the time off and could be subject to disciplinary action, up to and including termination.

#### ***507 Firearms-Free Workplace***

It is the policy of NCCAA to maintain a work environment safe for all persons, including the community and conducive to attaining high work standards. To achieve these objectives, NCCAA is committed to a strong stand against firearms in the work environment.