

LAKE CUMBERLAND COMMUNITY ACTION AGENCY, INC.

Personnel Policies and Procedures Manual

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Section 1.1

GENERAL PROVISIONS

Purpose of this Section:

The Lake Cumberland Community Action Agency, Incorporated (LCCAA) Personnel Policies and Procedures Manual, adopted by the Board of Directors and Head Start Policy Council, communicates LCCAA employment “at-will” guidelines, regulations, employee rights and responsibilities.

The LCCAA assures to all its employees consistent, efficient, and fair personnel management.

The Personnel Policies and Procedures will be available on-line. Hard copies will be available at Central Office.

Procedure:**(1) Each LCCAA employee shall**

- Read the manual or have the manual read to him/her
- Review policy and procedure questions with a Program Director or Executive Director
- Sign a Personnel Policies and Procedures (PP&P) Manual acknowledgment form confirming his/her manual review, reading, and understanding. The acknowledgment form is retained in the employee’s permanent personnel file.
- Failure to sign the Personnel policies and Procedures Manual acknowledgment form will be grounds for dismissal.

(2) LCCAA Personnel Policies and Procedures (PP&P) Manuals are agency property.

Employment termination requires any manual in an employee’s possession to be immediately returned to the Agency. Any unreturned manual(s) in the employee’s possession upon departure from the agency mandates a \$10.00 penalty to be assessed against the employee’s Annual Leave “buy back”, if any, which would be payable at termination.

(3) These policies also apply to enrollees or trainees of manpower development programs or similar programs, contractual employees, volunteers and/or consultants. An acknowledgement form confirming his/her manual review, reading and understanding is required.**(4) Enforcement of Guidelines. The agency will include grantors’ minimum requirements in agreements with delegate agencies with respect to the degree of supervision, control and evaluation to be maintained by the grantee of project funds. The agency will, in any event, be held responsible for the successful execution of the programs and must exercise the degree of supervision and control commensurate with that responsibility.**

Section 1.2

PERSONNEL POLICIES MANUAL AMENDMENT PROCEDURES

Purpose of this Section:

The LCCAA Board of Directors, with the Head Start Policy Council's concurrence, may amend, alter, change, and/or repeal employment policies and procedures.

Procedure:

(1) Personnel Policies and Procedures (PP&P) Manual changes require:

- The Executive Director presenting proposed changes to the Executive Committee
- Appropriate Board of Directors' action
- The Board of Directors' majority vote of approval with a quorum present
- The Executive Director communicating the Board's action to appropriate Program Directors, the Head Start Policy Council, and all agency personnel.

(2) LCCAA supervisors shall:

- Assure that each employee reads or has read to him/her, and signs a policy change acknowledgment for the replacement of policy/policies
- Direct policy change questions to appropriate Program director or the Executive Director.
- Failure to sign the policy change acknowledgment form will be grounds for dismissal.

(3) LCCAA Amendment Procedure Disclosure Statement. No amendments are made without consideration of agency operation, programs, and employees. However, certain funding sources and regulations may supersede. These policies are adopted and endorsed by the Board of Directors and Head Start Policy Council.

All amendments to this manual must be dated and the effective date of all new or amended policies must be stated.

(4) The Head Start Policy Council shall review the policies and amendments, thereto. The Board of Directors usually initiates policy changes, but nothing shall prevent the Policy Council or management staff from initiating requested changes to the Executive Director for consideration. No Policy change can be approved by the Policy Council until it is first adopted/approved by the Board of Directors.

(5) The Board of Directors has ultimate authority over personnel policies, issues, and matters within the agency.

Section 1.3

LCCAA BOARD OF DIRECTORS' ROLE AND AUTHORITY

Purpose of this Section:

The Lake Cumberland Community Action Agency, Inc. Board of Directors originates and oversees agency policy and is the ultimate governing authority. It comprises three divided groups, representing the low income/consumer, private, and public sector.

Other policy advisory committees may be mandated throughout the LCCAA Agency, as required by the grantor.

Procedure:

The Board of Directors:

- Serves as the LCCAA governing body
- Approves agency operation – but does not implement or execute policies
- Directly manages the Executive Director – his/her employment, termination, compensation, and authority for daily agency administration
- Approves, by majority vote, policy changes
- Administers the functions by group action, not by individual board member authority
- Formulates agency goals, community programming plans, and fiscal policies
- Addresses the agency's mission responsibilities and community betterment obligations
- Board members will receive training regarding their roles and responsibilities within six (6) months of being seated

Section 1.4

KEY POLICY AND POLICY ADVISORY COMMITTEES

EXECUTIVE COMMITTEE**Objective and Responsibilities:**

The LCCAA Executive Committee performs the Board of Directors responsibilities between Board meetings. The committee's membership shall be identical to the Board of Directors' membership guidelines (tripartite structure) and composition, according to LCCAA Bylaws.

Executive Committee actions require the Board of Directors' ratification at the next meeting.

OTHER BOARD COMMITTEES

The LCCAA Board Chair may appoint other committees, as needed.

POLICY COMMITTEE (Program-level, project-specific)

- (a) Head Start Policy Council
- (b) Head Start Policy Council Executive Committee

OTHER ADVISORY COMMITTEES

- (a) Head Start Health Services Advisory Committee
- (b) Head Start School Readiness Committee
- (c) Other Advisory Committees, as needed/required

The agency will reimburse participating key policy and policy advisory committees to include parents and low-income representatives for any allowable and reasonable expense incurred to ensure full participation.

Section 1.5

EXECUTIVE DIRECTOR'S ROLE AND AUTHORITY

Purpose of this Section:

The Lake Cumberland Community Action Agency, Inc. Executive Director administers all agency programs and operations on a day-to-day basis. The Executive Director's primary goal is to assure that agency benefits and opportunities reach agency consumers, particularly the poor, and help alleviate barriers to self-sufficiency.

Responsibilities:

(1) The Executive Director's role and authority:

- Manages under the Board of Directors' delegation of authority; he/she has the authority to enforce the policies of the Board of Directors
- Implements Board directives and coordinates LCCAA programs assuring efficient Agency operations
- Supervises budget and finance requirements
- Directs all other agency staff, directs and controls personnel hiring and termination requirements, and assigns and defines job requirement (hires, disciplines, and fires all staff) assuring quality personnel performance
- Supervises and orders personnel promotion, status changes, wage/salary adjustments, and other mandated employee-related responsibilities
- Communicates the needs and status of agency programs to the Board of Directors
- Defines agency systems, requirements, procedures, and needs to supervisors and employees; he/she confirms all position assignments, line of authority, and responsibilities
- Communicates agency goals and expectations to staff
- Corrects any organizational faults which may be present
- Mandates and confirms that all agency personnel, including enrollees in work/training programs, adhere to and abide by agency policies, procedures, and guidelines
- Authorizes and implements standards related to programs and guidelines, service areas, service center locations, community resource contributions, policy group composition, and complaint resolution
- Approves for policy group action all LCCAA funding requests, needed budget program changes, and pre-reviews Board of Directors and Policy Council presentations
- Recommends and implements all staff personnel policies, procedures, and guidelines and monitors career development programs

- Administers additional federal/state/local and Board of Directors guidelines mandated by law or agency requirements
 - Signs all contracts, unless otherwise mandated
- (2) Operational Memorandums. Within the policy framework established by the Executive Director, a series of "Operational Memorandums" have been promulgated by the Executive Director. These primarily elaborate on specific contractual/regulatory obligations and administrative procedures.
- (3) It is the responsibility of the employee to read, adhere to, and retain for reference any and all Operational Memorandums.

Section 1.6

EXECUTIVE DIRECTOR'S ROLE IN PERSONNEL

Purpose of this Section:

The LCCAA Executive Director administers assigned personnel procedures, documentation, and orientation services of the agency's personnel policies and procedures. The Executive Director also provides assistance to Program Directors, department heads, and employees regarding all human resources/personnel related requirements.

Responsibilities:

The Executive Director assigns the following responsibilities to Program Directors:

- Directs and administers the program's personnel in employee responsibilities
- Formulates personnel policies for the Executive Director's consideration for presentation to the Executive Committee/Board of Directors
- Implements employee disciplinary procedures, only the Executive Director has the authority to terminate an employee
- Manages and maintains current and accurate personnel records
- Provides orientation for new employees familiarizing them with policy, agency, benefits and other pertinent information
- Assumes responsibility for advertising vacancies in accordance with set guidelines
- Monitors employee performance evaluations, improvement plans, transfers and demotions
- Assumes all other personnel department responsibilities assigned by the Executive Director and/or mandated by the Board of Directors
- May propose to the Executive Director policy and procedure changes as deemed appropriate
- Assures that all required personnel documentation is obtained and is maintained in the employee's personnel file.

Section 1.7

PROGRAM DIRECTORS' ROLES AND RESPONSIBILITIES

Purpose of this Section:

LCCAA employees are assigned to, directed by, responsible to, and have their performance evaluated by supervisors, who have been delegated appropriate authority and responsibility to conduct their jobs.

Procedure:

Supervisors shall:

- Enforce the agency's rules and regulations as set forth in the PP&P Manual
- Communicate program goals, needs, and policies to their employees
- Communicate employee attitudes, suggestions, and complaints to their management
- Manage quality completion of employee assignments and duties
- Treat employees respectfully and individually
- Recognize superior employee performance
- Correct employee errors with compassion, dignity, and guidance
- Confirm subordinate staff understanding and implement workplace schedules, policies, and procedure changes
- Develop and encourage teamwork
- Acknowledge errors – theirs and their employees
- Explain unpopular decisions as warranted
- Manage by example, encourage goal attainment, demonstrate quality work, and exhibit exceptional ethical and leadership abilities
- Advise employees of advancement opportunities
- Recommend additional employee training for enhancing employees' work performance and possible advancement
- Evaluate employee performance accurately, fairly, and objectively
- Verify employee time sheets and/or payroll records
- Recommend employee promotions and salary adjustments
- Approve subordinate employees' leave requests and may forward the requests to the Executive Director for approval
- Encourage employees through guidance, direction, and instruction
- Communicate LCCAA's mission encouraging staff dedication and commitment to quality service
- Assume additional responsibilities assigned by the Executive Director and/or other direct line management

Section 1.8

EMPLOYEE LIMITATIONS

Objective and Procedure:

At no time shall an employee ignore prescribed procedures and go directly to the Board of Directors, the Executive Committee or other policy/policy-advisory committees of the Board or agency projects with a grievance. This limitation also precludes a staff member going to a Board member, a member on any committee sponsored by the agency, a Federal Regional Office, State Agency Office, or any other funding agency concerning a grievance or difference without first conferring with the Executive Director. If an employee violates this policy, he/she shall receive disciplinary action. Any action shall become part of the employee's personnel records. Should a grievance be made against the Executive Director, the complainant shall go to the Equal Opportunity Officer with the grievance.

If a staff member is approached by a member of the Board or a policy/policy-advisory committee concerning an employee's dissatisfaction and an administrative redress has not already been sought by the employee, the employee shall refer the policy member to the above-stated employee limitation policy.

This policy pertains to personnel, management and employment issues. This policy does not pertain to fraud, abuse, and other financially related items as per KRS 61.102. See Section 10.2 for policy pertaining to preventing fraud, waste, and abuse.

Employees shall assure that only eligible applicants for service are enrolled or assisted. Requests and/or pressure from policy-level persons to enroll or assist anyone not eligible for service shall promptly be reported to the Executive Director.

Section 1.9

EMPLOYER-EMPLOYEE RELATIONS CODE

Purpose of this Section:

The LCCAA communicates and confers both employment rights and obligations to its employees.

Procedure:

(1) The LCCAA pledges to its employees to:

- Maintain a safe and healthful workplace
- Provide fair and competitive wage (within respective agency programmatic budgets)
- Schedule self-improvement training to enhance employee work performance, self-esteem, and workplace morale, within prospective program budgets
- Welcome constructive suggestions regarding workplace procedures, conditions, and policies
- Employ qualified people
- Assure equal opportunity and treatment regardless of race, color, creed, religion, sex (including pregnancy, gender identity), age, national origin, family medical history or genetic information or disability. Some grantors also require one or more of the following to be included with respect to their funded projects: citizenship, lifestyle, ancestry, veteran status, sexual orientation, political affiliation, and belief. Past participations in any agency or civil rights complaint process is also covered in this assurance.

(2) The LCCAA requires all employees to:

- Provide quality work and practice agency loyalty
- Maintain a considerate, cooperative, professional, and friendly attitude toward fellow employees, clients, and vendors
- Adhere to LCCAA policies and procedures in the workplace and while representing the agency during outside activities
- Wear or display the LCCAA agency ID badge where required

(3) The LCCAA may:

- Assign, reassign, supervise, discipline, or dismiss employees with or without reason and without prior notice
- Determine and assign work schedules and/or changes
- Transfer employees within the agency when necessary or required
- Assign duties according to LCCAA needs and/or requirements

Section 1.10

DEFINITIONS AND ACRONYMS

Purpose of this Section:

The Lake Cumberland Community Action Agency, Inc. Personnel Policies and Procedures Manual uses specific words to communicate certain meanings and acronyms to identify certain agencies and terms frequently used.

Procedure:**(1) Key word definitions are:**

- “Shall,” “will,” and “must” mean mandatory; and “may” means optional
- “Supervisor” is an authorized person assigning, directing, and reviewing employee work
- “Immediate family” includes a spouse, parent, child, siblings, in-laws, step-parents, step-children, step-siblings, aunt, uncle, grandparents, grandchildren and/or other individuals residing with the employee
- “Serious crime” is any crime or crimes for which the Courts have imposed a term or terms of imprisonment for an offence classified as a felony
- “Protected class(es)” is/are those groups for which discrimination is prohibited by law. There are eight such prohibitions: race, color, creed, religion, national origin, sex, age, and disability

(2) Frequently used LCCAA terms and acronyms are:

- LCCAA Lake Cumberland Community Action Agency, Inc.
- LCHA/EHS Lake Cumberland Head Start/Early Head Start
- ACF Administration for Children and Families
- ADA Americans with Disabilities Act
- AIDS Acquired Immune Deficiency Syndrome
- CAA Community Action Agency
- CAK Community Action Kentucky
- CAP Community Action Program
- CAP Community Action Partnership
- CDA Child Development Associate Credential
- CDL Commercial Driver’s License
- CERS County Employees’ Retirement System
- CHFS Cabinet for Health & Family Services (Kentucky)
- COBRA Consolidated Omnibus Budget Reconciliations Act of 1985
- CSBG Community Services Block Grant
- DCBS Department for Community Based Services
- DES Department of Employment Service
- DHHS U.S. Department of Health and Human Services

• DOE	Department of Energy (U.S.) or Department of Education (KY)
• DOL	Department of Labor (U.S.)
• DOT	Department of Transportation (U.S.)
• EEOC	Equal Opportunity Commission
• EOE	Equal Opportunity Employer
• EOO	Equal Opportunity Officer
• ERISA	Employee Retirement Income Security Act
• FEMA	Federal Emergency Management Agency (U.S.)
• FFY	Federal Fiscal Year
• FMLA	Family and Medical Leave Act
• FPP	Family Preservation Program
• FY	Fiscal Year
• FYE	Fiscal Year End
• HHS	Department of Health & Human Services (alt. form)
• HRC	Human Rights Commission (Kentucky)
• HS	Head Start
• HSPC	Head Start Policy Council
• IRCA	Immigration Reform and Control Act of 1986
• KERA	Kentucky Education Reform Act
• KHSA	Kentucky Head Start Association
• LIHEAP	Low Income Home Energy Assistance Program
• LOE	Letter of Employment
• M/F/D	Male/Female Disabled (used in job advertisements)
• MOU	Memorandum of Understanding
• NACAA	National Association for Community Action Agencies
• NCAF	National Community Action Foundation
• NHSA	National Head Start Association
• OSHA	Occupational Safety & Health Administration (U.S.)
• OTC	Over-the-Counter
• PA	Program Account
• PC	Policy Council (alt. form)
• PO	Purchase Order
• PP&P	Personnel Policies and Procedures Manual
• PYE	Program Year End
• RIF	Reduction-in-Force
• SEACAA	Southeast Association for Community Action Agencies
• SFY	State Fiscal Year
• TDA	Tax Deferred Annuity

- UI Unemployment Insurance
- WC Worker's Compensation
- WX Weatherization

(3) Other definitions:

"Purpose" (as in the heading of each section of this manual) means the reason, premise, intent and so forth for which the respective policy/procedure is issued.

"Procedure" (under each "Purpose" [above]) means both or either policy and/or procedure set forth as a requirement of the Board for agency personnel.

"Program Account" means a budgetary account representing a funding source or program.

NOTE: All staff are hired and funded under one or more specified program accounts. Each staff person is attached to his/her program account and personnel actions, such as salary/wage decision, are integral to their designated account(s). Actions or benefits occurring in any other program account(s) have no bearing on an employee. His/her compensation and benefits- including equipment, travel and all other fund-oriented employee support- is limited to the availability of funding and budget in his/her designated account(s).

"Optional Benefits" are those fringe benefits which are not required by law but may be provided at the option of the agency. These may be limited by policy, budget or other administrative reasons.

"Critical Incidents" means those significant events, products, and/or results-both good or bad, positive or negative- which a supervisor will record and review with an employee. The purpose shall be to: 1) instruct, 2) correct, 3) commend, and/or 4) document employee action(s). These will usually be retained by the supervisor and be used in conjunction with the employee's periodic performance appraisal.

Notations shall be filed in the employee's personnel file.

Section 1.11

EMPLOYMENT DISCLAIMER

Purpose of this Section:

The LCCAA PP&P Manual is not a contract between the agency and the employee. The PP&P Manual confirms that LCCAA provides only employment “at-will” and is strictly an employer “at-will” agency.

Procedure:

- (1) The employment “at-will” policy confirms that LCCAA employment is not guaranteed and is not assured for any definite period
- (2) Employment is “terminable-at-will” by the employee, or the LCCAA at any time with or without reason, notice or cause, except as may specifically be limited by law- as in the “reasonable accommodation” requirement of the ADA.
- (3) Only the Executive Director may authorize any binding agreement with any employee either consistent or contrary to LCCAA PP&P Manual terms and conditions. The agency will not honor any other “agreement” whether stated or implied in its behalf.

Section 2.1
EQUAL OPPORTUNITY
AND
AMERICANS WITH DISABILITIES ACT (ADA)

Purpose of this Section:

Equal Opportunity Policy. The LCCAA, Inc., is an Equal Opportunity Employer. Employment opportunities are extended regardless of race, color, creed, national origin, age, sex, religion, disability, or other classes, characteristics, or preferences protected by law.

Americans with Disabilities Act (ADA) Policy. LCCAA complies with the Americans with Disability Act of 1990. The ADA assures the disabled equity in employment and treatment in all LCCAA programs or activities. The non-discrimination requirements are contained in Section 35- 107 of the Department of Justice's ADA.

All employees and applicants are treated equally under the law regarding compensation, advancement, promotion, up-grading, benefits changes, retirement, educational assistance, transfers, discipline, suspension, reduction-in-force, or termination provisions and practices, within budgetary constraints.

Kentucky Pregnant Workers Act

Senate Bill 18 of the 2019 Regular Session of the Kentucky General Assembly, the Kentucky Pregnant Workers Act (the Act), requires employers such as Lake Cumberland Community Action Agency to make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical condition who requests an accommodation. However, an employer is not required to provide an accommodation if the employer can demonstrate the accommodation would impose an undue hardship on the employer's program, enterprise, or business.

It is the policy of Lake Cumberland Community Action Agency to comply with the Act and to make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical condition who requests an accommodation unless the accommodation would impose an undue hardship on our program, enterprise, or business.

Moreover, employees of Lake Cumberland Community Action Agency have the right to be free from discrimination in relation to pregnancy, childbirth, and related medical conditions, including the right to reasonable accommodations.

Defense of Marriage Act

The Agency complies with United States V. Windsor and the Defense of Marriage Act,

Pub. L. 104-199 concerning same-sex spouses/marriages.

Procedure:

- (1) The LCCAA, Inc. Equal Opportunity Policies are mandated by:
 - TITLE VI of the Civil Rights Act of 1964 as amended
 - Section 504 of the Rehabilitation Act of 1973
 - Kentucky Cabinet for Health & Family Services, Department of Community Based Services
 - Americans with Disabilities Act of 1990
- (2) Employees or applicants believing their protected civil rights were breached may:
 - Register a complaint with the LCCAA Equal Opportunity Officer, or
 - Directly file a formal complaint with the Kentucky Human Rights Commission or the United States Equal Employment Opportunity Commission
- (3) Civil rights or personal complaints are generally required within 180 days from the date of occurrence of a violation unless the filing time is extended by an applicable funding source or other responsible official.
- (4) The LCCAA will not adversely act against employees, participants or applicants filing civil rights complaints, testifying, or participating in discrimination investigations, proceedings, or hearings.
- (5) No person is excluded from participation in, is denied the benefits of, or is subjected to discrimination in relation to activities carried out under this contract on the basis of race, color, age, religion, sex, disability or national origin.
- (6) Any person having a complaint regarding ADA, shall file a complaint with the LCCAA Equal Opportunity Officer.
- (7) To request an accommodation for limitations related to pregnancy, childbirth, or a related medical condition, please contact the LCCAA Human Resource Director.
- (8) If any employee believes that they have been or are being discriminated against in relation to pregnancy, childbirth, or related medical conditions, or have any questions, please contact the LCCAA Equal Opportunity Officer.

Section 2.2

HARASSMENT

Purpose of this Section:

The LCCAA provides a workplace free of discrimination. Actions, words, jokes, or comments based on an individual's sex, race, age, ethnicity, religion, or any legally protected characteristic are not tolerated. Overt and subtle harassment creates offensive, hostile, and uncomfortable work environment and is strictly prohibited. Harassment, by an employee, requires investigation and is subject to disciplinary action, including possible discharge.

The LCCAA prohibits sexual harassment. LCCAA employees, volunteers, clients, participants and applicants have a right to work in a discrimination-free environment, including freedom from sexual harassment.

Procedure:

- (1) Sexual harassment at LCCAA is strictly prohibited and will not be tolerated. It is perceived to be, but not limited to:
 - Suggesting to an employee that submitting to sexual favors enhances employment opportunities and/or advancement
 - Threatening or insinuating that refusal to submit to sexual advances will adversely affect employment evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development
 - Making unwelcome sexual advances or flirting
 - Using sexually degrading words
 - Making sexually suggestive or erotic comments regarding a person's body or mannerisms
 - Displaying graphically sexual depictions and/or objects in the workplace.
- (2) Supervisors shall maintain a workplace free of sexual harassment. Sexual harassment policies shall be discussed with employees assuring that insulting and/or degrading sexual harassment shall not be tolerated.
- (3) Sexual Harassment Complaint Procedures. Sexual and impermissible harassment complaints should be reported immediately to an employee's supervisor. If it is inappropriate to notify the supervisor, contact the Executive Director or Equal Opportunity Officer. Should the Executive Director or a Director of the Board be involved in the complaint, the investigation shall be handled by the Equal Opportunity Officer and may include the Board Chair. Sexual harassment complaints will be investigated and are confidential. Investigation results require the Executive Director's and/or Equal Opportunity Officer's action and resolution.

- (4) Sexual Harassment Complaint Action. Sexual harassment investigations confirming allegations require prompt corrective action and disciplinary measures or possible termination against the offending party. Complaints must be filed within six (6) months of occurrence, or as mandated by law. No considerations will be made after limitation.

Section 2.3
AIDS POLICY

Purpose of this Section:

The LCCAA abides by the ADA and the Federal Rehabilitation Act in not discriminating against employees with Acquired Immune Deficiency Syndrome (AIDS).

Procedure:

- (1) The LCCAA acknowledges employee concern and pledges to maintain a safe and healthful workplace. However, employees must understand that AIDS is not transmitted by use of the telephone, rest room facilities, office equipment, or eating facilities.
- (2) Employees should understand that AIDS is transmitted by sexual contact, prenatal transmission, sharing contaminated needles, and direct contact with infected blood and certain body fluids.
- (3) The LCCAA provides disposable gloves in certain facilities for general use and added safety precaution.
- (4) The LCCAA expects its employees to administer basic "first aid," CPR, or other assistance to employees, clients, or applicants in need. The LCCAA will not test applicants or employees for AIDS. The LCCAA does recommend that in cases of blood exposure, or body fluid contact, its employees should wear rubber gloves before rendering aid.
- (5) The LCCAA does not require AIDS-infected employees to disclose their illness. However, employees desiring to make their condition known should advise the Executive Director. All employee AIDS information is confidential.
- (6) The LCCAA will not tolerate employees refusing to work with employees, vendors, volunteers, or clients diagnosed with AIDS virus or as HIV positive.

Section 2.4

ADVERTISING EMPLOYMENT VACANCIES

Purpose of this Section:

LCCAA will recruit employees from within the area. If specified job qualifications cannot be met locally, recruitment will be expanded. LCCAA may hire or promote from within the Agency when a vacancy occurs or as stipulated by a specific funding source. Announcements will be posted with Department of Employment Services as mandated by the funding source. If no qualified applicant is found, a vacancy announcement will be placed in the newspaper.

LCCAA employment vacancies are advertised when no applicant is promoted from within or advertisement is required by the funding source. If LCCAA decides to advertise, the following procedures will apply.

Procedure:

- (1) Employment vacancy advertisements are posted and distributed to all LCCAA centers/offices within the service area. Staff may apply for vacancy by submitting a letter of interest, along with a new job application to the Human Resource Director. Advertisements are posted at various LCCAA centers/offices, and the Department of Employment Services serving the counties where the vacancy may occur when required by the funding source.
- (2) In accordance with the Equal Opportunity Policy, Affirmative Action Plan, and the Americans with Disabilities Act, all LCCAA vacancy advertisement requirements will include the following reference: "An Equal Opportunity Employer M/F/D."
- (3) All employment advertisements shall be placed only by the Human Resource Director with the approval of the Executive Director, who shall assure that advertisements meet equal opportunity requirements and appropriate standards per LCCAA policy and procedure. Notice of job openings will be posted as specified by the funding source at the Department of Employment Services serving the counties where the vacancy occurs. LCCAA reserves the right to advertise in other media forms.
- (4) Incomplete job applications will not be accepted. Applicants not meeting the minimum descriptions/qualifications will not be considered.

Section 2.5

GENERAL HIRING POLICIES

Purpose of this Section:

The LCCAA assures all persons equal employment opportunities. However, vacancies will be filled by persons showing the highest degree of potential and qualifications as determined by interviews, past experience and testing measures. These hiring measures enable LCCAA to continue providing quality services to its service area residents/clientele.

Procedure:

(1) LCCAA employment considerations are:

- Providing equal employment opportunity to all protected classes without discrimination as mandated by the LCCAA Equal Opportunity Employment Policy and the Americans with Disabilities Act
- Granting employment opportunities to older persons exhibiting required job experience and capabilities. The Age Discrimination in Employment Act defines an older person as forty (40) years of age or older
- Granting employment opportunities to qualified, economically disadvantaged LCCAA service area residents
- Granting employment opportunities to qualified minority persons within the LCCAA service area
- Granting appropriate employment opportunities for applicants normally disqualified by other employers due to a criminal record or pending criminal charges.
- LCCAA requires its retirees who have CERS retirement benefits to conform to current CERS requirements before consideration of re-employment within the agency. If an LCCAA retiree is selected, employee will return as a new employee, which means new hire date, seniority date, probationary period, accrual of leave time, and starting salary to be determined by the Executive Director.
- Former LCCAA Board Members cannot be considered for employment for a period of three years after their tenure of service.

(2)) For employment, LCCAA minimum requirements are:

- Completing an official LCCAA Employment Application
- Screening (and sometimes testing) by LCCAA supervisory personnel may be required
- Interviewing with an LCCAA Program Director, Executive Director or his/her designee. (Only applicants meeting specific job needs and criteria are interviewed)
- Approval (hiring) by the Executive Director and enrollment/processing by the Human Resources Department and/or Accounting Department
- Three reference checks should be reviewed. (Information is confidential.)
- Pre-employment drug-testing, criminal background checks and any other checks required by the funding source.

(3) LCCAA employment limitations include:

- Not hiring individuals maintaining membership in an organization whose purpose includes the forceful or violent overthrow of the United States Government.
- Not hiring individuals convicted of child abuse, neglect, sexual abuse, violent crimes against children, a violent felony offense, or as an accessory to the listed charges. (Child Care Center Regulation 905 KAR 2.010)
- Re-advertising the positions if it is determined that no qualified applications were submitted
- Not hiring individuals with "immediate" family members serving on the LCCAA Board of Directors or Head Start Policy Council or staff of LCCAA.
- Not hiring or promoting employees with a criminal record to a sensitive position of childcare/preschool positions (see definitions in Number 6 below)
- Not hiring applicants to drive a vehicle with a capacity of sixteen or more persons - or gross weight of 26,001 pounds or more - without proof of a Commercial Driver's License (CDL). The LCCAA will pay reasonable employee costs, e.g., the medical examination and license fee, for LCCAA drivers who must newly acquire the CDL as well as renewal.

(4) Formal Education:

- Persons without the minimum of a GED will not be considered for Head Start employment,
- Formal education requirements will be specified in each LCCAA position Description and may be mandated by the funding source.

(5) Resident Employment Opportunities. The LCCAA policy is to encourage employment of the residents of the areas and members of the groups served by this agency and its delegate agencies.

(6) Sensitive Position. This is a professional or non-professional position requiring persons with a high degree of trust and integrity. Sample positions include: Executive Director, HR Director, Financial Director, accounting/financial positions and any other position which the agency so designates because of the nature of work in dealing with the general public.

(7) Childcare/Preschool Sensitive Position. A position requiring direct or indirect contact with children within a Head Start or Day Care center.

All other positions not meeting the above criteria are generally considered non-sensitive.

(8) Head Start Program employees, and other programs as required, are required to pass a physical examination each year. Certain employees must possess a Commercial Driver's License, as per the job description.

- (9) Interview and Moving Expense. The LCCAA does not reimburse applicants interview expenses or new employees for moving expenses unless specifically approved by the Executive Director.
- (10) The Human Resource Director and/or the Equal Opportunity Officer may serve in the Capacity of advisor and/or observer in the screening process. The Equal Opportunity Officer shall have the authority and responsibility to call attention to the violation of Civil rights provisions. This equal opportunity guideline is designed to prevent a Discrimination controversy arising out of the method of selection after the fact.
- (11) Consultations and Endorsements. In programs requiring the involvement of certain ancillary bodies or policy committees, such as Head Start, the appropriate advisory bodies shall be involved in the selection process consistent with all pertinent federal guidelines and regulations.
- (12) Selection of current LCCAA employees. Employees desiring to apply for other vacated positions will complete a new employment application. Current employees are considered first. No preference is given unless the LCCAA employee is better or equally qualified.
- (13) Recommendations. Individual members of the Board or Head Start Policy Council may express their opinions about applicants for any position to the Executive Director. Recommendations in writing are preferred
- (14) Executing Employment Action. A conditional offer of employment shall be confirmed in writing only by the Executive Director in a Letter of Appointment. Such employment offer shall include the beginning date, program fund limitations, the location of the employment, hours per week/day, salary, and other relevant information.
- (15) New employees may be hired only on a conditional basis pending the receipt of acceptable criminal record check and pre-employment drug screening. Each new employee shall authorize Criminal Records checks for all states that employee has resided in the last ten (10) years.
- (16) Head Start employees are subject to Policy Council approval in addition to the receipt of the required background checks prior to beginning work. Receipt of background checks applies to other programs as required.
- (17) Other new employment shall be conditional pending the outcome of any pre-employment physical- generally related to a selectee's ability to perform "essential job functions" per the ADA and/or a criminal records check. CDL Drivers are required to have a pre-employment and an updated physical every year. LCCAA will bear the cost (not covered by insurance) of the physical exams. LCCAA staff must use the Agency's designated health care providers.

(18) Rules Regarding Nepotism. The LCCAA observes certain prohibitions in employment with respect to persons whose employment is supported by federal funds or by contributions to the non-federal share. Individuals within a specified degree of relationship are prohibited from LCCAA employment. These are:

- (a) Members of the immediate family of a person who serves on the LCCAA Board of Directors, Head Start Policy Council or any committee or council of a delegate agency, (if that committee or board has authority to order personnel action affecting the employee's job).

Should a Program Director supervise the spouse or relative of another Director, he/she may request the assistance of the Executive Director or the Executive Committee in performing the annual staff evaluation.

Immediate family includes a spouse, parent, child, siblings, in-laws, step-parents, step-children, step-siblings, aunt, uncle, grandparents, grandchildren and/or other individuals residing with the employee. Employees cannot supervise immediate family members.

(19)) The roles and responsibilities of the Head Start Policy Council, as specified in the Head Start Act and the Head Start Performance Standards, shall be observed. *Refer to Section 13.2 of this Personnel Policies manual for the specific policy provision for hiring in the LCCAA Head Start/Early Head Start Programs.*

Section 2.6

SELECTION PROCEDURES

Purpose of this Section:

The agency shall practice and demonstrate professionalism and non-discrimination in all aspects of personnel selection.

Procedure:

- (1) The Board of Directors has responsibility for approving policies regarding the hiring, evaluation, compensation, and termination of the Executive Director, Head Start Director, Director of Human Resources, Chief Fiscal Officer and any other person in an equivalent position with the agency in conformance with established By-laws of the Lake Cumberland Community Action Agency, Inc.
- (2) The Board of Directors delegates to the Executive Director the full responsibility for selection of employees and for the implementation of hiring/firing procedures.
- (3) The Executive Director, Head Start Director, or his/her designee(s) shall be responsible for screening, interviewing, verifying applicant qualifications, and selection; only the Executive Director, or Head Start Program Director for the Head Start Program, can make a valid job offer and confirm that offer with a Letter of Appointment. The Letter of Appointment shall include a statement that LCCAA is an "At Will" employer.
- (4) With regard to Head Start screening, interviewing and recommendations, representative(s) of the Policy Council will participate in the selection process.
- (5) All applications shall receive equal attention and review and consideration commensurate with the apparent qualifications of the applicant- as represented by the application - for the particular position. All applicants must have a complete application submitted. The designated screener(s)/interviewer(s) shall perform their duties in compliance with the Personnel Policies and Procedures Manual.
- (6) An appropriate number of applicants, based on a manageable number of potentially/apparently qualified applicants from the total applicant pool will be selected for interview. Every effort will be made to include potentially qualified minority applicants in the group selected for interview.
- (7) Screening, interviewing, recommendations and employee selection shall be performed within appropriate time frames. The demands of filling the job, courtesy toward applicants for a position, and the administrative policy requirements of the agency shall be considered.
- (8) Prohibited Questions During an Interview. Examples of questions that *may not* be asked include the following questions related to potential disabilities:

- Is there any health-related reason you may not be able to perform the job for which you are applying?
- Do you have any physical or mental defects which preclude you from performing certain kinds of work?
- Have you been hospitalized in the last five years?
- If so, for what condition?
- Have you recently had a major illness?
- Have you ever been treated for a mental condition?
- How many days were you absent from work because of illness last year?
- Have you ever filed worker's compensation insurance?

Other topics to avoid during an interview include those concerning an applicant's:

- Children, child care arrangements, or plans to have children
- Age or birth date
- Physical characteristics, including weight/height
- Maiden name or marital status
- Citizenship
- Lawsuits against another employer
- Arrest record. (Arrests prove nothing!) *You may ask whether a candidate has even been convicted of a felony crime.*
- AIDS or HIV status. (These relate to the ADA-prohibited examples above.)

(9) Allowable Questions During an Interview:

Examples of questions that *may* be asked include the following:

- Are you able to perform the essential and marginal functions of this job, with or without an accommodation?
- Please describe the job functions and tasks performed by you at your previous employer.
- Do you have a valid driver's license? (NOTE: This could be unallowable under the ADA. It must be an "essential job function" requirement in order to ask this.)
- After providing information of regular work hours, leave policies, and special attendance needs, the applicant can be asked: Can you meet these requirements?
- Were you ever disciplined for poor attendance at a previous employer? (NOTE: This could also be problematic under ADA. *Reason:* A disabled person could have been "wrong-fully disciplined" for "excessive absenteeism" by a previous employer.)

Other examples of questions you may legally ask an applicant:

- Tell me about yourself ... why did you choose this type of work?
- You mentioned you enjoyed your last job ... what did you enjoy best? ... least?
- Why do you think this company should hire you?
- What are two things you wish to avoid in your next job?
- If you could change one thing about management at your last job what would it be?
- What did you like the least about your last job? What did you do to improve the situation?
- Why did you leave your last job?
- In the past year, what have you done on your time and with your own money to make yourself more valuable to us?
- Review with me the schedule of a typical workday for you.
- What was the last position you held?
- Have you held the same job through your employment with the last company? If no, describe the various jobs you had, how long, and your duties.
- What did you like most about that job?
- Why are you thinking of leaving? Why now?
- What will your last supervisor tell me about you and your job performance?

(10) Any selection procedure conducted by a designee of the Executive Director shall result only in a recommendation to the Executive Director, or Head Start Policy Council for the Head Start Program, who has sole authority to make a selection/job offer and initiate the process of employment.

Section 2.7

DISCLOSURE OF CRIMINAL RECORDS

Purpose of this Section:

The LCCAA requires applicants and employees to disclose all prior and/or current felony convictions.

Procedure:

(1) All LCCAA applicants and employees shall:

- Report any and all felony convictions and pending felony charges occurring after their eighteenth birthday. Failure to comply could result in disciplinary action, up to and including termination.
- Sign a criminal records release form authorizing a record check to confirm and verify information, as required by the funding source
- Pre-employment Drug Screening may be required upon conditional job offer.

(2) Hiring and retaining persons with criminal records. The LCCAA requires all employees and applicants convicted of a felony to submit to a criminal conviction review, which:

- Verifies the applicant's references
- Evaluates the prospective employee's past work performance
- Determines if the criminal record or conviction would likely diminish the applicant's or employee's work performance
- Determines whether findings of prior convictions should disqualify the applicant.
- Considers all circumstances relevant to the prospective work situation and job credential requirements.

The LCCAA reserves the right and obligation to request and examine all reference or criminal information about any employee or applicant. Such a request or search for information is not limited to any jurisdiction and may utilize available federal or state record/file sources.

Section 2.8

IMMIGRATION REFORM AND CONTROL ACT OF 1986

Purpose of this Section:

The LCCAA reserves the right to verify all employees' and applicants' U. S. citizenships as required by the Immigration Reform and Control Act (IRCA) of 1986.

Procedure:

- (1) All LCCAA employees hired prior to November 6, 1986 are exempt from IRCA requirements.
- (2) With all subsequent LCCAA "new hires," the LCCAA must verify citizenship within three days of employment. Employees unable to locate verifying documents must reapply for such listed acceptable documents, show proof of reapplication and must have the original documents submitted no later than thirty (30) days of their proof of reapplication. Failure to comply with this procedure will result in immediate termination from the agency.
- (3) The LCCAA and the new employee shall sign an "attestation" contained on the IRCA Form I-9, under penalty of perjury.
- (4) The LCCAA will examine, review, and confirm or deny documents' validity. Once the individual's employment ends, the employer must retain this form and attachments for either 3 years after the date of hire (i.e., first day of work for pay) or 1 year after the date employment ended, whichever is later.
- (5) New employees shall provide LCCAA with one document from List A *or* one document from List B *and* List C for IRCA Form I-9 verification. All documents must be UNEXPIRED.

LIST A (Establish Both Identity and Employment Authorization)

- United States Passport or Passport Card
- Foreign passport containing a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa
- Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
- Employment Authorization Document that contains a photograph (Form I-766)
- For a nonimmigrant alien authorized to work for a specific employer because of his or her status:
 - a. Foreign passport; and
 - b. Form I-94 or Form I-94A that has the following:
 - (1) The same name as the passport;
 - and

(2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.

- Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI

OR

LIST B (Establish Identity)

- Driver's license or ID card issued to a State or outlying possession of the United States provided it contains a photograph or information such as Name, date of birth, gender, height, eye color and address
- ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
- School ID card with photograph
- Voter's registration card
- U.S. Military Card or Draft Record
- Military dependent's ID card
- U.S. Coast Guard Merchant Mariner Card
- Native American tribal document
- Driver's license issued by a Canadian government authority
- Documentation required from persons under 18 years old unable to produce previously listed documents:
 - School records or report card
 - Day care or nursery school records
 - Clinic, doctor or hospital record

AND

LIST C (Establish Employment Authorization)

- Social Security Account Number Card, unless the card includes one of the following Restrictions:
 - (1) NOT VALID FOR EMPLOYMENT
 - (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION
 - (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
- Certification of birth abroad issued by the Department of State (Form FS-545)
- Certification of Report of Birth issued by the Department of State (Form DS-1350)

- Original or certified copy of birth certificate issued by a State, county, municipal authority or territory of the United States bearing an official seal
- U.S. Citizen ID Card (Form I-197)
- Native American Tribal Document
- Identification Card for use of Resident Alien Citizen in the United States (Form I-179)
- Employment authorization document issued by the Department of Homeland Security

Section 2.9
ORIENTATION

Purpose of this Section:

The LCCAA management shall conduct an employee orientation within 60 days to help familiarize new employees with the agency's programs, policies, procedures, and Mission.

Procedure:

(1) Designated Personnel shall conduct an orientation session with each employee. The orientation shall include a review of:

- The agency's Personnel Policies and Procedures Manual
- Agency benefits and employee insurance programs/plans
- Leave programs and policies
- Work schedules and requirements
- Overtime limitations
- Reporting time and attendance
- Pay periods and time sheet reporting requirements.
- Explain "At Will" employment

Each new employee shall also be oriented on the structure of the agency, its programs, its overall Mission and purpose.

(2) LCCAA supervisors will then train and communicate to new employees their specific work unit policies, procedures, guidelines, requirements, duties, obligations and schedules.

(3) New LCCAA employees shall:

- Attend scheduled orientation sessions
- Sign and return required employment documents for placement in personnel file
- Sign and return within, five (5) working days, the certification form concerning reading the PP&P Manual. This certification is required to be placed in the employee's personnel file.

Section 2.10

WORKING SCHEDULE/AFTER HOUR ENTRY

Purpose of this Section:

LCCAA provides workplace schedules to employees. Each employee shall have a designated schedule of work hours. Schedules and hours of work may be adjusted to meet agency operation requirements and/or client needs. Only the Executive Director may adjust employees' schedules.

Procedure:

- (1) The LCCAA work schedule classifications include the normal workday, specified variations of the normal workday, and flex-time/flex-place employment, as authorized by the Executive Director. The agency also has a defined work week designated for wage-hour law purposes.

- (2) Work Day

- (a) Normal LCCAA office hours are 8:00 A.M. to 4:30 p.m., Monday through Friday.
 - (b) Most regular full-time and non-exempt employees customarily work eight (8) hour workdays. They are entitled to one 15-minute break each morning and each afternoon. Supervisors schedule breaks accommodating department work requirements. Breaks are paid as work time. Employees must adhere to allotted break-time schedule. Head Start Center-based employees shall follow the allotted break time set forth by the school district for the jurisdiction in which their center is located.

Some agency staff work a forty-hour (40) week. Some, depending on programmatic needs work less than forty (40) hours. Each employee's specific hours and work schedule is specified in his/her Letter of Employment or subsequent directives issued by the Executive Director.

- (c)) The LCCAA grants regular and non-exempt employees a lunch period not to exceed one hour, except designated Head Start center-based education employees whose lunch period is included in their workday. LCCAA responsibilities are prohibited during non-exempt employees' designated lunch periods.
 - (d) Head Start Centers operate on the same calendar as the school system in the jurisdiction in which the center is located. LCCAA Head Start supervisors may schedule employees' hours to accommodate department work requirements.
 - (e) Other variations in employee work schedules may be ordered at the discretion of

the Executive Director with consideration for programmatic needs and applicable wage/hour laws. Alternative work schedules will not be allowed for employees wishing to make up for time off when there is sufficient annual leave to cover the time off.

- (f)) The Executive Director may schedule work hours, breaks, and meal periods to accommodate agency and client needs.
- (g)) The Executive Director may alter employees' work schedules or grant administrative leave in consideration of inclement weather or other situations as may be deemed appropriate.
- (h)) Employees who are "exempt" are not limited by LCCAA normal work schedules. These employees are paid to *perform a function* no matter the time required. Therefore, exempt employees are bound by a minimal work day plus additional time as necessary to fulfill the functions of the job.

(3) Flex-time/flex-place employees:

- (a) Certain LCCAA professional employees may require flexible work schedules to best serve client referrals and needs. "Flex-time" professional (exempt) employees are always "on call."
- (b) "Flex-time/flex-place" staff work schedules are adjusted as needed to meet client and agency needs and contract requirements.
- (c) If "flex-time/flex-place" employees are required in the course of their duties to work on a holiday, the employee must take such holiday off on another day during that current or subsequent pay period. Holidays cannot be carried over for more than two (2) pay periods, the current one in which the holiday occurs and the next.
- (d) The Executive Director shall designate those "flex" employees who perform agency and project service requirements on a "flex-time/flex-place" basis.
- (e) In order for an employee to be designated as a "flex-time" employee their position must first be qualified as an "Exempt" position under the federal wage-hour law. Typically, "flex-time" is allowed when an eligible employee must work a rather erratic schedule due to the "on call" or "emergency" nature of their work with agency clientele, not for the convenience of the agency staff person. Working a "flex" schedule is dictated by clientele-related demands and conditions; "flex-time" staff are otherwise expected to maintain the agency's regular hours.
- (f) Counseling Services supervisory staff shall monitor case records, travel logs and

other documentation consistency between therapists' documentation in those records relative to their time-worked claims under their "flex-time" scheduling and time reporting. Supervisors of "flex-time" employees must devise suitable means to assure that employees violate neither the intent nor the responsibilities of this privilege.

(4) Work Week:

- (a) The LCCAA workweek begins at 12:01 a.m. Saturday and ends at 12:00 a.m. (midnight) Friday. The "workweek" frames the designated period for which employees are to record their time and attendance.

(5) Adjusted or Alternative Work Schedule:

- (a) As provided in item (2)(e) above, the Executive Director may devise such work schedules as may be in the best interests of the agency and programmatic operations. For example, some forty-hour employees may work four ten-hour days instead of five eight-hour days. (There may be any number of other variations as well.) Such arrangements shall:
- (b) Be spelled out in the employee's Letter of Appointment (for new hires) or other agreement letter (all other employees) which shall be signed by the Executive Director and the employee.

(6) Entry to Agency Premises After Hours. Employees may not enter agency offices/centers/property after normal working hours without the express prior approval of their supervisor or project director.

(7) Travel Time: Work Time. Employees customarily travel on agency business during their normal working hours, usually that means 8:00 a.m. through 4:30 p.m. - although there may be designated exceptions. All agency business travel during the employee's normal (specifically designated) working hours is working time and paid time for all non-exempt staff. This rule also holds true whether such agency-related business travel occurs on an agency holiday or the weekend (Saturday or Sunday).

- (a) Travel outside the employee's officially-designated customary hours is not considered working time - or paid time for the non-exempt staff person, except when the employee is actually "working." For the purpose of this policy provision that means:

- Driving a vehicle in the course of his/her official business duty (and only for the portion of time the employee is actually driving in the line of duty)

- Performing legitimate agency work while riding in a vehicle or public conveyance while in the course of official agency travel time. Performing such work must be cleared in advance with the employee's supervisor and if: 1) such supervisor-approved work could/would cause a non-exempt employee to exceed his/her normal working hours the Executive Director's prior approval must be secured and if: 2) such work would cause a nonexempt employee to exceed forty (40) working hours within that work week the Executive Director's prior approval must be secured. [See also Section 3.3 (13) in the "Overtime" section]

(b) If the agency management would have provided - and offered to provide - commercial transportation, e.g., by air, and the non-exempt employee refuses to fly but opts to use a more time-consuming mode of transportation, e.g., a personal automobile or agency vehicle for personal reasons, the agency will allow the employee only "working time" commensurate with the amount of "air time" he/she would have been entitled to if the agency-offered option been accepted.

(c) An employee's agency-permitted and/or - paid attendance at and travel to/from a business-related training/meeting/conference is *not* considered "voluntary," but within the provisions above - work related time according to the following standards:

- If it's job related it's "work time"
- Even if an employee might attend "voluntarily," any work activity related to their job is still "work time."
- If the employee believes the agency expects him/her to be in attendance, it's "work time"

Therefore, supervisory and management staff shall clearly designate which staff shall attend various events involving business travel. No staff person may be permitted to choose whether he/she attends *voluntarily*. No employee will presume permission to travel or attend conferences, meetings and such without written and approved travel authorizations as follows:

In the LCCAA Area: The project director or his/her authorized designee

Out of LCCAA Area: The LCCAA Executive Director

(No one else can grant permission for staff to travel outside the LCCAA ten-county service area.)

Section 2.11

NEW EMPLOYEE PERIOD

Purpose of this Section:

The LCCAA requires new, re-hired, promoted, transferred, reassigned, and demoted employees to be placed in "new employee" status for a six (6) month probationary period.

Procedure:

(1) "New" employees shall:

- Have a six (6) month provisional employment period (which may be extended by the number of days absent) to demonstrate job proficiency and fitness.
- Be evaluated by their supervisor to determine their job performance, suitability, and specific needed training.
- Attain regular status upon successful completion of the six (6) month probationary period, that is, demonstrated proficiency and performance on the job.
- Understand that all LCCAA employment, whether during or after the six (6) month probationary period, is strictly on an employment-at-will basis.
- Complete the necessary benefit papers within one week of being hired.
- Understand that *new* employees, who are unsuccessful at completing the six (6) month probationary period, or any conditional extensions, will not be retained and are not entitled to pay for accrued annual leave upon dismissal.
- Understand that a new employee may be terminated with or without cause at any point within the six (6) months period.

(2) The Six (6) Month Probationary Period is considered a "working test" period. During the "probationary" period, the employee may be evaluated every three (3) months. If this period is extended, the employee must receive a written notice at least three (3) days prior to the extension. The supervisor may request approval from the Executive Director for an extension of this period for up to an additional three (3) months. Extension of this period may be based on one of the following:

- (a) When the position involves administrative, supervisory, professional, or technical duties and responsibility and additional time is needed to evaluate the employee's performance.
- (b) Absence due to illness of the employee or the immediate supervisor.

- (c) Change of the immediate supervisor during the "probationary" period.
- (d) When the work load during the "probationary (6) months has been such that true evaluation could not be reasonably made.

Section 2.12

EMPLOYMENT STATUS AND CATEGORIES

Purpose of this Section:

LCCAA employees are treated equally regarding employment. However, employees are categorized for job type, wage, benefits, leave time, and other specified reasons.

Procedure:

- (1) This manual lists and defines all employment classifications and employee eligibility for benefits. All "new hires" and newly promoted employees are considered Probationary Employees.
- (2) All employees within each designated class shall be equal in treatment, and employee benefits.
- (3) To satisfy federal and state wage-hour laws, employees are categorized as either:
 - (a) **Non-Exempt Employee.** These employees are entitled to overtime pay equivalent to time and one-half their normal rate of pay for any work exceeding forty (40) hours per official workweek, according to specific federal and state wage-hour law provisions; or
 - (b) **Exempt Employee.** These employees are excluded from the foregoing pay provisions of federal and state wage-hour laws. Exempt employees are paid for the job, regardless how much time is required. All exempt employees must be so classified within the legal provisions for the wage-hour law exemption. Exempt employees are salaried.
- (4) Within the above groupings, other LCCAA employee categories are:
 - (a) **Probationary Employees.** A full-or part-time "new hire" who has not successfully completed the six (6) month period is classified as "Probationary." A new or promoted employee who does not attain the requirements and standards of the position can be reassigned to "probationary" status no more than one time.
 - (b) **Regular Full-Time.** This category includes employees who work at least forty hours per week and whose employment is *not* specifically time limited. (As a general rule, regular employees are those who work an 8-hour workday, 40- hour workweek.) These employees are eligible for the full LCCAA benefits package. Neither this nor any LCCAA employment is for a specific or definite time period unless clearly stated in the employee's Letter of Employment.
 - (c) **Regular Part-Time.** This category includes employees who work less than eight hours per day or less than thirty (30) hours per week. This employment is not

specifically time limited. Such employees working twenty three (23) hours per week are eligible for partial benefits and are required to enroll in the retirement plan. No health insurance benefits are provided nor are employees eligible for health insurance.

An employee's Letter of Appointment will state the employee's benefits.

- (d) **Temporary Full-Time.** This category consists of employees who work at least forty (40) hours per week but whose employment is limited to a predetermined and specific time period. *These employees are not eligible for benefits, unless otherwise specified by the Executive Director.*
- (e) **Temporary Part-Time.** This category consists of employees who work less than 8 hours per day or less than thirty (30) hours per week, but whose employment is limited to a predetermined and specific time period. These employees are not eligible for benefits.
- (f) **Enrollees.** This category includes a variety of work-experience and on-the-job training projects funded for the purpose of providing transitional employment, generally limited to no more than two years. These persons may work any number of hours as designated by the agency contract or grant under which their employment is subsidized. No benefits are provided for "enrollees" except those specifically designated in their contract or grant. This category shall not apply to those staff employed to direct and/or operate the program.
- (g) **Substitutes.** Employment on an on-call basis only. These employees are not eligible for fringe benefits.
- (h) **Head Start Contract Employees** (A written contract is required). This category consists of field-based employees classified as full-time whose employment terms and benefits are negotiated and set through a contract. For employee benefits purposes, these employees are generally treated in the same manner as "regular" full-time employees with the level of health benefits for which they qualify is continuous (12 months per year - as long as they remain employed with the Agency). Employee benefits will be described in the written contract.
- (i) **Contractual Positions.** This category consists of persons not employees of record by LCCAA , but who are compensated for specific work and/or expertise they may render by virtue of a contract for services.

These employee classifications do not imply any employment guarantees nor assure employment for any definite period of time. The LCCAA and employee relationship remains employment-at-will.

Section 2.13

POSITION DESCRIPTIONS AND AMENDMENTS

Purpose of this Section:

The LCCAA shall maintain current position descriptions and employee classifications on all new, transferred, promoted, and demoted employees.

Procedure:

- (1) Employees' personnel files shall contain current descriptions. Position descriptions provide:
 - Position duties, responsibilities, and procedures
 - Employee classification and job type
 - Minimum position educational/qualification requirements-
 - Physical, mental, and other demands as directed by the ADA
 - Other job specifications, including whether "exempt" or "non-exempt"
 - The effective date of the last revision to the Position Description.
- (2) All position descriptions shall be approved by the Executive Director. Position descriptions shall be mirrored in the employee's performance evaluation form to the extent necessary for objective evaluation of actual performance and performance-related factors.
- (3) The LCCAA Executive Director shall amend employee position descriptions as legal and programmatic needs dictate. Also, changes in agency needs or requirements and funding sources may be factors necessitating amendments in position descriptions.
- (4) All position description amendments in any respect shall be approved by the Executive Director. Position description changes shall also be accompanied by commensurate changes in the employee's evaluation.
- (5) Position descriptions (as well as performance evaluations) are intended to be "dynamic" documents. These references shall change as often as needed to remain accurate reflections of employee's actual assigned jobs.

Section 2.14

TRANSFERS AND PROMOTIONS

Purpose of this Section:

The LCCAA Executive Director may transfer employees to different positions or work locations.

Procedure:

(1) Transfer reasons may include:

- Employee request
- Department or agency changes
- Conflicts (personal, programmatic or other)
- Personal advancement
- Work force reduction
- ADA accommodations
- Other personnel or agency needs not mentioned.

(2) Current employees may apply for vacated positions within the agency by submitting in writing for the position and a newly completed employment application. Current employees will be considered for another position before outside applicants.

(3) Transfer request conditions include: Requests are not always approved.

- Position or workplace availability
- Requests are not always approved
- Employees granted transfer must work a six (6) month probationary period where they must prove their fitness and proficiency for their new position
- Employee evaluation(s) will determine whether the employee is performing successfully in his/her new position
- Other requirements mandated by the Executive Director.

(4) The Executive Director may transfer employees at any time and for any reason without Board approval. Employee concurrence is preferred but not mandatory for *transfers* out of any job in which he/she is currently performing acceptably.

(5) Any person that is granted a transfer to another position may have a scheduled transfer conference with both Supervisors. The conference is to ensure that all Agency equipment, files, keys, etc. are secure with the departing Supervisor.

(6) The new Supervisor shall perform all functions as if the transferred employee were a new employee.

Section 2.15

MULTIPLE FAMILY MEMBERS

Purpose of this Section:

LCCAA will not consider applicants who are immediate family members current members of the Board of Directors or Head Start Policy Council or any committee or council or a delegate agency (if that committee or body has authority to order personnel action affecting the employee's job). Immediate family members include a spouse, parent, child, siblings, in-laws, step-parents, step-children, step-siblings, aunt, uncle, grandparents, grandchildren and/or other individuals residing with the employee.

Should an employee be hired prior to a Board Member being selected/elected to a position on the Board of Directors, their employment will be secure unless adverse personnel action is necessary.

Employees hired prior to this amendment are exempt; however, an employee may not be supervised by the immediate supervisor of his/her spouse. When a conflict arises regarding staff evaluations, the evaluation may be completed by the Executive Director. In the case of the Executive Director, evaluation may be completed by the Executive Committee.

Section 3.1

SALARY ADMINISTRATION

Purpose of this Section:

The LCCAA salary/wage scales may or may not be comparable to other local public and/or private non-profit agencies. Salaries/wages are restricted by approved budget limitations and available funding.

Procedure:

- (1) LCCAA salaries are determined by the Executive Director based on the recommendation of the Program Director. No LCCAA employee shall be paid less than the Federal Minimum Wage.
- (2) New employees are paid at "entry level" wage/salary rates deemed appropriate by the Executive Director. Supervisors may recommend to the Executive Director a rate based on employee experience and/or education.
- (3) The LCCAA participates in periodic wage comparability studies and strives to maintain competitive wage scales.
- (4) Within the framework of the Board policy, the Executive Director makes all staff salary decisions, except for his own salary which is set by the Board of Directors.
- (5) Salaries and wages are limited within the constraints of the agency's respective project budgets/program accounts.
 - *A reduction in program funds may result in a reduction in wage/salary rates.*
- (6) The agency operates a wide variety of funded programs. Each has its own characteristics, standards, requirements and budget. These many projects are funded by several different sources. Certain projects may carry mandated salary enhancements- perhaps by Congressional mandate- and apply *only* to that project and its funded staff. Accordingly, agency staff will not, of necessity, be treated the same in salary administration/actions. Should a position be funded by more than one program and one of the funding sources is not re-funded, the salary of the time-coded position will be reduced accordingly.
- (7) Anniversary Date. An employee's anniversary date coincides with his/her respective project's fiscal/budget year beginning date. This is done for the purpose of timing staff increments to coincide with the funding source/project budget year and to organize the incremental due dates of the several LCCAA projects on a more manageable basis. New employees are not normally eligible for "annual" increments until they have successfully completed one full year of employment. Thus, the anniversary date would normally be fixed at the next project year beginning date following the employee's

completion of one full year of employment in his/her current position. The Executive Director shall have the discretion to alter the "one full year" rule, but only if the employee has completed his/her probationary period. The employee increment "anniversary" date may, in exceptional circumstances, be altered at the discretion of the Executive Director due to fiscal/budgetary considerations.

If any employee is funded under more than one program account, the project year beginning date of the project which pays the largest share of the employee's salary/wage will dictate his/her anniversary date. This date will also be stated in the employee's Letter of Appointment.

- (8) The Executive Committee or a designated Special Committee shall review and approve increments in the Executive Director's salary, with approval by the full Board of Directors.

Section 3.2

SALARY PAYMENT PROCEDURES

Purpose of this Section:

LCCAA payrolls are issued semi-monthly, except for the programs affected by the Davis-Bacon Act, or as required by the funding source.

Procedure:**(1) LCCAA Payroll Processing:**

- Paydays are on the fifteenth (15th) and the last work day of the month
- There are twenty-four (24) pay periods and paydays during the calendar year
- Holidays celebrated on a scheduled pay day require that the pay check issuances occur during the prior workday.
- Head Start Contract Employee wages will be paid over a 12-month period.
- Adjustments to an employee's salary; e.g., unpaid absence will be made and reflected on the next pay period.
- All new employees will be held back one (1) pay period
- Employees who fall under Davis Bacon wages will follow a weekly pay period.
- All employees shall be paid by direct deposit. Employees will have 30 days after date of hire to submit direct deposit documentation. Deviations must be approved by the Executive Director.
 - Direct deposit accounts must bear the employee's name.
 - Direct deposit changes must be reported to the human resource department immediately.

(2) Employee Time and Attendance Report requirements include:

- A proper recording and reporting of pay period dates and hours worked
- Time sheet endorsement by the employee and the supervisor confirming the hours worked, leave taken, any time associated or relating to LCCAA work, and any time sheet adjustments or corrections
- Approved reports received by the Payroll Department prior to creating payroll
- Penalty of no check, a late check, or pay not issued until the next pay period in the event of an incomplete, late, or incorrectly prepared Time and Attendance Report
- Disciplinary action or discharge for falsifying any Time and Attendance Report.

(3) Payroll under the Davis-Bacon Act:

- On projects or programs where prevailing wages are in effect, payroll will be issued weekly under the Davis-Bacon Prevailing Wages Act.
- Prevailing wage determination was created and is monitored by the Department of Labor.

- Employees must receive notification of pay rates for job classifications that they may be performing, as well as pay rates by location where they may be working

Section 3.3

OVERTIME/TRAVEL TIME/PAYMENTS FOR ACCRUED LEAVE TIME

Purpose of this Section:

Overtime assignments are sometimes essential when operational and service requirements cannot be met within designated working hours. The LCCAA attempts to equitably distribute overtime assignments when funding or requirements permit. Employees may request prior approval for overtime work, *but* they may work overtime only with prior approval. Circumstances, however, may dictate that employees work overtime. Any hours worked over the number of normal hours worked per day is considered overtime and prior approval must be obtained from the Executive Director.

Procedure:

- (1) Overtime compensation is paid only to non-exempt employees at one and one-half times the normal hourly pay rate for all scheduled time worked beyond a forty (40) hour workweek.
- (2) Overtime pay is based on the actual hours worked. Sick, vacation, or any leave of absence is not considered actual hours worked when calculating overtime hours and pay.
- (3) All overtime requires:
 - Supervisors' confirmation of the validity of an overtime request
 - Supervisors' confirmation that the project budget can afford to pay overtime
 - A supervisory request to the Executive Director to approve overtime work for specified staff for a projected duration.
 - The Executive Director's prior approval.
- (4) Overtime limitations:
 - Head Start rules and regulations state that Head Start employees are prohibited from working any overtime without prior grantor approval.
 - Employees utilizing a flex time schedule
- (5) For proper compensation, employees shall attach written overtime approval to their Time and Attendance Report.
- (6) Any employee not following the strict guidelines of these rules will be subject to disciplinary action.

- (7) The standard workweek – as defined in writing for each employee – includes all agency-related travel time, required meeting time, or other usual and customary agency position responsibilities.
- (8) Since no added compensation is applicable for employees holding "exempt" position designations, they may work "overtime" without prior approval.
- (9) Employees altering or abusing their prescribed workday schedules (in most cases from 8:00 a.m. to 4:30 p.m., Monday through Friday) and/or attempting "overtime" without prior authorization are subject to disciplinary action.
- (10) Even if non-exempt employees want to work overtime, federal/state laws and LCCAA rules do not allow them without specific prior approval.
- (11) Employees working a less-than-forty-hour workweek may work up to forty (40) but not exceeding forty (40) hours with pay at their regular rate. But, the same supervisory prior approval requirement and pay procedures as set forth for "overtime" work shall apply.
- (12) With their supervisor's concurrence, LCCAA non-exempt employees shall be required to terminate their workweek in order to prevent their exceeding the forty-hour workweek limitation. No employee may work- and no LCCAA supervisor may permit an employee to work- over forty (40) hours without the Executive Director's prior approval.
- (13) **Travel Time.** All travel time on agency business during normal working hours (8:00 a.m. - 4:30 p.m.) is working time - even if it occurs on a non-work day, i.e., holiday or weekend day. Travel time outside the normal working hours is *not* working time unless the traveler is working, i.e., driving the vehicle or performing other legitimate work while riding the vehicle/conveyance. All working time must be accounted for and reported on the employee's Time and Attendance Report. Any travel time which creates or will create working hours in excess of forty hours per week is subject to the provisions of the agency's overtime policy. [See also Section 2.10 (7)]
- (14) **Discretionary Post-Employment Payment for Accrued Annual Leave Time.** Annual leave remaining on the employee's cumulative leave record upon termination, up to one hundred twenty (120) hours or fifteen (15) working days, shall be payable to the employee upon his/her providing the required notice of resignation, upon availability of funds. Final payment of accrued leave shall be on the pay period following the pay period for the last working day of the employee. Terminations due to the violation of agency policies or gross misconduct shall mitigate against the Executive Director's decision to award post-employment payment for such accruals.

(16) Purchase of Accrued Medical (Sick) Leave Credits as a Retirement Benefit.

(Eligible only upon retirement from LCCAA) LCCAA will purchase a maximum of 6 months, (1040 hours) of accrued "sick leave" that shall be added to the County Employees Retirement Systems (CERS) member's service credit under the Standard Unused Sick Leave Program. LCCAA will use 8 hours as a calculation guide to equal one (1) medical (sick) leave day. Upon the employee's notification of retirement, LCCAA will certify the retiring employee's unused accumulated sick leave balance to CERS. Such credits shall be added to the retiring employee's service credit for the purpose of determining the employee's annual retirement allowance. CERS laws and regulations may change and therefore supersede this policy.

- (17) Upon termination from the agency, no employee can be paid for accrued but unused sick leave time.

Section 3.4

SALARY ADJUSTMENTS

Purpose of this Section:

The LCCAA considers periodic salary adjustments appropriate and desirable for all its employees. Adjustment guidelines/limitations include available funding, employee performance, employee promotion, "cost-of-living" and other factors. All salary and wage adjustments require the Executive Director's approval and are not automatic or guaranteed. Salary increments include four categories: Regular Appointment Adjustment, Annual, Promotion-Related Increment Adjustments, and Salary/Wage Adjustment.

Procedure:**SALARY INCREMENTS**

(1) **Regular Appointment Adjustment.** The Executive Director may, upon supervisory recommendation, award an increment to a new employee who successfully completes the "probationary" six (6) month appointment in exemplary fashion, as evidenced by a highly positive Performance Appraisal.

(2) **Annual** Increments may occur following:

- Employees' employment anniversary dates and positive performance evaluations
- Annual performance evaluations
- Annual cost-of-living adjustments awarded program-wide.

(3) **Promotion-Related Increments.** Increments may be granted when employees assume a position with increased duties and responsibilities.

(4) **One-Time Salary/Wage Adjustment.** The Executive Director may award a one-time salary/wage adjustment to employees demonstrating superior performance and quality service. This award in accordance with the provisions of 2 CRF Part 200/45 CFR Part 75 for HHS awards cost principles is awarded only for extraordinary work and performance and is subject to the availability of funds.

The following stipulations shall apply:

- Adjustments are given at the discretion of the Executive Director, either upon his/her sole discretion or pursuant to recommendation by his/her senior management staff.
- One adjustment of any amount within a single program year
- One adjustment does not predict or guarantee additional adjustments
- Obtain a degree relevant to the program, depending on availability of funds

Limitations on Salary/Wage Adjustments:

- The Executive Director does not have authority to order a one-time salary adjustment for himself/herself.
- The LCCAA Board of Directors *or the Executive Committee* may recommend a one-time annual salary adjustment for the Executive Director.

(5)) Salary adjustment (increment) requirements and guidelines include:

- An increment award shall follow all relevant position classifications or reclassifications, salary schedules, personnel policies, and performance evaluation requirements
- Sound agency budgetary considerations (i.e., the availability of funds) must be assured
- The Executive Director shall be permitted reasonable discretion in determining salary awards.

(6) Program anniversary dates are the time when salary adjustments would ordinarily occur. This means the beginning date of each respective program's fiscal year.

(7) Salary/wage increases are awarded based on both employee performance and funding/budget considerations in each funded project or agency program account which supports a given employee. Increments or supplements provided employees in one project do not indicate similar action for employees in another project. Likewise, pay increases/cost-of-living adjustments may be mandated for one project's funded staff – often by Congressional action - but not apply to any other project or its staff.

(8) New employees are not eligible for "annual" increments until completing one full year of employment. The Executive Director may waive the "one year rule."

(9) The Executive Director shall be permitted to grant salary enhancements within budget constraints.

Section 3.5

TIME AND ATTENDANCE REPORTING AND CORRECTIONS

Purpose and Procedure:

It is LCCAA policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. LCCAA wants to ensure that employees are paid properly for all time worked and that no improper deductions are made. Employees must record correctly all work time and review their paycheck stubs promptly to identify and to report all errors. LCCAA will take corrective measure to correct any improper deduction.

Procedure:**(1) Time and Attendance Reporting****(a) Non-exempt Employees**

Employees classified as a non-exempt employee must maintain a record of the total hours they work each day. These hours must be accurately recorded on the employee's timesheet. Employees must sign their own timesheet to verify that the reported hours worked are complete and accurate. The timesheet log of time worked must accurately reflect all regular and overtime hours worked, any absences, late arrivals and early departures. All work must be recorded on their time sheet and approved by their supervisor. When employees receive their paycheck, they are to verify immediately that they were paid correctly for all regular and overtime hours worked.

Employees may not work any hours that are not authorized by their supervisor. Employees cannot start work early, finish work late, work during a meal break or perform any other extra or overtime work unless they are authorized to do so and that time is recorded on their timesheet. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work employees performed but fail to report on their timesheet for hours worked. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

(b) Exempt Employees

LCCAA will fulfill KRS requirements regarding Exempt Employees, as per the definition of Exempt provided by the Department of Labor.

(2) Falsification of Time Worked

It is a violation of LCCAA policy for any employee to falsify or alter a time sheet. It is also a serious violation of LCCAA policy for any employee or supervisor to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time sheet to under- or over-report hours worked.

If any supervisor or employee instructs an employee to (1) incorrectly or falsely under- or over-report their hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, the employee should report it immediately to the Finance Director.

(3) Reporting Payroll Errors

If there are any questions regarding deductions or if the staff believes there has been an improper deduction or his/her pay does not reflect the hours worked, they should immediately report the matter to their supervisor. If supervisor is unavailable the employee should contact the Finance Director at 270-343-4600. If the employee has not received a satisfactory response within five (5) business days after reporting the incident, the employee should call the Executive Director at 270-343-4600.

Every report will be fully investigated, and corrective action will be taken where appropriate.

Section 3.6

PROGRAM FUNDING LIMITATIONS

Purpose of this Section:

The Executive Director, and/or his/her designee, shall communicate program funding limitations to employees.

Procedure:

(1) The Executive Director shall communicate:

- Grantor funding requirements and budget/allowable cost limitations
- Expected program completion date(s)
- Possible reduction-in-force and/or termination date.

(2) Employees are hired pursuant to program funding and are advised in their "Letter of Appointment" of critical program limitations. The "Letter of Appointment" is endorsed by the Executive Director, and/or his/her designee, and the employee. The employee's signed "Letter of Appointment" remains permanently in the employee's personnel file.

Section 3.7

PAYROLL DEDUCTIONS

Purpose of this Section:

LCCAA payroll deductions include legally mandated federal, state, and local deductions and those benefits or deductions chosen and authorized by the employee.

Procedure:

(1) Payroll deductions from an employee's gross pay include:

- Federal, state, and local tax withholdings. These are, except for local occupational license fees, confirmed by the employee's W-4 federal and K-4 (state) withholding certificates
- Social Security taxes
- Employee-authorized benefits/subscription expenses
- Employee-authorized charitable contributions
- Money owed to agency by the employee (supported by an employee agreement)
- Additional deductions mandated by law or employee authorization.

(2) Pay Advances. Pay advances or any credit against *unearned* wages are not provided.

The Executive Director, (at his/her discretion,) may allow a pay "advance" for an employee whose Time and Attendance Report was received too late for an employee's paycheck to be issued on schedule and the employee is unable to await the next payroll.

Section 3.8

EXEMPT POSITIONS

Purpose of this Section:

To define exempt and non-exempt employee status and to provide guidelines for determining this status according to law. This policy applies to all LCCAA employees.

Procedure:

- (1) All positions at LCCAA will be classified as either exempt or non-exempt in compliance with KRS 337.275, KRS 337.285, and 803 KAR 1:070.
- (2) In cases where the exempt/non-exempt status of an employee is in doubt, the Executive Director will review position duties and responsibilities against FLSA exemption tests. New employees will be classified at time of hire.
- (3) The Executive Director will make the final decision in all cases.

Definitions:

Definitions of exempt and non-exempt status are based on provisions of the Fair Labor Standards Act (FLSA) and state law. These definitions are summarized as follows:

- (a) Exempt. Exempt employees primarily include those individuals occupying bona fide executive, administrative, supervisory, or professional capacity under the FLSA.
 - i. Exempt staff cannot be charged for partial day absences
- (b) Non-exempt. Non-exempt employees include hourly employees (where pay is directly related to the number of hours worked) and some non-exempt salaried workers (clerical, supervisory, and paraprofessional job categories).

Section 3.9

RESTRICTIONS REGARDING BOARD MEMBERS' IMMEDIATE FAMILY

Purpose of this Section:

Restrictions apply with regard to the hiring and compensation of immediate family members of Board members.

Procedure:

The following restrictions and guidelines shall apply:

- (1) Board members, Policy level (i.e., Head Start Policy Council) and their immediate family members shall not be hired as LCCAA staff members nor receive compensation for services to LCCAA.
- (2) The same restrictions shall apply with regard to any other person or immediate family member, whether policy-level (e.g., Head Start Policy Council) or agency administrator, if and whenever, that person has authority or material input over the hiring of such person(s) in violation of the agency's conflict of interest/nepotism policy.

Section 3.10
DIRECT DEPOSIT

Purpose of this Section:

LCCAA wants to assure the safe delivery and prompt payment of employees' wages. Staff hired on or after February 9, 2011, are required to have their earned wages electronically direct deposited to the financial institution (bank) of their choice.

Procedure:

(1) Conditions and procedures for direct deposit include:

- Employee must have or (open) a checking or savings or other account that accepts direct deposit at the financial institution of his/her choice institution of their choice.
- Direct deposit account must bear the employee's name.
- Complete a Direct Deposit form with the necessary required attachment items for checking or savings account.
- Return the Direct Deposit form to the Human Resource Director within 30 days from the date of hire.
- A summary (stub) with all information (gross pay, net pay, deductions, year-to-date, etc.) will be given to employee.
- Employee must retain stub/summary for personal records.
 - Requests for duplicate pay records will require a payment of \$5.00 per request, paid in advance. Payroll deduction may be used for payment; employee signature required.
 - Must allow a minimum of 3 business days for providing information.

(2) Employees changing financial institutions are responsible for completing a Direct Deposit form with the required items and forwarding all necessary information to HR immediately.

(3) Any deviations from this policy must be approved by the Executive Director.

(4) Should an over deposit be made, the financial institution is authorized to debit such account and return to the Agency the amount of any such coverage.

(5) Termination of employment will void any Direct Deposit agreement with LCCAA and the financial institution.

(6) For the first pay period after Direct Deposit Enrollment, a paper check will be issued to employees to assure information is accurate.

Section 4.1

DISCLOSURE OF BENEFITS

Purpose of this Section:

It is the policy of LCCAA to provide its eligible employees with certain employee benefits. Information on the various benefits shall be explained in detail during the new employee orientation.

Procedure:

- (1) The LCCAA reserves the right to modify, amend, or terminate the fringe benefits it provides.
- (2) Employees qualify for the agency's optional benefits (as opposed to those legally required) based on their employee status subject to the availability of the requisite budget authority in their respective program account.
- (3) Current employees who are transferred or promoted retain their eligibility for paid optional benefits only so long as they remain in an employee classification and program account which provides for these benefits.

Section 4.2

GROUP BENEFITS/HEALTH

Purpose of this Section:

The LCCAA provides group wellness benefits for eligible employees, making available services, including Health Insurance, Dental, Life, Medical Savings Account and other benefits. *All benefits require available project funding.*

(1) Health Insurance guidelines:

HEALTH INSURANCE: A health insurance policy will be made available to all regular full time employees working thirty (30) hours or more per week. Temporary full time employees may be provided a health insurance policy, if stipulated by an employment contract. The agency will contribute 50% of the cost of the family plan or 99% of the cost of a single plan. The agency will pay 99% of the cost of a single plan for a two-party policy. Enrollment in this group plan is optional. The Board of Directors shall approve/disapprove the Health Insurance carrier, should the carrier change prior to implementation. Insurance coverage shall begin on first day of the first full month of employment.

The Agency will pay health insurance coverage for employees only during *paid* "leave of absence" and "family leave." The employee must pay such premiums on any other *unpaid* "leave of absence" including such time as accrued leave may be exhausted (NOTE: Under the Family and Medical Leave Act (FMLA) of 1993, employees who receive FMLA leave but do not return to work will be charged for those premiums paid by the agency during their FMLA leave of absence.)

- Employee termination requires the cancellation of group health insurance
- Employees may convert their group coverage, within the insurance company's guidelines and grace period, according to the Consolidated Omnibus Budget Reconciliation Act of 1985 provisions for continuation coverage (COBRA)
- Specific rules, requirements, provisions, and coverage concerning the group health insurance plan should be sought out by the employee.
- The agency's portion of the Health Insurance premium is decided annually and no employee can exceed the allotted benefit amount.

(2) Kentucky Retirement System Retirees Re-Employment Health Insurance Options:

Employees that participate in the KRS retirement health insurance, and are eligible for our health insurance coverage, will have two options for health insurance coverage. Employee can elect the agency's health insurance benefit and end their KRS retirement insurance while employed by the agency or the employee can elect to stay with the KRS

insurance but will be required to reimburse the agency for the contributions made to KRS for the retirees' health insurance premium. The employee will be responsible for the difference of the agency's allotted benefit amount and the KRS monthly premium.

(3) Dental Insurance. LCCAA will offer dental insurance to eligible staff. A single dental policy shall be made available to all regular full-time employees. Temporary full-time employees may be provided a single dental policy if stipulated by an employment contract. Additional coverage for family members is available with employee bearing the additional cost.

- Employees are issued dental coverage identification cards by the insurance provider
- Employees may drop or add coverage during a contract year, as provided by the insurance carrier
- Employees are responsible for their "paid" portion of dental insurance cost during a Family Medical Leave or a "paid" leave of absence. If leave is unpaid, the employee is responsible for the complete cost of the premium.
- Employee termination requires the cancellation of dental insurance
- Employees may convert their dental insurance, within the company's guidelines and grace period, according to the Consolidated Omnibus Budget Reconciliation Act of 1986 for continuation coverage.

(4) Life Insurance: A \$20,000 life insurance policy will be carried by the agency for all regular full time employees and regular employees who work at least thirty (30) hours per week. Employees who have reached the age limit as determined by the Insurer shall not be eligible for participation in the Life Insurance coverage.

Additional coverage for family members is available with employee bearing the additional cost.

Section 4.3

RETIREMENT AND INCOME PROTECTION BENEFITS/

OTHER BENEFITS

Purpose of this Section:

The LCCAA provides to qualified staff a range of benefit programs designed to help provide for reasonable retirement and income security.

- (1) Kentucky/County Employment Retirement Systems (CERS). As a condition of their employment with the LCCAA, eligible employees must enroll in the CERS retirement system after successful completion of their six (6) month probationary period.
- (2) KRS Retirees Re-Employment: LCCAA will follow the CERS rules, regulations, and guidelines as to retirees considered for re-employment.
- (3) Kentucky Worker's Compensation Insurance. LCCAA employees who are injured or disabled while performing LCCAA duties are covered under Worker's Compensation. Workplace accidents or injuries require immediate notification of the employee's supervisor, either by the employee or a co-worker if the employee is unable to do so. The employee will immediately notify the insurance company of any on-the-job accident or injury, or if unable to do so, someone will report for the employee.

Deadline for notification of insurance company: The LCCAA must notify the insurance company within seven (7) days.

- (a) Neither the LCCAA nor the insurance carrier is liable for worker's compensation benefit payments for injuries occurring during an employee's *voluntary* participation in any *off-duty* employer-sponsored recreational, social, or athletic activity.
 - (b) The agency has a Return to Work operational policy which, in consultation with a qualified physician's certification of what any employee out on Worker's Compensation *can* do and the agency's ability to provide appropriate alternative work according to those physical abilities, all employees are required to follow.
 - (c) The LCCAA does not deduct any of the Worker's Compensation cost from an employee's wages for the Kentucky Worker's Compensation Insurance.
- (4) Unemployment Insurance. LCCAA employees may be eligible for Unemployment Insurance benefits. Head Start employees are *not* eligible-- by prior determination of the Kentucky Cabinet for Families and Children- while they are covered under a contract agreement.
- (5) Social Security: All employees are required to participate in the Social Security program.

A standard deduction at the current lawful rate will be made from each employee's salary. The agency will match this contribution.

- (6) Voluntary Insurance: Participation in a cafeteria insurance plan and tax-deferred annuity (TDA) are offered to employees.

Section 4.4

ACCRUED LEAVE TIME

Purpose of this Section:

**SECTION 4.4 - F
COVID LEAVE POLICY IS CURRENTLY SUSPENDED**

The LCCAA provides leave benefits to eligible employees- those specified as eligible in Section 2.12(4). The LCCAA does not "owe" employees time off. It owes them only for time worked. Leave is not an employee's right. It is a benefit granted by a caring employer.

Procedure:

- (1) Annual Leave. Regular full-time employees (40+ hours per week) working full year, full day schedules may accumulate Annual Leave at the following rate:

The first three (3) years	10 hours per month
Four (4) years – End of Employment	14 hours per month

Eligible employees working less than forty hours (40) per week, but at least thirty hours (30) per week, earn leave reflective of the work schedule; i.e. six (6) hours per month; seven (7) hours per month.

Annual Leave definitions, procedures and conditions:

A. ANNUAL LEAVE

1. Only regular full time, probationary and regular part-time employees shall be eligible to secure annual leave.
2. An employee must work one (1) month prior to any annual leave being earned or used. Only Regular Full-time Employees who have from zero to three (0-3) years of service with the Community Action Agency shall earn ten (10) hours of annual leave per calendar month. Regular Full-time Employees with four (4) years or more of service shall earn fourteen (14) hours of annual leave per calendar month.
 - (a) Employees that have negotiated and signed an employment contract shall accrue annual leave as specified by the contract of the Agency.
 - (b) The immediate supervisor may grant leave requests subject to the following regulations:
 - Employees shall submit a leave request to their immediate supervisor for all annual leave. Requests for leave in excess of five (5) days shall be submitted to immediate supervisor, and must have final approval of the Executive Director.

- Saturdays, Sundays and legal holidays falling within a period of annual leave shall not be considered a part of such leave.
- Employees will schedule their leave at a time when their absence from the job will not be detrimental to the agency.
- Unused annual leave shall be cumulative and available for future use, not to exceed fifteen days (*equal to 120 hours*) of carry-over leave, effective 6/30/06. All earned annual leave within the program year shall be credited to the employee's leave record. All unused annual leave accumulated over the fifteen (15 days, *120 hours*) maximum shall be deducted at the end of the program year. Should program guidelines mandate otherwise, the program guidelines shall prevail.
- Regular Part Time employees of the Agency who work thirty (30) hours per week, but less than forty (40) hours per week, and accumulate one day annual leave per month may accumulate annual leave not in excess of ten (10) days per calendar year, *equal to 60 hours for six hour days; 70 hours for 7 hour days*.
- A lump sum payment shall be made for all annual leave remaining to an employee's credit, upon termination, not to exceed fifteen (15) days (*equal to 120 hours*) or *ten (10) days annual leave for employees working less than forty (40) hours per week*. Should the program lose its funding source, all annual leave may be forfeited, effective 6/30/06.
- Should an employee become ill during a period of annual leave, he/she may be charged with sick leave subject to the approval of the immediate supervisor. A doctor's statement may be required as proof of illness. An employee who is on extended leave is not eligible to earn annual leave or sick leave. Any leave which goes beyond ten (10) working days shall be considered extended leave.
- Holidays are paid only during paid leave time.
- An employee will continue to accrue leave while using his/her own paid leave time. While on unpaid leave or while using donated time, leave will not accrue.
- Employees requesting annual leave for the date of request shall call their immediate supervisor or designee by 9:00 a.m.

- Employees, who transfer from one program to another, may transfer annual leave to that program.
- Non-exempt employees must take annual and sick leave in one-half hour increments.

B. SICK LEAVE

An employee must work one month prior to any sick leave being earned or used. Any regular full time, probationary, temporary full time, or regular part-time employee shall earn sick leave at the rate of one day for each calendar month of service, subject to the following regulations:

1. Sick leave may be granted to employees when they are incapacitated from the performance of their duties by sickness, injury, or pregnancy and confinement or for medical, dental, or optical examination or treatment, or when through exposure to contagious disease the presence of the employee at his post would jeopardize the health of others. An employee is not eligible to earn annual leave or sick leave while on extended leave. (Any leave beyond ten (10) working days shall be considered extended leave.)
2. Holidays are paid only during paid leave time.
3. An employee will continue to accrue leave while using his/her own paid leave time. While on unpaid leave or while using donated time, leave will not accrue.
4. Sick leave may be granted for the serious illness or death of a member of the employee's immediate family. Sick leave may be granted to enable an employee to provide transportation for a member of the employee's immediate family to a medical care provider. The immediate family includes a spouse, parent, child, sibling, in-law, step-parent, step-child, step-sibling, aunt, uncle, grandchildren, grandparents and/or any other individuals residing with the employee.
5. Sick leave may not be used for any other purpose and such other use will be cause for disciplinary action.
6. Non-exempt employees must take annual and sick leave in one-half hour increments.

7. An employee who is absent due to illness shall notify his supervisor or other appropriate person by 9:00 a.m. on the day of such leave. Failure to give such notice may result in the absence being charged to annual leave or leave without pay as the circumstances may justify.
8. The Executive Director may require a physician's certificate or other suitable evidence as to the adequacy of the reason for the employee's absence during the time when sick leave is claimed.
9. Unused sick leave shall be cumulative and available for future use. The maximum number of hours that may be accumulated for regular full-time employees is 1,040 (one thousand, forty) hours. Sick leave accumulated in excess of 1,040 (one thousand, forty) hours at the end of the program year shall be deducted from the employees leave record.
10. All regular part time Agency employees who work (30) thirty hours per week, but less than forty (40) hours per week, shall accrue one day sick leave per month, according to the employee's work day, which may be accumulated up to one hundred twenty (120) days. All days accumulated in excess of one hundred twenty (120) days at the end of the program year shall be deducted from the employee's leave record.
11. Employees are not paid for accumulated sick leave at the termination of their employment. However, accumulated sick leave will be credited to an employee's retirement as provided by the Kentucky County Retirement System and approved by LCCAA Board of Directors.
12. Individuals that are re-employed within two months after having left the agency shall have granted to their record all sick leave, which they had accumulated at the time of their departure.
13. Employees, who transfer from one program to another, may transfer their sick leave to that program.
14. Employees may apply for leave without pay, which requires approval of the Executive Director. This agency complies with the provisions of the Family and Medical Leave Act.

15. Doctor's Statement – Require that the employee shall submit a doctor's statement after five (5) consecutive days of absence due to illness; the Executive Director may require a statement prior to the five days. Employees with frequent intermittent absences charged to sick leave may be required to submit a doctor's statement.
16. Contracted employees shall accrue sick leave as specified by their contracts.

C. DONATED LEAVE

Subject to approval of the Executive Director, employees shall be allowed to voluntarily donate leave to other employees within the same program who have an emergency situation and have exhausted all other paid leave. Each employee donating leave may not exceed ten (10) days within one program year. Unused donated leave must be returned to the donor. The maximum number of donated leave days to each employee may be limited by the Executive Director when deemed necessary to fulfill funding source requirements or to maintain an acceptable level of service program constituents. Additional leave time may be donated by employees upon approval of the Executive Director.

D. HOLIDAYS

1. Fourteen paid holidays are authorized as legal holidays, unless otherwise specified by the funding source. They are:
 - a. New Year's Day plus 1 Day
 - b. Martin Luther King Day
 - c. Presidents' Day
 - d. Good Friday (4 hours)
 - e. Memorial Day
 - f. Juneteenth Day
 - g. Independence Day
 - h. Labor Day
 - i. Veterans Day
 - j. Thanksgiving Day plus 1 Day
 - k. Christmas Day plus 1 Day
2. Holidays, as specified, falling within the period of an authorized leave will not

be charged to leave time.

3. If a holiday falls on Saturday, the preceding Friday will be taken. If a holiday falls on Sunday, the following Monday will be taken. Days preceding or following Holidays may be changed at the discretion of the Executive Director.
4. Employees who work less than a five (5) day work week shall be paid for the holiday if it falls within their regular work schedule.
5. An alternative holiday schedule will be provided for those programs that work non-traditional hours.
6. Head Start staff with employment contracts will be paid only for those holidays that occur while contract days are available. See Sections 5.1 and 5.2 for more direction.

E. ADMINISTRATIVE ABSENCE

Absence from the regular working schedule, approved by the Executive Director, is paid time with no charge to accumulated leave. This leave includes time for:

1. Absence due to inclement weather, unsafe working conditions, and blood donation upon approval by the Executive Director.
2. Any other absence not covered by other sections of these policies where the Executive Director deems the absence imperative.

- Refer to Section 4.4, page 9, "Excused Absences" for specifics

F. COVID-19 LEAVE

Unvaccinated staff **without** an approved medical or religious exemption on file that are absent due to isolating after testing positive for COVID-19, including a presumptive positive, or unvaccinated staff without an approved medical or religious exemption on file that are absent due to quarantining after being directly exposed to a positive COVID-19 case, will be required to use accumulated leave; if accumulated leave balances do not support the amount of leave required, leave without pay may be requested.

Unvaccinated staff **with** an approved medical or religious exemption on file that are absent due to isolating after testing positive for COVID-19, including a presumptive positive, or unvaccinated staff with an approved medical or religious exemption on file that are absent due to quarantining after being

directly exposed to a positive COVID-19 case, will be provided up to two (2) COVID-19 administrative leave periods not to exceed fourteen (14) days each within a twelve (12) month period. Any additional leave will require the use of accumulated leave; if accumulated leave balances do not support the amount of leave required, leave without pay may be requested. Exposure does not have to be work-related

Should a COVID-19 isolation or quarantine result from unvaccinated staff, **regardless of exemption status**, being directly exposed in the line of work, COVID-19 administrative leave shall be granted in those instances. The exposure must be directly traceable to staff's job duties and adequately documented.

Fully vaccinated staff are not required to quarantine if directly exposed to a positive COVID-19 case but need to monitor for symptoms and quarantine should symptoms develop. A vaccinated staff absent due to isolating after testing positive for COVID-19, including a presumptive positive, or absent due to quarantining after being directly exposed to a positive COVID-19 case and developing symptoms, will be provided up to two (2) COVID-19 administrative leave periods not to exceed two not to exceed fourteen (14) days each within a twelve (12) month period. Any additional leave will require the use of accumulated leave; if accumulated leave balances do not support the amount of leave required, leave without pay may be requested. Exposure does not have to be work-related.

Regardless of vaccination status, staff must present documentation to the HR Director from a healthcare provider or the Health Department for isolation due to a presumptive/positive COVID-19 case or to quarantine after being identified as a direct COVID-19 exposure. Staff that tested positive for COVID-19 but are not released by a healthcare provider or the Health Department at the conclusion of the fourteen (14) day isolation period due to ongoing COVID-19-related issues, or staff that have extenuating reasons for multiple quarantines, may request to have their leave extended; the Executive Director shall review extension requests and approve on a case-by-case basis.

G. MATERNITY LEAVE

1. Earned sick and/or annual leave may be used when maternity leave is taken. After expiration of all accrued leave, a leave of absence without pay may be granted by the approval of the Executive Director. This agency complies with

the provisions of the Family and Medical Leave Act.

2. The employee's position or a comparable position will be held open if the employee states that she intends to return to work within a reasonable amount of time.

H. RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

All eligible employees are entitled to the protections of the Family and Medical Leave Act (FMLA), which is a federal law codified at 28 United States Chapter 28. Following is a brief description of the law. LCCAA will provide more detailed information in response to any questions.

1. All eligible employees are entitled to twelve (12) weeks of unpaid leave during any one (1) year period, under certain circumstances. The one-year accountability period for FMLA leave begins on the date on which the employee first takes approved FMLA Leave.
2. An “eligible employee” is one who has been employed by LCCAA for at least twelve (12) months, and for at least 1,250 hours of service within the previous twelve (12) month period.
3. Leave under FMLA is available only for the following reasons:
 - a. The birth of the eligible employee’s child, if leave time is needed to care for that child, or for prenatal care;
 - b. The placement of a child with eligible employee for adoption or foster care;
 - c. The eligible employee is needed to care for the eligible employee’s spouse, son, daughter or parent, if such person has a serious health condition;
 - d. A serious health condition that makes the eligible employee unable to perform their employment functions.
 - e. Any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty,”
 - f. Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).
4. A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves inpatient care at a medical care facility or continuing treatment by a health care provider. To receive FMLA rights, the eligible employee must be:
 - a. Unable to perform regular daily activities for more than three (3) days, and in need of continuing treatment from a health care provider;
 - b. In need of continuing treatment by a health care provider for a chronic or long-term health condition that is incurable, or that, if untreated, would likely result in the eligible employee being unable to perform regular daily activities for three (3) days;
 - c. In need of pre-natal care.
5. Any leave granted under the FMLA will be counted against the twelve (12) week yearly maximum.

6. When the need for FMLA leave is foreseeable, the eligible employee must provide thirty (30) days written notice to LCCAA. If the FMLA leave is unforeseeable, the eligible employee must give notice to LCCAA as soon as practical and possible.
7. The eligible employee must make a reasonable effort to schedule any medical treatments so as to minimize the disruption of employment tasks.
8. The eligible employee who seeks leave under the FMLA must provide LCCAA with a written request for leave supported by a certification issued by the health care provider. This certification must state:
 - a. The date on which the serious health condition commences;
 - b. The probable duration of the condition;
 - c. The medical facts regarding the condition;
 - d. That the eligible employee is needed to care for a family member, if this is the basis for the FMLA leave request;
 - e. That the eligible employee is unable to perform the job duties assigned.Failure to submit the required certification from the health care provider may result in a denial of the requested FMLA leave.
9. Any eligible employee is required to substitute paid leave in place of unpaid FMLA leave, in accordance with LCCAA's policy regarding such paid leave.
10. Any eligible employee must notify LCCAA as soon as return to work is contemplated.
11. An eligible employee has a right to be restored to the same (or an equivalent) job upon return from FMLA.
12. An eligible employee may be denied restoration to their job if such denial is necessary to prevent substantial economic injury to the operations of LCCAA.
13. LCCAA will maintain the employee's health coverage under the current group health plan for the duration of approved FMLA leave.
14. Any employee with questions regarding their rights and responsibilities under the FMLA should contact the Executive Director.

I. MILITARY LEAVE

Any employee whose presence is required by any branch of the military services for training shall be given leave without pay.

- (a) Required copies of Orders must be presented with the employee's request.
- (b) Military leave must be requested by the employee and approved by the Executive Director prior to enactment.

J. LEAVE TO PERFORM JURY DUTY AND ANSWER COURT SUBPOENAS

Upon written request, stating the period of time which shall be involved, an employee shall be given leave for:

- 1. Jury service as required by the court. The amount paid for jury service shall not be deducted from regular employment compensations.
- 2. Attendance at court in connection with his official duties as an employee. Any time required in travel for this appearance shall be considered part of the normal working day.
- 3. When, in obedience to subpoena or direction by proper authority, he/she appears as a witness in a case involving the Federal Government, the State of Kentucky, or a political subdivision, he/she shall be entitled to leave with pay for such duty and for the period of required absence, when the case is work-related.
- 4. Employees called to testify in court or another court related action for reasons not related to their capacity as an LCCAA employee must utilize annual leave time for such non-business-related court actions and/or appearances. In these cases, immediate notification of an employee's supervisor is still required.

K. EXCUSED ABSENCES

- 1. Emergency leave warrants special consideration and will be charged to the appropriate account. All employees are required to notify supervisors of emergency situations as soon as possible.
- 2. Immediate supervisors may excuse employees under their supervision for such reasons as:

- a. Voting time off will be granted by supervisor and must be pre-approved with consideration given to time and distance required for voting.
 - Employees not registered to vote are ineligible for "Voting Leave".
3. Blood donation to an authorized program. Proof of donation must be submitted with time sheet and time off must be taken during the same pay period in which the blood donation was made.

This leave is not to exceed four hours in length and will not be charged to annual or sick leave.

L. LEAVE WITHOUT PAY

Upon written request of the employee, the Executive Director may grant official leave without pay. Leave without pay will be limited to a ninety (90) calendar day period. This type of leave may be used irrespective of the employee's annual leave or sick leave record. Upon expiration of such leave the employee may be reinstated to the same position or comparable position held prior to the leave. Failure on the part of an employee to report promptly at the expiration of leave shall be just cause for disciplinary action. While on leave-without-pay, no fringe benefits shall be paid to the employee by the agency, with the exception of employees as defined by the FMLA.

Exempt staff working additional time beyond the agency's prevailing standard workweek of forty (40) hours is the norm rather than the exception. No consideration shall be provided to an "exempt" staff person for any agency workweek in which "exempt" employee works beyond the hours in their normal work week. Such work may include agency-related meeting beyond normal working hours, such as Board meetings, policy advisory meetings, community meetings, association meetings and so forth if employee attendance is explicitly required by his/her job description or supervisor, or such work is otherwise implicit in the performance of his/her duties. This work may also include time spent traveling to and from out-of-area meetings [See Section 2.10 (7) for travel-time limitations and requirements], attending agency-specific conferences, client home visits and services, and working in the "local" office/community performing work relevant to his/her duties.

- Employees exhausting Sick Leave hours shall use other accrued leave time as may be available to remain in a paid status. After all Sick Leave and Annual Leave benefits are depleted and eligible unpaid Family Leave benefits are exhausted, the employee may be considered on a "leave without pay" status. Such status requires the Executive Director's approval.
- Paid leave is only applicable during an employee's paid working period. Employees in a

non-pay status (for any reason) are not eligible for paid leave days.

- Employees may apply for Leave of Absence without pay. Leave of Absence requests require the Executive Director's approval and are not guaranteed. *This agency complies with the provisions of the Family and Medical Leave Act.*
- The employee's position *or comparable position* will remain available for the employee's return to duty only if his/her return is not later than the approved date specified in leave approval
- Any extension of a Leave of Absence shall require the Executive Director's prior approval
- The LCCAA may temporarily fill the position of an employee while he/she is on an approved Leave of Absence
- Leave of Absence extension requests may include educational opportunities enhancing employees' value to agency, extended Medical or Maternity Leave, lengthened Military Leave requirements beyond the employee's control, or other circumstances not mentioned. All types of leave, paid and unpaid, added together shall not exceed an employee's cumulative absence from work of more than 90 *calendar* days, unless the Executive Director grants a waiver of this limitation for the employee. In the absence of such waiver being granted, the employee's employment with the LCCAA would be terminated.
- Should an employee have an on-the-job Worker's Compensation injury that employee will be granted leave without pay for a period of three (3) months.

M. FURLOUGH LEAVE

A furlough is the placing of an employee in a temporary non-duty, non-pay status because of lack of work or funds, or other non-disciplinary reason.

LCCAA Staff will not be permitted to utilize any type of paid leave on designated furlough leave days.

The intermittent nature of the furlough is designed to avoid any adverse impact to employee benefits (i.e. health, dental, and life insurance). Employee coverage will stay in effect during the furlough period. Employee will be responsible for their normal contributions.

Section 4.5
SEVERANCE PAY

Purpose and Procedure:

LCCAA terminating or resigning employees are not offered or granted severance pay per se. Terminating or resigning employees may be compensated only for time worked and any accrued Annual Leave time, subject to the proper notification requirement.

Section 4.6

COBRA HEALTH INSURANCE CONVERSION RIGHTS

Purpose of this Section:

Enacted by Congress, the Consolidated Omnibus Budget Reconciliation Act of 1985. (COBRA) is an employee's legal protection against the individual's loss of employer sponsored group health insurance. Employers with twenty or more employees must allow departing employees to continue their *identical coverage*, i.e., single/two-person/or family, group coverage. These employees may continue to participate in the agency's health insurance plan for *at least* eighteen months (and under extenuating circumstances up to thirty-six months), *but* the former employees must pay the cost of the monthly premiums.

Procedure:

- (1) COBRA requires the plan's administrator to act within fourteen (14) days after termination- except those involving "gross or willful" misconduct, reduction in hours worked, or other qualifying events pertaining 'to other family members' discontinuance of coverage under the employee's policy. The latter "qualifying events" include an employee's spouse or other family member's losing coverage due to death, divorce, legal separation, dependent child(ren) ceasing coverage under plan provisions, or an employee's entitlement to Medicare. A notice of continuation of health benefits ("Election Notice") is sent to all beneficiaries upon termination of employment only. Any other "qualifying events" which would terminate the coverage of a person previously enrolled in the health insurance plan must be requested. Send such notification to the Payroll Department.
- (2) The Election Notice will be sent by a third-party administrator to all beneficiaries of the plan and contains information such as:
 - Clarification that each insured member of family has the right to elect COBRA
 - Date of "qualifying event" (termination, resignation, etc.- and the purpose of COBRA)
 - Length of Election Period: *Qualified beneficiaries have up to a 60-day period to elect whether to continue coverage. However, for continuing coverage, the three month or 60-day election period must be paid.*
 - Date existing coverage will end
 - Amount of employee's monthly premiums
 - Date premiums are due
 - Type of coverage offered (e.g., hospitalization)
 - Maximum period coverage and ending date
 - Name, address, and phone number of plan administrator
 - Reasons that would terminate coverage prior to the expiration of the maximum time period
 - Request of signatures of all beneficiaries of the insurance plan

Failure to pay the cost of insurance and handling cost in a timely manner [a thirty (30) day grace period] of due date results in cancellation of COBRA rights, and re-entry in the plan is cancelled.

Section 4.7

EMPLOYEE HEALTH and WELFARE

Purpose of this Section:

The LCCAA is composed of many component parts, but it is the intent of the agency to be a "community of the whole" in which all employees, regardless of the funded program in which they work, may feel an integral part of one cohesive organization. The agency further intends to promote and provide an attractive workplace and a motivated group of dedicated, helpful, and service-oriented employees. To that end the agency has established this policy to enhance employee morale and the overall agency welfare to the greatest practical extent.

- (1) The costs of this program are specifically allowed for private non-profit corporations under 2 CFR Part 200.437. (2 CFR Part 200 establishes the basic cost principles' for non-profit agencies *receiving federal funds*.) Associated direct costs will be equitably appropriated to all components/programs of the agency commensurate with their respective employee costs and usage.
- (2) Employee health and welfare benefits may include production and activities, employee counseling services, employee suggestion program, employee-of-the-month or other "select employee" recognition tokens (plaques/pins/and meal functions), or other activities approved by the Executive Director for the improvement of general working conditions, employer - employee relations, employee performance, and general employee health and welfare.

Example of such minimal/limited-cost benefits as the Executive Director may approve include:

- Organization-wide gathering/meal function (such as at Christmas)
 - Organization-wide or (limited) program-wide picnics
 - Agency sports teams
 - Fitness activities not requiring individual fees
 - Break areas
 - Coffee service
 - Expression of concern provided in the event of serious employee illness or a death in an employee's immediate family.
 - Small tokens of appreciation to the staff at Christmas
 - Employee achievement recognition and tokens
- (3) Employees may suggest - and the Executive Director may approve - other activities which might be organized to increase the effectiveness and morale of staff. Any such activity which may be projected to exceed a cost of \$5,000 per annum agency-wide and which receive the endorsement of the Executive Director shall be presented to the Board for approval prior to implementation.

Section 5.1

HOLIDAYS

Purpose of this Section:

The LCCAA provides its employees holidays commensurate with local prevailing standards. Holiday paid time must be documented on time sheet. Holiday paid time applies to all full-time employees and exempt employees. Certain part-time, hourly employees are eligible for holiday pay if the holiday falls on their regularly scheduled workday. All holiday paid time is based on employees normal scheduled workday. Employee must normally be scheduled to work on noted holiday, or normally scheduled to work the day before AND the day after the holiday.

HOLIDAYS

1. Fourteen paid holidays are authorized as legal holidays, unless otherwise specified by the funding source. They are:
 - a. New Year's Day plus 1 Day
 - b. Martin Luther King Day
 - c. Presidents' Day
 - d. Good Friday (4 hours)
 - e. Memorial Day
 - f. Juneteenth Day
 - g. Independence Day
 - h. Labor Day
 - i. Veterans Day
 - j. Thanksgiving Day plus 1 Day
 - k. Christmas Day plus 1 Day
2. Holidays, as specified, falling within the period of an authorized leave will not be charged to leave time.
3. If a holiday falls on Saturday, the preceding Friday will be taken. If a holiday falls on Sunday, the following Monday will be taken. Days preceding or following Holidays may be changed at the discretion of the Executive Director.
4. Employees who work less than a five (5) day work week shall be paid for the holiday if it falls within their regular work schedule.
5. An alternative holiday schedule will be provided for those programs that work non-traditional hours.

Procedure:

- (1) Holidays for Head Start "Contract Employees": Holidays for Contract employees will

- (2) adhere to each respective school system calendar.
 - (a) Contract employees working in school system center shall observe holidays designated in that school system's (district) calendar.
 - (b) Generally, holidays occurring on Saturday are observed on the preceding Friday. Generally, holidays occurring on Sunday are celebrated on the following Monday. However, the Executive Director may consider an alternative should it be more beneficial to staff.
 - (c) Holiday time takes precedence for employees on Annual Leave, Sick Leave, or other leave. That is, employees are not charged for accrued leave when a holiday applies.
- (3) Should a program of the agency have a stricter operation schedule that may not allow all staff to take all agency holidays, an alternative work schedule will be devised.

Section 5.2

EMERGENCY CLOSINGS

Purpose and Procedure:

Emergencies such as severe weather, fires, earthquakes, epidemics, power failures, and other dire occurrences may disrupt agency work environments or schedules. These circumstances may require the LCCAA to close and thus cancel operations for a specified period.

If such emergencies should occur during non-working hours, supervisors will communicate directly to staff the agency's plans and procedures. When appropriate, local media will be asked to broadcast pertinent information on LCCAA closings or amended schedule of operations.

On emergency closings, Head Start will adhere to local school closings unless otherwise directed by the Executive Director and/or HHS Office of Head Start.

Non-Paid Days

Head Start field-based employees under contract agreement shall adhere to the calendar of the school district in which their center is located. Days designated in the school calendar which are not child days, professional days, and holidays designated (i.e., non-school days) shall be considered non-paid days. Employees shall not be eligible for use of sick or annual leave days on such non-paid days.

Section 6.1

NON-DISCLOSURE OF CONFIDENTIAL INFORMATION

Purpose of this Section:

LCCAA employees may have access to certain sensitive and confidential information. While some agency information is on the public record and open to public inspection, other information is confidential and may not/shall not be disclosed except to other agencies with which the LCCAA has binding confidentiality agreements.

Procedure:

- (1) All LCCAA employees/employees must sign a Statement of Confidentiality. A copy of the agreement is filed in the employees personnel file. Employees disclosing bona fide confidential information are subject to disciplinary action, including dismissal and subsequent legal action, even if they do not benefit from the disclosure.
- (2) Confidential information cannot be transferred to any electronic device, flash drive, cellular telephone, Blackberry, C.D., DVD, computer, nor can they be copied without the specific approval of the Executive Director.
- (3) Examples of information which must always be held in strict confidence are:
 - (a) Information on specific clients, their families, income, Social Security Number, resources and virtually anything else concerning their personal circumstances, eligibility for benefits, and agency services rendered; and
 - (b) Personal and personnel information concerning the staff members and/or Policy- makers associated with the LCCAA, Inc.
- (4) Employees should consult their supervisors when uncertain about the confidentiality of any information.
- (5) Head Start employees are also subject to the provisions of the Family Rights and Privacy Act (Public Law 93~380), and specifically the "Buckley Amendment." This law deals with the confidentiality of student records over which, in general, parents exercise proprietary rights. All Head Start staff are provided training on the requirements for handling Head Start student records and complying with this law.
- (6) Head Start surveillance video recordings are subject to Family Education Records Privacy Act (FERPA).
- (7) Upon notice or discovery of a breach of any client information the employee shall immediately report said breach to the Executive Director. The Executive Director shall then institute an investigation into the breach and discern the breaching party, how the breach occurred and how many clients of LCCAA had information obtained by a third

party. If the Executive Director determines that the breach was intended and believes said breach to be criminal, then she/he shall immediately report said breach to law enforcement. If it is determined that a breach did occur the Executive Director shall further investigate and determine the scope of the breach. Upon discovery of the scope of the breach the Executive Director shall formulate a list of those clients affected and send each a letter notifying them of when the breach occurred and what information could have been obtained during the breach.

Section 6.2

STANDARDS OF EMPLOYEE CONDUCT

Purpose of this Section:

To assure orderly operation and provide the best possible workplace and service, the LCCAA expects employees to follow certain rules of conduct that protect the interests and safety of all concerned. To list all forms of unacceptable behavior is impossible. Following are *examples* of rule infractions that may require disciplinary procedures including suspension or termination from work.

Procedure:

The "Standards of Employee Conduct" are in keeping with ethical and prevailing community standards. Rather than describe what an employee can do, it is perhaps better to itemize those things LCCAA employees must *not* do. The listings are not all-inclusive, so employees should exercise good judgment.

(1) Attendance, Performance, and Safety:

- Excessive absence and/or tardiness
- Seat belts not being worn in all agency vehicles
- Absences and/or tardiness not reported in a timely manner
- Poor work quality and/or quantity
- Wasteful time and material management
- Failure to follow job instructions
- Poor employee communication efforts and skills
- Demonstrating a poor attitude about work and toward coworkers
- Failure to observe policies set forth in the Personnel Policies and Procedures Manual
- Failure to report personal injury, damage or loss involving agency property, and/or accidents involving agency staff, equipment or property.

(2) Misconduct:

- Violating agency work rules, policies, and procedures
- Harassing employees, clients, agents, or the general public
- Disregarding the agency dress code
- Using telephone excessively for personal calls
- Falsifying agency reports, documents, and/or records
- Leaving the workplace without notifying the supervisor
- Using abusive, obscene, and/or profane language in the workplace
- Using prohibited corporal or isolation-type punishment with children at agency childcare facilities/Head Start facilities
- Sleeping on agency time
- Smoking in prohibited areas
- Stealing or mistreating agency property or fellow employees' property

- Dispensing, manufacturing, or using illegal drugs or alcohol in the workplace
- Damaging the agency reputation
- Refusing work assignments
- Soliciting unauthorized contributions. (Please consult the Executive Director for clearance to solicit gifts/contributions in behalf of the agency.)
- Possessing a weapon at the workplace, or during work hours- at any time or while serving as an authorized agency representative
- Failing to report one's use of prescribed medications included on the controlled substance list
- Deliberately or carelessly damaging agency property, equipment, and/or supplies
- Threatening, coercing, intimidating, or interfering with fellow workers, agency clients, or the general public
- Failing to report arrests, violations, warrants, and convictions
- Disclosing confidential agency, personnel, or client information
- Falsifying employment application information
- Planning, participating, picketing, or protesting in unlawful demonstrations
- Removing agency/confidential information
- Violating other misconduct activities identified within this manual.

(3) Employees who violate these rules are subject to disciplinary procedures and actions. The LCCAA shall determine appropriate discipline and/or discharge actions.

Section 6.3

AGENCY LOYALTY

Purpose of this Section:

LCCAA employees shall maintain a high degree of loyalty to the agency. Employees shall be faithful to and respect the agency's Mission, policies, procedures, and goals.

Procedure:

- (1) LCCAA employee/policy problems and differences shall remain *within* the agency. Employees violating this policy may be reprimanded.
- (2) Unless discrimination involving a legally protected class and grievable action is involved, all complaints are expected to be resolved within the agency's internal administrative procedures.

Section 6.4

TARDINESS AND ABSENTEEISM

Purpose of this Section:

LCCAA employees are expected to be reliable and punctual in reporting to work. This includes meetings, training seminars, interviews, and appointments while representing the agency. Absenteeism and tardiness burden other employees and reflect poorly on the agency.

Procedure:

- (1) Employee absence and tardiness at LCCAA work locations are occasionally unavoidable. LCCAA supervisors may excuse an occasional absence from duty or tardiness, not exceeding one hour. Excused absences and tardiness should be unavoidable, occur sparingly, and shall not be employed merely to shorten the workday.
- (2) Procedures and conditions:
 - With respect to their assigned work hours, employees shall notify their supervisor, no later than 9:00 a.m., of absence or tardiness, indicating where the employee is and estimated time of arrival.
 - Absence and tardiness shall require the employee to charge the time off against his/her accrued Annual Leave, or absent Without Pay on their timesheet.
 - Sick Leave is intended for a personal illness or one in his/her immediate family.
 - Failing to notify the supervisor of absence or tardiness may result in the employee being placed in a non-pay status until circumstance(s) is resolved.
 - Excessive absence may result in termination.
 - No call and no show for three (3) consecutive work days shall be considered job abandonment and shall result in termination of employment.

Section 6.5

CLIENT RELATIONS

Purpose of this Section:

LCCAA clients shall be provided with the best possible quality service. Employees shall treat clients, vendors, co-workers and the public with courtesy, appropriate distance, and respect.

Procedure:

(1) LCCAA employees shall:

- Respond to and treat clients, fellow staff members, vendors, volunteers, and the public in a polite manner;
- Remember that serving clients is their first and foremost duty;
- Seek to schedule clients to prevent waiting for unreasonable lengths of time;
- Grant complaining client's attention as soon as possible; assist them as needed in understanding formal grievance procedures, and assist them with their complaint filing- if they so desire;
- Avoid responding to clients with simply, "I don't know";
- Locate proper information and/or refer clients to those persons who can resolve client's questions or problems;
- Refer argumentative or abusive clients/vendors or volunteers to supervisors.

(2) LCCAA employees should abstain from "intimate" physical contact and involvement with clients, including parents of children in child development programs. Employees shall avoid any unwelcome advances and intimate acts.

(3) LCCAA employees shall abstain from any personal (less-than-arm's length) dealings or involvement in clients' financial affairs. No employee may use his/her agency position to ingratiate himself/herself with a client in such a way, intentionally or otherwise, as to become a material beneficiary or exercise any control over the client's resources.

(4) LCCAA employees that suspect abuse, neglect, or exploitation of a client shall immediately report their suspicions to the Kentucky Child/Adult Abuse Hotline at 877.597.2331.

Section 6.6

OUTSIDE EMPLOYMENT

Purpose of this Section:

Employees may hold outside jobs *if* they do not jeopardize their LCCAA employment performance standards.

Procedure:

- (1) All employees are appraised according to consistent standards. Employees will be asked to terminate any outside-the-agency employment if LCCAA job performance or quality deteriorates.
- (2) Outside employment which might constitute a conflict of interest is prohibited.
- (3) Outside employment requirements:
 - Employee notification to the LCCAA Executive Director in writing about any outside employment they may desire, with a description of the job, their responsibilities and work schedules;
 - Determination by the Executive Director whether a second job conflicts or interferes with their agency responsibilities;
 - The Executive Director or supervisor will communicate in writing to the employee whether the second-job request is approved or disapproved. If the outside job request is not approved, employees may jeopardize their LCCAA position if they accept the supplementary employment.
- (4) Outside employment shall not be an excuse for:
 - Poor work performance;
 - Consistent tardiness and/or absenteeism;
 - Refusal to travel, work overtime, change work hours, or meet other required job responsibilities.
- (5) Employees violating the outside employment procedures shall:
 - Receive a "Warning" which communicates the required procedures and outlines possible consequences.
 - Experience loss of pay or be dismissed for ignoring the policy or subsequent disregard for the policy.
- (6) Absences caused by outside employment may not be covered by accrued LCCAA leave benefits. Annual Leave may be applicable only at the Executive Director's discretion. (One case in point where Annual Leave is appropriate and shall be applied occurs when Head Start staff participate in OSPRI validations in other grantee programs.)

Section 6.7

CONFLICT OF INTEREST

Purpose of this Section:

LCCAA employees, officers, or agents shall conduct agency business within guidelines prohibiting conflicts of interest. While all potential issues cannot be addressed, employees, officers, or agents may contact their supervisor and/or the Executive Director for advice.

Procedure:

The following guidelines provide general direction:

- (1) A conflict of interest occurs when an employee, officer, or agent influences (or seeks to influence) a decision resulting in tangible personal benefit or advantage to himself/herself, 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, to include contact with an LCCAA Board Member.
- (2) No "presumption of guilt" is created by a given relationship. If, however, employees are in a position to influence purchases, contracts, or leases, they must immediately disclose a potential conflict of interest to their supervisor and the Executive Director to protect and safeguard the interests of all parties involved.
- (3) Employees, officers, and agents may not solicit any gifts, gratuities, favors, or anything of monetary value from vendors/contractors or parties to subcontracts. Gifts or gratuities may be accepted if the financial interest is not substantial or the gift is an unsolicited item having a nominal value of no more than \$50.00 (fifty dollars).
- (4) Personal gain results when an employee, officer, agent, relative, or friend has a significant business interest/ownership in a firm doing business with LCCAA. Kickbacks, bribes, gifts, or special considerations resulting from LCCAA business constitute conflicts of interest, and all are illegal.
- (5) Relative is defined as spouse, parent, child, siblings, in-laws, step-parents, step-children, step-siblings, aunt, uncle, grandchildren, grandparents, and or other individuals residing with the employee.
- (6) All LCCAA -acquired and developed materials, products, designs, plans, ideas, data, and computer programs are LCCAA property. They shall not be shared with outside agencies or individuals without proper authorization. Improper transfer of any such material or information constitutes unallowable and prohibited behavior.
- (7) Employees, officers, or agents participating in such activities will be disciplined, possibly discharged, and subjected to legal action.

(8) Additional conflicts of interest include:

- Hiring "immediate family" members of the LCCAA Board of Directors or Head Start Policy Council;
- Accepting gifts or services from clients or contractors/vendors with a cost in excess of \$50.00;
- Accepting and approving applications for cash (or equivalent) assistance from relatives without specific approval from the management;
- Applying for and receiving agency assistance while also an LCCAA employee. If an employee becomes an agency client, assistance applications shall require approval by two LCCAA supervisory staff members.
- If an immediate family member of an LCCAA employee becomes an agency client, assistance applications shall require approval by two LCCAA supervisory staff members. Additionally, the assistance application must be completed by a LCCAA employee other than the relative of the immediate family member.

Section 6.8

PERSONAL TELEPHONE CALLS AND POSTAGE

Purpose of this Section:

LCCAA employees may use business telephones, for personal use, at their supervisor's discretion, but they should keep their personal conversations brief and to the necessary minimum.

Procedure:

- (1) An employee's personal long-distance calling shall be for emergency only.
- (2) Postage is agency property and is not available for personal use.

Section 6.9

TELEPHONE COMMUNICATION

Purpose of this Section:

Effective LCCAA telephone communication includes properly greeting the caller, using courteous and professional manners, confirming information received, and hanging up after the caller hangs up.

Procedure:

Effective LCCAA employee telephone communication guidelines:

- Identifying the employee's name when receiving an outside call through the switchboard.
- Identifying the agency when operating the switchboard and name of employee answering the phone.
- Advising a caller if the person being called is busy on another call, not available, or other possibilities not mentioned.
- Offering the caller the option of holding or having his/her call returned.
- Confirming a caller's name, message, and phone number when calls need returning.
- Verifying all messages received for the exact department or employee the caller desires.

Do not disclose reason and location of staff who are out of the office; i.e. do not say, "He/she is on annual leave in Lexington", etc.

Section 6.10

DRUG AND ALCOHOL-FREE WORKPLACE

Purpose of this Section:

Drug and alcohol use in the workplace is illegal and detrimental to employee safety and productivity. LCCAA employees shall not use or be under the influence of alcohol or drugs in the workplace, during work hours, while attending agency related activities, or while operating a leased or agency-owned vehicle, in accordance with the Drug-Free Workplace Act of 1989.

Procedure:

- (1) The Drug-Free Workplace Act of 1989 (P.L. 100-690) declares that the employer must maintain a drug-free and alcohol-free workplace for employees, clients, visitors, volunteers, vendors, and guests. Failure to comply jeopardizes the agency's government grants and project funding. Unlawful manufacture, possession, transfer, purchase, sale, use, or being under the influence of alcohol, controlled or illegal substance influence while on LCCAA property is prohibited. Employees will be discharged for violating this policy. Employees may also be referred for counseling or rehabilitation at the employee's expense. Businesses receiving government grants or funding must comply with the Drug-Free Workplace Act.
- (2) Employees charged, indicted, or convicted of a drug or alcohol-related crime occurring at or away from the workplace shall notify their supervisor or the Executive Director within five (5) calendar days. Employees shall communicate to the agency all information relating to any drug/alcohol-related legal action. The LCCAA will immediately notify all appropriate agencies.
- (3) Employees are randomly tested through computerized selection. Any test resulting in a "Positive" outcome shall be reason for termination. LCCAA has a "no tolerance" Drug and Alcohol Policy.
- (4) All federal, state, and local illegal substance abuse and alcohol laws apply.
- (5) LCCAA employees and others working on behalf of the agency who are convicted of illegal drug activity shall be terminated regardless of:
 - LCCAA employment position;
 - Local, state, or federal court jurisdiction;
 - Other extenuating circumstances.
- (6) It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.
 - (a) Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the

prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate procedures (e.g. notify supervisor, request change of duties) to avoid unsafe workplace practices.

- (b) Driving Personal or Agency Vehicles. If employees are operating an agency or personal vehicle for business purposes, LCCAA requires employees to report physician prescribed and over-the-counter (OTC) medications to the Drug & Alcohol Coordinator. No employee will be permitted to drive either an agency vehicle or *his/her* own vehicle on agency business while taking OTC or prescribed medication unless any side effects have been duly considered and non-impairment can be assured. All prescribed and OTC medications shall be researched in the *Physician's Desk Reference* and/or other references to assure that the side effects of the medication do not impair the driving ability or endanger the safety of the employee and passenger(s). The D&A Coordinator will check out any medication for any employee or supervisor upon request.
- (c) The D & A Coordinator shall confidentially file prescribed and OTC medication reports which will include:
- Employee name, work location, and date;
 - Medication name with dosage, milligrams, side effects, and applicable warnings;
 - The physician's name, address, and phone number (if prescribed);
 - The employee's signature verifying the receipt of correct information.
- (d) The D & A Coordinator will use the *Physician Desk Reference* and/or other sources to confirm medication side effects. Employees whose medications indicate adverse side effect warnings that could interfere with employee performance and/or their position requirements may *not* be permitted to:
- Operate agency or personal vehicles on agency business
 - Engage in other activity deemed hazardous by LCCAA management
- (e) The D & A Coordinator reviews all side effects, researches prescribed and OTC medication reports and shall determine the employee's position/duty status. Employees will be notified regarding any LCCAA management decisions based upon the employee's use of prescribed and OTC medications.
- (f) If an employee objects to restricted duty or job activity based on the Drug and Alcohol Coordinator's report, he/she must obtain a pharmacist's or physician's statement to counter the agency's medication side-effects research report and, thus,

being able to assure the agency that the medication poses no agency/employee risk in their usual and customary performance of duty.

- (g) Prescribed medication reports are confidential. The LCCAA will not release any employee's information related to his/her prescribed medication.
- (7) The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Employees testing positive for illegal drugs shall be terminated.
- (8) LCCAA requires employees, volunteers, agents, and others acting on behalf of the agency to maintain their work areas free of drug and alcohol abuse. Federal, state, local, and LCCAA policies concerning controlled substances and alcohol apply to all individuals associated with the agency.
- (9) Violations of the Drug-Free Workplace Act, including voluntary disclosure of legally- prescribed medications, shall require termination.
- (10) LCCAA provides employees with current drug and alcohol policy information.
- (11) Employees may be subject to drug/alcohol testing. A program of random drug/alcohol testing may be ordered under an agency grant/contract or directed by the Executive Director upon suspicion of an employee's illegal drug/alcohol use. Employees involved in an automobile accident in an agency vehicle will be required to have drug/alcohol testing. The refusal of any employee to submit to any of the above required testing will result in immediate termination from agency employment.
- (12) Cannabidiol (CBD)/hemp products can cause a positive drug screen result. There is currently no way for drug tests to distinguish between CBD/hemp products and marijuana. Therefore, any positive test results that an employee claims are from CDB/hemp product use will be treated as a positive and will result in immediate termination from agency employment.
- (13) The agency's Drug and Alcohol Policies are included in the Appendix of this manual.

Section 6.11

HATCH ACT/POLITICAL ACTIVITY

Purpose of this Section:

LCCAA abides by the federal Hatch Act law [42 USC 9851(b)], which prohibits the use of federally-funded personnel, materials, and supplies from being used in partisan or non-partisan political activities. The agency also abides by the Title 20 (CFR 641.322) regarding federal monies use in any type of union activity.

Procedure:

- (1) Prohibited political activities include agency-affiliated local, state, and federal partisan elections and affiliations with candidates, groups, associations, and factions or causes.
 - (a) "Partisan activities" relate to one's affiliation with a specific political party or organization (Examples include Republican, Democratic, Libertarian Parties, etc.).
 - (b) "Non-partisan" includes any "political" activity not associated with a specific recognized group or party.
- (2) During their work hours, the Hatch Act mandates that employees, agents, or other persons paid by the LCCAA shall not:
 - Campaign for causes or candidates- or use any LCCAA facilities, machinery, equipment, materials, or other agency property;
 - Transport campaign and/or poll workers assisting in elections;
 - Use agency property to enhance voter registration;
 - Run for partisan elective office or make campaign speeches;
 - Distribute political materials;
 - Collect or solicit political contributions or services;
 - Express partisan or non-partisan opinions concerning elections, candidates, causes, or referendums.
- (3) During their non-working hours- and outside their role or representation as agency staff, the Hatch Act permits off-duty LCCAA employees, agents, and other persons paid by the agency to:
 - Register and vote for any candidate, cause, or referendum;
 - Assist in voter registration;
 - Express opinions about candidates, causes, or referendums;
 - Contribute money and/or time and campaign for or against candidates, causes, referendums, ordinances, and/or constitutional amendments, whether partisan or non-partisan.

- Sign nominating petitions, wear political badges, buttons, or other articles, attend political rallies, join political clubs or organizations, or participate in or run for office in non-partisan elections only.
- (4) Employees shall not use agency funds or identify the agency as supporting their off-duty political activities.
 - (5) Employees desiring to run for a partisan office or participate in prohibited Hatch Act restrictions shall resign or apply for an unpaid leave of absence. Hatch Act restrictions apply to paid accrued leave as well as regular worked and paid time.
 - (6) Hatch Act violations require disciplinary action.
 - (7) Employees should consult their supervisors or the Executive Director regarding their questions on Hatch Act guidelines and restrictions.
 - (8) All programs of LCCAA abides by the provisions as stated in Title 20, Employee Benefits, CFR 641.322 which states: "No funds provided in whole or in part may be used in any way to assist, promote, or deter union organizing."

Section 6.12

NON-SMOKING/VAPING POLICY

Purpose of this Section:

LCCAA strives to encourage healthy employees' lifestyles and maintain a healthy work environment. To contribute toward achieving this goal, the LCCAA is a “smoke-free” and “vape-free” facility and all offices, buildings, and vehicles under the authority of LCCAA shall be smoke-free/vape-free.

Procedure:

(1) The LCCAA smoking/vaping policy includes:

- All agency vehicles are non-smoking/non-vaping
- Posting "No Smoking"/"No Vaping" signs
- LCCAA Central Office employees, utilizing their break time for smoking/vaping, must do so off of the premises.

(2) Violations require disciplinary action.

(3) Head Start. Effective May 1, 1995, LCCAA will prohibit smoking at all times in all space utilized by the Head Start Program. This includes classrooms, staff offices, kitchens, restrooms, parent and staff meeting rooms (used in the evenings as well as during the day), hallways, outdoor play areas, and vehicles used for transporting children.

- No smoking/vaping during group socialization activities (to include field trips, walks, etc.)
- Teachers are encouraged to include developmentally appropriate smoke-free/vape-free activities in health education for children.
- No smoking or vaping in or around Head Start Centers, Classrooms, Buses, or property. (This policy does not prohibit parents from smoking/vaping in their own homes during home based services and home visits. Children will not be denied services based on their parent's decision to smoke/vape.

Section 6.13

DRESS CODE

Purpose of this Section:

The LCCAA strives to create a positive professional agency image within the area and profession it serves. Acceptance as a peer with other human service and educational agencies requires high personal and professional standards of appearance.

Procedure:

- (1) Employees may not wear inappropriate dress for a professional environment. First and lasting impressions develop when employees are presented to the community they serve. LCCAA employees shall be aware of their professional and agency image and always present themselves well groomed and neatly dressed. LCCAA stresses that staff not be burdened with undue clothing expense or variety, but they shall assure that their clothing and appearance meet reasonable and customary standards for their profession, job, responsibility, setting, and peers.
- (2) It is the policy of LCCAA that all staff must be appropriately dressed in business attire during work hours. This policy includes concealment of tattoos and removal or minimization of facial piercings. Tattoos on areas not covered by business attire will be addressed on a case-by-case basis. Piercings which cannot be removed for health or religious reasons must be covered by a band-aid or other concealer.
- (3) The LCCAA dress code and grooming policy includes:
 - Maintaining good personal hygiene (bathed, clean, well groomed)
 - Maintaining tasteful beards, which are permissible
 - Maintaining hair appropriately trimmed (safe - as when one works around Power equipment - and professional looking according to the staff position held) and neatly maintained.
 - Wearing properly fitted and repaired clothing
 - Wearing proper and appropriate underclothing, which must not be visible
 - Choosing and wearing appropriate shoes consistent with position responsibilities, "Flip-flops" are unacceptable; however, thong dress sandals with hard soles or heels are acceptable.
 - No open-toed shoes are allowed for staff driving a bus.
 - Acceptable shoes are those polished and in good repair.
 - If wearing make-up and jewelry, doing so conservatively and tastefully
 - Dressing professionally (under- and over-dressing can be equally distracting).
 - Avoid strong perfumes/colognes
- (4) FOR WOMEN: The LCCAA dress, skirt, skort, split skirt, top, blouse and dress shorts standards include:

- Maintaining conservative hemlines and non-visible thighs, i.e., proper knee length is less than 3 inches above mid-knee.
- Avoid wearing revealing necklines or exposing one's abdomen or back.
- Clothing should be clean and pressed

(5) FOR MEN AND WOMEN, LCCAA dress pants/slacks, dress/sport shirt, polo shirts with collars, and suit/sport coat requirements include:

- Maintaining proper fit and good repair
- Wearing appropriate length and style

(6) Inappropriate professional dress for all work days shall include (but not be limited to):

- Jeans or painters pants (Due to the nature of their work, custodians, bus/van drivers, maintenance workers, weatherization crew workers, security, and delivery personnel may be excluded from this provision. Jeans may be permitted on "dress down" days.)
- Tee-shirts/tank tops as outerwear (tee-shirts are permitted on "dress down" days; however, they must not carry messages or symbols that are offensive or encourage any kind of prejudice).
- Sweatpants or sweatshirts. (Sweatshirts may be permissible on "dress down" days.)
- Plunging necklines; halter-type shirts, blouses or dresses; short, tight shorts; jean shorts, jeans with holes, scrubs (except for those positions, such as nurse/aide, where scrubs are appropriate), low-rise pants,
- Leggings with tops that do not fall below hips.

(7) All LCCAA employees are asked to dress appropriately for particular work situations. The dress code shall be flexible concerning employees during designated periods. For example, Head Start Field Staff may wear jeans when appropriate for designated planning days or workdays as determined by the supervisor. Such clothing is inappropriate and unacceptable for professional trainings, parent-teacher meetings, etc.

(8) Employees who violate the dress code may be disciplined.

(9) "Dress Down Days." At the discretion of the Executive Director, certain workdays *may* be designated as "Dress Down " day on which wearing more *casual* attire, including tennis shoes, is allowed. Employees, still, should understand what is and is *not* acceptable and dress accordingly.

Section 6.14

WORK AREA MAINTENANCE

Purpose of this Section:

The LCCAA requires orderly and clean work areas to preserve a professional appearance.

Procedure:

- (1) Agency work areas, including classrooms and office facilities, are to be cleaned and well-maintained daily. Employees of the LCCAA will keep dishes, glasses, cups, soda can/bottles, food containers, and/or any other items creating an unpleasant odor in their rightful place.
- (2) Employees are responsible for cleaning special facility rooms (conference rooms) after their use.
- (3) Employees shall properly use and maintain LCCAA property, equipment, and vehicles.
- (4) Employees who keep food in their desk must keep such items in a sealed container.

Section 6.15

SECURITY INSPECTIONS

Purpose of this Section:

LCCAA employees shall maintain their respective workplaces free of illegal drugs, alcohol, firearms, explosives, or other improper materials. The control, possession, transfer, sale, or use of such materials is prohibited.

Procedure:

Desks, locked files, and storage areas are provided for employee and work convenience. They are LCCAA property. Accordingly, they may be inspected by LCCAA officials or law enforcement agents at any time with or without notice.

Right to Inspect:

Whenever the Agency suspects that an employee's work performance or on-the-job behavior may have been affected in any way by alcohol or drugs or if the Agency suspects that the employee has sold, purchased, used or possessed alcohol, drugs, or drug paraphernalia on Agency property, the Agency may inspect the employee, their locker, desk or other Agency property under the control of the employee as well as the employee's personal effects or automobile on the Agency's property.

Section 6.16

PERSONAL PROPERTY

Purpose of this Section:

The LCCAA provides employees with desks or areas to store their personal belongings while at work. However, LCCAA assumes no responsibility for personal property loss or damage.

Procedure:

- (1) Employees are advised not to carry valuables, or large amounts of money, or valuable items to work.
- (2) Employees are personally and individually responsible for unattended purses, wallets, rings, watches, and other valuable items.
- (3) The LCCAA assumes no responsibility for any damage to personal vehicles on agency property unless such damage is caused by an agency-owned vehicle.

Section 6.17

PERSONAL USE OF AGENCY PROPERTY

Purpose of this Section:

All tools and equipment are properties of LCCAA and therefore are not intended for private use. Any employee taking unauthorized liberty with LCCAA property will be reprimanded and/or terminated. This includes taking any merchandise bought with LCCAA monies.

Procedure:

- (1) LCCAA buildings or conference rooms may be used by other non-profit agencies or organizations. However, such rooms must be reserved and the areas cleaned after use.
- (2) In some instances, employees *may* be allowed to borrow certain agency tools or equipment for their own personal use while on our premises. In no instance may this be done off our premises, or without prior management approval. Employees understand and agree that LCCAA is not liable for personal injury incurred during the use of company property for personal projects. As an agency employee, they accept full responsibility for any and all liabilities for injuries or losses which occur, or for the malfunction of equipment. They are responsible for returning the equipment or tools in good condition, and they agree they are required to pay for any damages that occur while using the equipment or tools for personal projects.
- (3) Vehicle Use. Unless specifically authorized in advance by the LCCAA Executive Director within the applicable rules and requirements for the administration of LCCAA grants and contracts, Internal Revenue Service (IRS) rules and requirements, or specific dispensations from LCCAA grantors and contractors, LCCAA -owned vehicles are *not* available for private (personal or otherwise) use by any employee, associate, or private interest. Should any such, other than incidental use, occur, then the employee, associate, or interest shall reimburse the LCCAA on a cents-per-mile basis according to the approved LCCAA mileage rate for that use.

In certain instances when it is deemed to be in the interests of the agency to do so, LCCAA employees may be authorized or required to regularly commute between the LCCAA office and their home in an agency-owned vehicle. For regular and continuing commuting purposes only, the IRS-required "commuting value" of the agency-owned vehicle shall be *a) valuated at IRS-specified rate as fringe benefit income or b) deducted from the employee's pay.*

In certain instances, LCCAA vehicles *may* be contracted for non-agency operation and/or use; however, such use shall be by contractual agreement only and all such contracts must receive the approval and signature of the Executive Director. Examples of approved use include the contracting of school buses purchased by the LCCAA Inc./Head Start to local school boards in lieu of fee-for-service transporting of Head Start and KERA At-risk (where the LCCAA has the management contract) preschool children and summer-use contracting. In all such cases the contractors assume all operational costs for the LCCAA -owned vehicles so contracted for the duration of the contract period.

Section 6.18

**TECHNOLOGY POLICY/COMPUTER SOFTWARE
(UNAUTHORIZED COPYING OF)**

Purpose of this Section:

This section will define and outline acceptable use of Internet and Electronic mail (E-mail) resources of LCCAA. These rules and guidelines are in place to protect both the user and the Agency. This policy requires all employees and other users to comply with the acceptable use provisions.

LCCAA licenses the use of computer software from a variety of outside companies. The Agency does not *own* this software or its related documentation and, unless authorized by the software manufacturer, does not have the right to reproduce it.

The law protects the exclusive rights of the copyright holder and does not give users the right to copy software unless a backup copy is not provided by the manufacturer. Unauthorized duplication of software is a federal crime. Penalties include fines of as much as \$100,000 and jail terms of up to five (5) years.

Policy:

The LCCAA Executive Director, Program Director, and Technology Department share the responsibility for maintenance and interpretation of this policy. This policy is to be adhered to by all Program Directors and users, including employees, contractors, consultants, temporaries, volunteers and other workers within LCCAA. This policy applies to all resources and information technology equipment owned or leased by LCCAA regardless of the time of day, location, or method of access.

Each Program Director is responsible for assuring that employees and users under its authority have been made aware of the provisions of this policy, that compliance by the employee is expected, and that intentional, inappropriate use of computers, Internet, and E-mail resources may result in disciplinary action up to and including dismissal. To demonstrate awareness and knowledge of this policy, signed acknowledgement forms are required. It is also each Program Director and field Supervisors responsibility to enforce and manage this policy.

As provisioned, computers, Internet, and E-mail resources, services and accounts are the property of the LCCAA. These resources are to be used for business purposes in serving the interests of our Agency in the course of normal business operations. This Acceptable Use Policy represents a set of rules and guidelines to be followed when using the Central Office Network or any other network that is used as a result of a Local Area connection outside of Central Office, including Internet and E-mail.

All LCCAA employees are hereby prohibited from accessing the Central Office network, agency provided Office 365/Microsoft accounts, and any agency licensed applications such as ChildPlus, Teaching Strategies Gold and CASTiNET, etc. from any device other than those owned by LCCAA. Furthermore, all employees of LCCAA are hereby prohibited from transferring, sharing, opening and/or accessing any information held by LCCAA on any device other than

those owned by LCCAA. All LCCAA employees are prohibited from sending or receiving any electronic communication which deals directly or indirectly with LCCAA, its clients or information held by LCCAA, on any device other than those owned by the LCCAA.

Notwithstanding the foregoing restrictions, the Executive Director, upon good cause shown by the employee, may allow temporary access by said employee on a device owned by a third party but only on a case-by-case basis. Failure by an employee to abide by this section shall be a violation of this section and section 6.1 and section 6.2 of this policy and may give cause for termination.

In compliance with the guidelines of this policy, employees of the LCCAA are encouraged to use Computers, Internet, and E-mail to their fullest potential to:

- Further the Agency mission
- Provide service of the highest quality
- Discover new ways to use resources to enhance service, and
- Promote staff development

LCCAA employees should use computers, Internet, and E-mail when appropriate, to accomplish job responsibilities more effectively and to enrich their performance skills.

The acceptable use of computers, Internet, and E-mail represents the proper management of an agency business resource. The ability to connect with a specific internet site does not in itself imply that an employee is permitted to visit that site. Employees shall have no expectation of privacy associated with E-mail transmissions and the information they publish, store or access on the Internet or local computer using LCCAA resources.

Incidental personal uses of computer, Internet, and E-mail resources are permissible, but not encouraged. Excessive personal use shall lead to loss of the resource privileges and may result in disciplinary action pursuant to KRS 18.A up to and including dismissal. Employees are responsible for exercising good judgment regarding incidental personal use. Any incidental personal use of internet or e-mail resources must adhere to the following limitations:

- It must not cause any additional expense to LCCAA or the Program with which it is associated
- It must be infrequent and brief
- It must not have any negative impact on the employee's overall productivity
- It must not interfere with the normal operation of the employee's agency or work unit
- It must not compromise the Agency or Program in any way
- It must be ethical and responsible

Public Law prohibits LCCAA employees from text messaging while driving. Additionally, LCCAA does not encourage nor support the use of any mobile communication devices while operating non-government owned motor vehicles.

Employee/User Responsibilities:

- Read, acknowledge and sign an agency acceptable use policy statement before using these resources.
- Use access to the computers, Internet, and E-mail in responsible and informed way, conforming to network etiquette, customs, courtesies, and any or all applicable laws or regulation.
- As with other forms of publications, copyright restrictions/regulations must be observed.
- Employees shall be aware that their conduct or information they publish could reflect on the reputation of LCCAA. Therefore, professionalism in all communications is of the utmost importance.
- Employees shall represent themselves, accurately and honestly through electronic information or service content.
- Employees are responsible for the content of the information stored on their computer, including the proper retention of E-mail records, documents and any other files that were used or created. Employees are PROHIBITED from removing any records or files on their computer workstation or any other computer owned by LCCAA.

Supervisor Responsibilities:

- Supervisors are required to identify computer, Internet, and E-mail training needs and resources, to encourage use of the computer, Internet, and E-mail to improve job performance, to support staff attendance at training sessions, and to permit use of official time for maintaining skills, as appropriate.
- Supervisors are expected to work with employees to determine the appropriateness of using the computers, Internet, and E-mail for professional activities and career development, while ensuring that employees do not violate the general provisions of this policy, which prohibit using the Internet and E-mail for personal gain.
- Managers and supervisors who suspect that an employee is using E-mail inappropriately must follow Commonwealth Office of Technology standard written procedure for gaining access to the employee's E-mail account.

Prohibited and Unacceptable Uses:

Use of Internet and E-mail resources is a privilege that may be revoked at any time for unacceptable use or inappropriate conduct. Any abuse of acceptable use policies may result in notification of agency management, revocation of access and disciplinary action up to and including dismissal. The following activities are, in general, strictly prohibited. With the proper exception approved, employees may be exempt from these prohibitions during the course of job responsibilities and legitimate LCCAA business.

- Employee's may not utilize personal equipment (i.e. laptops, tablets, smart phones, etc.) to access agency/program specific applications, or software such as, but not limited to, Childplus, Teaching Strategies Gold, Castinet, etc. unless approved by the Executive Director.
- Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, including but not limited to, the downloading, installation or distribution of pirated software, digital music, and video files.
- Engaging in illegal activities or using the Internet or E-mail for any illegal purposes, including initiating or receiving communications that violate any state, federal or local laws and regulations, including KRS 434.840-434.860 (Unlawful Access to a Computer) and KRS 512.020 (Criminal Damage to Property Law). This includes malicious use, spreading of viruses, and hacking. Hacking means gaining or attempting to gain the unauthorized access to any computers, computer networks, databases, data or electronically stored information.
- Using the Internet and E-mail for personal business activities in a commercial manner such as buying or selling of commodities or services with a profit motive.
- Using resources to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws, whether through language, frequency or size of messages. This includes statements, language, images, E-mail signatures or other materials that are reasonably likely to be perceived as offensive or disparaging of others based on race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
- Using abusive or objectionable language in either public or private messages.
- Knowingly accessing pornographic sites on the Internet and disseminating, soliciting or storing sexually oriented messages or images.
- Misrepresenting, obscuring, suppressing, or replacing a user's identity on the Internet or E-mail. This includes the use of false or misleading subject headers and presentation of information in the distribution of E-mail.
- Employees are not permitted to use the E-mail account of another employee without receiving written authorization or delegated permission to do so.
- Employees are not permitted to forge E-mail headers to make it appear as though an E-mail came from someone else.
- Sending or forwarding chain letters or other pyramid schemes of any type.
- Sending or forwarding unsolicited commercial E-mail (spam) including jokes.
- Soliciting money for religious or political causes, advocating religious or political opinions and endorsing political candidates.
- Making fraudulent offers of products, items, or services, originating from any agency account.
- Using official resources to distribute personal information that constitutes an unwarranted invasion of personal privacy.
- Online investing, stock trading and auction services such as eBay unless the activity is for Agency business.

- Developing or maintaining a personal web page on or from an Agency device.
- Use of peer-to-peer networks such as BitTorrent, LimeWire, Gnutella, eMule, Bearshare, and similar services is prohibited.
- Any other non-business related activities that will cause congestion, disruption of networks or systems including, but not limited to, online gaming, unnecessary Listserve subscriptions and E-mail attachments. Chat rooms and messaging services such as Internet Relay Chat, ICQ, Facebook Messenger, Skype (personal), and similar Internet-based collaborative services.
- Only Office 365/Microsoft accounts managed by LCCAA are permitted. Employees may not access personal Office 365/Microsoft accounts using agency equipment. LCCAA employees may not access personal accounts that can transfer data using LCCAA owned devices. This means employees may not login to personal accounts (example: Google (gmail), Yahoo (yahoomail), Hotmail, Outlook.com, Facebook, Dropbox, Twitter, etc.) or any similar personal accounts and/or cloud storage/file sharing accounts. These types of accounts are a security risk and, unlike LCCAA agency accounts, are not compliant with the Kentucky State Regulations on information security.
- Employees are prohibited from connecting their Agency computers to any unauthorized internet connection/network unless prior approval is received from the Executive Director.
- LCCAA employees may connect personal devices to LCCAA office internet connections (for personal use only) as individual program guidelines allow.
- Employees may not share their login credentials or use credentials other than their own for agency software and accounts such as, but not limited to, Office 365, ChildPlus, Teaching Strategies Gold, Castinet, etc. unless approved by the Executive Director.

Section 6.19

ELECTRONIC COMMUNICATIONS

Purpose of This Section:

The electronic communication devices provided by the LCCAA to its employees are the property of the Agency. The agency expects that all employees will conduct themselves with honesty and integrity in their use of electronic communications.

Procedure:

- (1) Employees with access to Internet, E-Mail, modems, faxes, computers and other electronic communications shall utilize the equipment within the Agency for the following:
 - **Business use** - The purpose of the electronic data is to facilitate transmittal of business-related information within the Agency.
 - **Non-offensive** messages - The use of any Agency electronic communications that may be disruptive, offensive or harmful to others is strictly prohibited.
 - **No Private/Personal gain** - The use of any electronic communications to solicit others for commercial ventures, religious or political causes, outside organizations or other job-related solicitation is disallowed.
- (2) Further purchase or expansion of electronic communications for the agency will likewise be agency property and therefore subject to the same conditions as set forth in this section.
- (3) Employees violating the prescribed standards for using electronic/computer equipment in or belonging to the Agency shall be subject to disciplinary action, termination, and/or legal prosecution.
- (4) Employees are strictly prohibited from surreptitiously electronically recording the words, actions or other types of employee/management activities without the prior agreement and/or knowledge of all parties involved.
- (5) All files personal/public to include emails, documents, spreadsheets, etc. on computers, tablets and Smartphones are the property of the agency and cannot be disseminated unless prior approval is obtained from the Executive Director
- (6) Confidential information cannot be transferred to any media or electronic device, (flash drive, personal Smartphone, Tablet, CD, DVD, computer, Mp3 Player, nor can they be copied unless specific approval is obtained from the Executive Director.

Section 6.20

ELECTRONIC COMMUNICATION DEVICES

Purpose of This Section:

LCCAA may provide electronic devices for staff members who are in positions that consistently take them away from the main agency facility and/or travel outside the service area. Use is restricted to LCCAA -related business, but cellular use is allowed in an emergency situation.

Procedure:

- (1) Employees who use agency-owned electronic devices must observe the following:
 - Electronic device use which *may* incur additional costs to the Agency must be reported to the staff member's immediate supervisor and payment made to LCCAA.
 - Calls to the staff member from friends, family members, and others are *generally* not allowed.
 - Staff members who are issued electronic devices for business use are responsible for the proper care use and of the telephone, including general maintenance; battery charging; and protection from theft, damage, and abuse.
 - Staff members who misuse the agency-owned electronic devices for personal use will be subject to disciplinary action and possible termination.
 - If electronic device use does *not* result in any cost to the agency, the agency's given policy and practice for general telephone use applies.
 - Agency provided electronic devices are for assigned employee use only.
- (2) No personal cellular telephones are to be carried into the Head Start Centers as this is disruptive to the day to day operations in the classrooms.
- (3) Personal Cellular Phones and Smart Devices (Tablets, and Smartphones) may be used while at work during breaks.
- (4) Texting on personal cellular telephones is prohibited during working hours unless the employee is on a break.
- (5) Personal devices (Smartphones, Tablets) may not be used when the employee is caring for a Child or providing service for one of our clients.

Section 7.1

EQUAL OPPORTUNITY OFFICER RESPONSIBILITIES

Purpose of this Section:

The LCCAA designates Equal Opportunity Officer(s) handle internal discrimination complaints, based in federal or state human rights legislation and civil rights protection. When warranted, employees may file discrimination complaints. Before initiating formal complaints, employees are encouraged to communicate with an Equal Opportunity Officer, who may provide appropriate guidance and assistance or mediation of the complaint.

Procedure:

(1) The Equal Opportunity Officer shall:

- Attempt to resolve the problem and assist with an equitable solution;
- Not identify the complainant without his/her written authorization;
- Attempt to resolve the complaint informally and within the agency;
- Communicate complaints to the appropriate supervisor, department head, the Executive Director, and the respondent; and direct action toward resolving the discrimination problem;
- Access all needed information regarding the complaint;
- Not withdraw the complaint without written approval from the complainant;
- Be free of undue agency or departmental constraint or interference while performing his/her equal opportunity responsibilities.

(2) If the discrimination complaint is not resolved by the Equal Opportunity Officer, the employee may ask for an agency-level "mediation panel" to review his/her complaint. In most, but not all, instances the Mediation Panel shall be composed of the Executive Director and the HR Director. Mediation panel members shall:

- Not have a conflict of interest;
- Consider complainant and respondent information;
- Render a judgment within a reasonable time limit;
- If the judgment- within the scope and means of agency policy- is agreeable to all parties, incorporate their solution into a conciliation agreement which may be used for future reference of similar matters;
- Provide a copy of the settlement agreement to the complainant, respondent, Equal Opportunity Officer, and the Executive Director.

(3) Employees choosing to file formal discrimination complaints should address their charges to the Kentucky Human Rights Commission, the federal Equal Employment Opportunity Commission or another human rights agency with legal authority to act on his/her behalf. The formal complaint shall include:

- Name and address of the complainant, date of incident, date complaint filed;
- Name and address of the respondent;
- Pertinent facts confirming the complaint of discrimination;
- A copy of the Mediation Panel's recommendations, if any.

Section 8.1

EMPLOYEE SUPERVISION POLICY

Purpose of this Section:

All staff shall receive regular supervision from their respective supervisor. Periodic contacts and periodic meetings should occur between the employee and his/her supervisor to review:

- Concerns about program participants
- Questions about policies
- Questions about specific incidents requiring action
- Feelings of discomfort about anything
- Actions which have produced outcomes contrary to expectations
- Questions about job duties
- Clarification of staffer's professional role in relation to participants
- Actions that have produced commendable outcomes
- Impressions of program functioning
- Concerns about job performance
- Concerns about anything

Notes of critical incidents are kept by the supervisor. Supervision notes may be utilized in completing the annual performance evaluation for each employee.

Procedure:

(1) The supervisor is responsible for:

- Setting the tone of the supervision
- Extending himself/herself more than 50%- in a way that meets the employee more than half way in terms of listening and being understanding
- Making the expectations of the job clear to the employee
- Informing the employee of the things he/she is doing particularly well and reinforcing good performance
- Pointing out to the employee areas of concern in his/her performance and helping the employee to seek solutions that would make it easier for the employee to do the job as expected
- Explaining to the employee the functioning of the agency, the chain of command and the methods by which the employee has input into agency policy and decisions
- Using the chain of command appropriately, bringing employee input to the next level of supervision, making decisions based on employee input and communicating the decisions back to the employee
- Listening carefully to the employee and being alert for actions which at first may appear insignificant, but really have a tremendous impact in terms of the Mission and goals, client safety or rights, agency functioning and community perceptions.

(2) The employee is responsible for:

- Bringing to supervision meetings all concerns related to those areas listed above
- Making an honest effort to inform the supervisor of anything that feels confusing, uncertain or uncomfortable to the employee; be attentive and non-disruptive in the meetings; keep electronic devices turned off or on vibrate.
- Accept the fact that the job for which the employee is hired is the employee's own responsibility and not attempt to make it the supervisor's.

(3) Both the supervisor and employee are jointly responsible for:

- Treating each other respectfully
- Communicating honestly with each other
- Not withholding information
- Accepting responsibility for their own actions, feelings and behaviors
- Being alert for occasions when both have differing perceptions of what is going on.

(4) Supervisors are cautioned and directed not to make "commitments," implied or otherwise, or demands on subordinate staff which are not clearly appropriate under the policies stated in the agency's Personnel Policies and Procedures Manual. All employees, including supervisors, should understand that only the Executive Director can enter the agency into any binding agreement with the employee unless it is expressly stated in this personnel manual. No other "agreement" whether written, verbal, or implied can exist.

Within this limitation, supervisors are empowered to command their employee's performance of duty for which the employee is hired and compensated by the agency. Supervisors further have the authority and obligation to objectively evaluate their subordinates' performance and suitability in the job for which they are employed.

(5) Being an LCCAA supervisor is a position of great authority and responsibility. While supervisors can - and should where warranted - recommend employee disciplinary action including termination, they should never attempt or threaten to discharge an employee other than through the procedures outlined in this manual. Supervisors shall avoid implied promises to employees concerning job security or tenure, positive performance evaluation outcomes, or salary. The Executive Director has sole authority for executing binding personnel actions.

Section 8.2

EMPLOYEE PERFORMANCE APPRAISAL

Purpose of this Section:

LCCAA employees shall receive formal Performance Evaluations at least annually. These evaluations provide LCCAA supervisors time to review each employee's strengths, limitations, goals, and needs and assess job performance levels. If skills, training, or other employee development is necessary, such needs are specified in the annual appraisal.

Procedure:

- (1) New LCCAA employees are designated as "Probationary" employees for six (6) months. Probationary Employees are formally evaluated in ninety (90) day intervals during their first six (6) months. Some new employees *may* receive an extension of up to ninety (90) calendar days as a "probationary appointment" period if their six (6) month performance evaluation is unsatisfactory but the Executive Director believes the employee has good potential and promise. These employees are evaluated regularly after their "probationary" period. New employees with continuous unsatisfactory Performance Evaluations shall be terminated. To gain the status of "regular employee," a new employee must successfully advance through the probationary period.
- (2) LCCAA employees changing positions through a transfer shall serve a six (6) month "probationary" period in the new position, and be evaluated in ninety (90) day intervals until the conclusion of the six (6) month "probationary" period. Unsatisfactory performance in a new position following a transfer may result in a subsequent demotion, assignment for up to ninety days extension in the new position as a "conditional appointment," or termination (discharge) if the former position in which the employee had demonstrated competency (or a reasonably comparable position in the same program) is unavailable. The Executive Director's discretion shall be the prevailing factor in each case.
- (3) Performance Evaluations enable employees to assess their performance and improve the quality of their work/contributions to the LCCAA service area and clients. Employee Performance Evaluation guidelines:
 - The supervisor should prepare the evaluation at least thirty (30) days prior to program year end (PYE); or fifteen (15) days prior to the end of a probationary period or probationary milestone.
 - Nothing shall preclude performance evaluations being conducted more often than the policy dictates; these requirements set forth only *minimum* standards.
 - The supervisor and employee shall review, discuss, and sign the evaluation form
 - The employee shall read and sign the evaluation (in the presence of a witness if required) to acknowledge that it was reviewed with him/her, not to indicate agreement per se:

Appropriate employee response choices are:

- a) "I have reviewed the Performance Evaluation and agree"
- b) "I have reviewed the Performance Evaluation and disagree" (He/she may attach comments in support of his/her position)
- c) "I have read the Performance Appraisal"

- The signed evaluation is placed in the employee's personnel file.
- Failure to sign the evaluation will be grounds for termination.

(4) Probationary employee guidelines:

- The supervisor shall evaluate the employee's performance during his/her probationary six month period and the subsequent ninety (90) days if the probationary period is extended via "probationary" action.
- The Executive Director may review each new employee's performance appraisal performance and potential shall determine whether a new employee is retained or terminated.
- The choice of alternative personnel actions shall relate directly to the employee's performance evaluations, supervisor's reports and recommendations, and the Executive Director's judgment and discretion.
- Supervisor shall recommend to the Executive Director whether a "new" employee should be retained, continued on "probationary" appointment (no more than one (1) "probationary" period of any assigned duration may be granted), or dismissed.
- LCCAA shall notify the Probationary Employee in writing of decisions relating to his/her employment status.
- Performance Evaluations are to be placed in the employee's personnel file.

(5) The Executive Director may review all Employee Performance Evaluations. Evaluations other than those he/she performs shall be reviewed and signed by the supervisor, the subject employee, and a witness if needed, after the Executive Director reviews them.

(6) Employee performance evaluations shall include:

- Assessing and addressing an employee's overall job performance
- Confirming that employee's position description fits the job he/she is actually charged to perform
- Comparing the employee's position performance and knowledge with the agency's expectations
- Appraising the employee's work quality and quantity
- Addressing the employee's personal work habits including subjective and objective areas such as initiative, punctuality, reliability, attendance, dependability, cooperation, friendliness, and attitude.

(7) The following items apply to Standard Employee Performance Evaluations:

- (a) The Employee performance evaluation instrument shall rate each performance element as: **Exemplary:** Significantly exceeds requirements of the job; **Acceptable:** Meets the job requirements; **Marginal:** Must improve to meet job requirements; plan of corrective action is required to meet acceptable job requirements; **Unacceptable:** Does *not* meet minimum requirements of the job. Some performance elements will have only acceptable and unacceptable job ratings, as designated for each element. The employee shall prepare and present evidence to support their level of accomplishment of job competency.
- (b) Employee performance evaluations receive ratings of performance. Satisfactory ratings determine promotion potential, relative performance level among like positions, and whether the employee needs any special supervision or monitoring. One or more unacceptable and/or marginal ratings may confirm the need to demote, discipline, or discharge an employee.
- (c) Employees receiving one or more unacceptable ratings on elements in their respective performance evaluations are given a specified time to correct problems in accordance to their corrective action plan or suffer disciplinary action or termination (discharge). (This corrective action requirement procedure does not apply to new employees who have, thus, failed to demonstrate job proficiency and are candidates for immediate dismissal.)

Section 8.3

EMPLOYEE CAREER DEVELOPMENT (GENERAL)

Purpose of this Section:

The LCCAA provides for and conducts training and workshops intended to enhance employees' career development. The agency may encourage or mandate program and workshop attendance (inside and outside agency's area), relating to employee improvement, upgrading, and/or career development and advancement.

Procedure:

(1) Career Development guidelines and procedures include:

- Notifying employees by personal contact, memorandum or other means of programs and workshops deemed appropriate for their personal development
- Communicating to employees when program attendance is mandatory
- Reimbursing employees for travel participation expenses (within agency guidelines) when various training and staff development offerings are required
- Allowing employees to attend educational, vocational, and other programs directed toward enhancing their career improvement. The Executive Director *may* adjust the employee's work schedule if classes occur during work hours. Employees shall not exceed six (6) hours enrollment per semester. Exceptions may be made in unique circumstances and require the approval of the Executive Director or his/her designee.

(2) The LCCAA pledges to help employees raise their achievement levels by promoting their participation in relevant education and training programs.

(3) Most training and career development programs occur during agency work hours. Employees may be paid at their usual pay rate while attending LCCAA sanctioned training, classes, and workshops.

(4) LCCAA training and workshop offerings are communicated to employees by the Executive Director and management staff. The advisories include training schedules, allowable travel expense reimbursements procedures, program topics, and other pertinent information, including whether employees are required to attend. Circumstances may require that the Executive Director cancel or change training programs and workshops or employee authorizations to participate.

Section 8.4

PROFESSIONAL AND/OR ORGANIZATIONAL DEVELOPMENT

Purpose of this Section:

LCCAA offers training and development programs assisting employees to achieve required position performance and goals. These programs compliment the agency's mission and stimulate employee and service improvement. Most, but not all, are provided through the professional development and "trade" groups/associations in which the agency holds membership.

Procedure:

(1) The LCCAA promotes employee and agency improvement by:

- Encouraging professional growth through participation in professional/trade associations
- Communicating and interpreting employee responsibilities and the agency's mission
- Stressing excellence and quality job performance
- Identifying and developing employee skills and strengths.

(a) The LCCAA defines training as providing participants with the knowledge and skills necessary to perform current and future agency assignments and needs.

(b) The LCCAA defines development as relating to employees personal growth and Long- term career advancement through training opportunities and various position assignments and responsibilities.

(2) The LCCAA classifies training and development into five categories:

- Organizational Development
- Required Employee Training/Development/Improvement
- General Professional Development.
- Career Development
- Continuing Education required to maintain Professional Certification/License

(a) Organizational Development program:

- Supervisors continually analyze organizational conditions, staff feedback, improvement needs, working conditions, equipment, policies, procedures and other "environmental" needs
- Management staff and supervisors provide organizational assessment and improvement programs by utilizing all resources available, including other staff, consultants, and packaged training programs

- The agency continually assesses, evaluates and seeks to improve the organizational climate to ensure a pleasing, productive working environment for all employees.

(b) Required Employee Training/Development/Improvement program:

- Communicating to each employee his/her position performance requirements and the supervisor's expectations for his/her performance;
- Continually consulting with employees on job-related areas requiring improvement;
- Advising employees how to achieve their position standards and improve their personal performance;
- Providing training through available and relevant training/personal development course work, instruction self-study possibilities, workshops/seminars, job-sharing, and/or on-the-job-training;
- Supervisors may, with the Executive Director's concurrence, order subordinate staff to avail themselves of needed personal development opportunities as a condition of continued employment.

(c) General Professional Development program:

- Promoting staff participation in professionally related training opportunities;
- Staying abreast of current changes, issues, and research within one's profession or project domain;
- Communicating with professionals in an employee's field/program exchanging ideas, experiences, and needs.

(d) Career Development program:

- Self-study (expected of all professional-level staff)
- Long Term Educational Leave (without pay)
- On-the-job Educational Enhancement Activities.

- (3) The LCCAA encourages employee self-improvement. Information regarding educational improvement opportunities are communicated as available to employees. Employee questions about staff/personal improvement and development programs, seminars, training sessions, and self-studies are to be answered to the extent pertinent information is available to LCCAA managers, including supervisors and the Executive Director.

Section 9.1

TRAVEL REGULATIONS/GENERAL POLICIES

Purpose and Procedure:

The agency's travel policies apply to all LCCAA employees- and other personnel traveling on official LCCAA business - whose travel is authorized and funded under the agency's programs. Persons employed intermittently as consultants or experts who receive compensation on a lodging and/or per diem basis when actually employed and persons serving without compensation are included in this procedure.

(1) Local Travel. The immediate supervisor authorizes all local travel to be performed on the job. The use of privately owned vehicles is allowed. Reimbursement will be at the rate of \$.40 per mile, unless otherwise stipulated by the funding source. The employee must carry liability insurance as required by Kentucky Law.

- All workers whose job requires the use of an automobile will keep a daily record of the odometer readings and mileage traveled on the form provided by the agency. The immediate supervisor will approve the claim on a monthly basis. Payment for these expenses will be made each month for the preceding month's expenses.
- No expenses other than mileage will be paid for travel in the ten (10) county area unless supporting invoices are attached showing employment related costs and approved by the Executive Director. The Executive Director may pay, and be reimbursed, for meals for Board members when on official Agency business.
- Distance of travel will be determined from the respective offices in each county.
- If an employee's beginning location for travel is the employee's residence, mileage shall be paid for the shorter of mileage between:
 - Residence and travel destination; or
 - Local office in county of residence and travel destination; or
 - Official work station and travel destination.
- If an employee's starting point for travel is the employee's work station, and after proceeding to a travel destination, the employee's ending point is the employee's residence, mileage shall be paid for the shorter of mileage between:
 - Residence and travel destination; or
 - Local office in county of residence and travel destination; or
 - Official work station and travel destination.
- Travel for personal business will not be allowed.
- Travel from one of the counties to the central office shall begin from the county office.
- Travel costs may not be charged for mileage to or from the employee's residence to the official work station unless circumstances dictate, with approval of the Executive Director.

(2) Out-of-Area Travel.

- All requests for out of area travel must be submitted, in advance, to the immediate supervisor and forwarded to the Executive Director for approval. Request will be made on the "Request for Out of Area Travel" form. The Executive Director may grant a travel advance where overnight travel is mandated.
- Permission for travel out of the area, which may be of an emergency nature and, time does not permit; submission of request may be obtained by telephoning the central office to obtain authorization from the immediate supervisor and/or the Executive Director.
- A hotel receipt and/or receipt for registration and banquet fees are required.
- The per diem rate shall be motel and/or hotel lodging receipts plus \$60.00 per day computed on a quarterly per-day rate unless otherwise stipulated by the funding source. No per diem will be paid unless overnight stay is required.
- Actual expenses may be charged during out-of-state travel status, provided receipts are submitted upon return to your official workstation and with the approval of the Executive Director.
- The agency shall reimburse all governing board members and policy council members while in travel status for the agency. The agency may also reimburse any consultants, whether they are paid or volunteer their services to the agency, with the approval of the Executive Director.
- Other expense may be reimbursed while on official travel status such as, but not limited to: registration fees, telephone, supplies, buses, taxi, airline and parking with the approval of the Executive Director.
- A governing board member, policy council member, consultant and/or employee may request a travel advance where overnight travel is mandated.
- Officers of the Board, Executive Committee, Committee Chairman, and Regular Board, must have at least 75% past attendance record for board meetings to be eligible for travel to conferences.
- Out of area travel and expense reports shall be submitted upon return of travel within ten (10) days.
- In situations when overnight travel is not necessary, reimbursement for meals incurred during travel exceeding fifty (50) miles from the ten-county area may be reimbursed at the discretion of the Executive Director. Receipts will be required.

Section 10.1

SAFETY RULES

Purpose of This Section:

Safety is everybody's business. Safety is to be given primary importance in every aspect of planning and performing all agency activities. The agency's safety measures are intended to protect the employee against injury and minimize the potential loss of production.

Procedures:

(1) Before driving an agency vehicle or personal vehicles for agency purposes, all employees must:

- Inform their supervisor if they are experiencing any pain that may inhibit their ability to drive such as chest, stomach, head, back or other unexplained symptoms such as dizziness that may cause harm to the driver, passengers or other drivers on the highway
- Inform their supervisor if their licenses have been suspended or revoked or any traffic violations that may term him/her as a high-risk on the insurance policy
- Read and abide by the safety precautions placed on the visor of each agency vehicle

(2) Safety rules include:

- Filing a police report when agency vehicle is involved in accidents/vandalism
- Electronic devices should not be used while operating an agency vehicle. It is recommended that the phone be turned off while driving in order that the driver not be distracted.
- Reporting accidents, whether due to personal injury and/or damage to agency equipment or vehicle
- Wearing seat belts in all agency vehicles
- Not wearing earphones at any time while driving any agency vehicle
- Keeping all areas free of debris and trash

(3) Employees shall report all injuries (no matter how slight) to their supervisor immediately. Employees should also report to their supervisors anything that needs repair or is a safety hazard. Below are some general safety rules. Your supervisor or project director may post other safety procedures in your office, center, or work area. Supervisors will ask employees to:

- Avoid overloading electrical outlets with too many appliances or machines
- Use flammable items, such as cleaning fluids, with caution
- Walk - don't run
- Use stairs one at a time
- Report to your supervisor if you or a co-worker becomes ill or is injured
- Ask for assistance when lifting heavy objects or moving heavy furniture
- Keep cabinet doors and file and desk drawers closed when not in use

- Sit firmly and squarely in chairs that roll or tilt
- Wear or use appropriate safety equipment as required in your work
- Avoid "horseplay" or practical jokes
- Start work on any machine only after safety procedures and requirements have been explained (and you understand them).
- Wear appropriate personal protective equipment, like shoes, hats, gloves, goggles, spats, hearing protectors, etc., in designated areas or when working on an operation which requires their use.
- Keep your work area clean and orderly
- Stack materials only to safe heights
- Watch out for the safety of fellow employees
- Use the right tool for the job, and use it correctly
- Wear latex gloves whenever handling blood/body secretions, e.g., soiled diapers, oral care, open cuts, flaky skin/eczema or weeping lesions
- Operate motorized equipment only if authorized by your immediate supervisor. All operators of agency vehicles must be approved by agency's insurance company- following a driver's license check.
- Adhere to all manufacturers safety regulation

Remember, failure to adhere to these rules will be considered serious infractions of safety rules and will result in disciplinary actions.

(4) Safety rules when operating machines and equipment:

- Machine guards must be in place while machines are in operation
- Loose clothing, jewelry or rings must be removed before operating machinery
- You must have steel-toed shoes and (if necessary) prescription eye protection to start the job
- Required personal protective equipment, except for prescription glasses and steel toe shoes, will be issued to you by your supervisor.

(5) The agency will continue to provide a clean, safe and healthy place to work and will provide the best equipment possible. Employees are expected to work safely, to observe all safety rules and to keep the premises clean and neat. Carelessly endangering oneself or others may lead to disciplinary action, including possible dismissal.

Section 10.2

PREVENTING FRAUD, WASTE, ABUSE, AND FALSIFICATION OF RECORDS

Purpose of this Section:

As a federal grantee, agency associates are required to report fraud, waste, abuse, and expose corruption under Federal Grants, Cooperative Agreements and Government Contracts.

Procedure:

- (1) Allegations and reports of fraud, waste, and abuse are kept confidential, and those who report suspected or alleged misdeeds may decline to give their names if they choose to remain anonymous.
- (2) LCCAA staff and associates are encouraged to first report suspected fraud, waste, and abuse (or corruption) within the agency to the Executive Director. Should a complaint be lodged against the Executive Director, the alleged infraction is reported to the Chairperson of the Board. (This is intended to permit the agency's administration to investigate, verify, and resolve the allegations, and take corrective/disciplinary action as needed.)
- (3) Employees who raise allegations of fraud are protected by the Sarbanes-Oxley Act about whistle-blowing. The agency will neither threaten nor take any action against the reporting employee as a reprisal for making a good-faith complaint. The Executive Director or his/her designated staff will conduct an appropriate follow-up interview if an employee reports retaliation.
- (4) The agency is under an obligation to ensure proof of income is determined in accordance with the rules set forth by the Federal Government and other applicable funding sources including but not limited to State, Local and private entities in order to provide services to its prospective clients. All employees of the Agency is under an obligation to the Agency to ensure the validity and authenticity of any prospective client's proof of income. Any employee who knowingly accepts or allows a prospective client to provide falsified proof of income shall be hereby deemed to have violated this policy. Any violation of this policy shall constitute cause for termination or suspension and shall be determined on a case by case basis by the Executive Director.

Section 10.3

WORKPLACE VIOLENCE

Purpose of This Section:

The agency's workplace violence procedures are intended to protect its staff and participants against harm from violence in the workplace.

Procedure:

The safety, health and overall well-being of LCCAA employees is of primary importance to the Agency. LCCAA has a zero tolerance for violence. No talk of violence or joking about violence will be tolerated. "Violence" is defined to include threatening or harm or physically harming one's self or another, shoving, pushing, harassment, intimidation, coercion, brandishing weapons, and threats or talk of violence. LCCAA will not tolerate anyone being in the possession of any weapons on company property. Weapons include guns, large knives, explosives and other potential weapons. Work spaces, desks, telephones, computers and parking lots are the property of LCCAA. The Agency reserves the right to enter and inspect your work area including, but not limited to, desks, lockers, storage areas, packages, automobiles, purses, etc., when necessary, with or without notice.

If you are aware of any possible violations to the Workplace Violence Policy, or suspect a violation, you can report such information confidentially and/or anonymously by contacting the Human Resource Department.

Violation of this policy will result in disciplinary action and possible termination of an employee.

Section 11.1
PERSONNEL RECORDS

Purpose of this Section:

The LCCAA maintains personnel files on current and past employees. Personnel records are confidential and are maintained at the Central Office. Removal from the Central Office must be approved by the Executive Director

Procedure:

(1) Present or past LCCAA employees may examine their personnel files in the presence of the Executive Director or designated personnel.

(2) Employees may examine and request copies of information in their files by:

- Writing a request to the Executive Director
- Scheduling an appointment with the appropriate Program Director
- Paying the cost of copying the required information, 25¢ (twenty-five cents) per page
- Signing a statement reflecting the review date/time, fees charged, and document(s) copied.

Generally speaking, the Courts have interpreted the *information* in one's personnel file to be the property of the employee, but the paper/files on/in which the information is recorded belongs to the agency. Thus, employees *must* have access to their information and must clear its release. But the agency is permitted to restrict its viewing and charge an individual for copying his/her records.

(3) Employee personnel files contain information required by federal, state, and local laws. Additional information may include:

- Employment application
- Employment status changes
- References
- Improvement plans
- Training certificates and/or graduation degrees
- Performance evaluations
- Tax withholding documents
- Disciplinary actions
- Other documents mandated by law or agency needs.

(4) General personnel inquiries should be directed to the appropriate Program Director.

(5) All reference checks- whether employment verification, credit check, or other- shall be made in writing and referred to the Human Resources Department for handling.

- (6) Personnel files are LCCAA property, and the employee's confidential information is restricted. Organizations requesting employee reference information must inquire in writing. Employees shall sign a release of information waiver enabling information to be released by mail, telephone, or fax. Otherwise, only dates of employment, wage information, position titles, and job descriptions are ordinarily confirmed on outside reference requests.

Section 11.2

PERSONNEL INFORMATION CHANGES

Purpose of this Section:

The agency requires the cooperation of its employees to promptly notify their immediate supervisor to report changes in their personal data and information-of-record.

Procedure:

- (1) Accurate employee information on a change in name due to marriage, divorce, or change in dependents requires completing new state and federal tax forms. Also required for name changes are updated social security card, driver's license and verification of marriage or divorce (marriage certificate or court document).
- (2) Marital status, mailing addresses, telephone numbers, insurance status, retirement, number and names of dependents, individual(s) to contact in an emergency, educational accomplishments, and other personal information are required to be maintained in LCCAA personnel files.

Section 11.3

SUGGESTION PROCEDURES

Purpose of this Section:

The LCCAA encourages employees to submit constructive suggestions for improving agency operations, programs, services, and/or facilities.

Procedure:

(1) Constructive suggestions may include:

- Improving agency policies, procedures, guidelines, *and/or* benefits
- Improving use of agency facilities
- Reducing agency supply, material, and operating expenses
- Preventing fraud, waste, and abuse
- Motivating improved employee performance
- Reducing environmental waste and energy consumption
- Addressing ideas that best fulfill the agency's Mission.

(2) Employees should address their suggestions to their supervisor or the Executive Director.

(a) Suggestions may be anonymous.

(b) Written suggestions shall ultimately be forwarded to the Executive Director for consideration and possible implementation.

Section 11.4
EMPLOYEE DISCIPLINE

Purpose of this Section:

Employees violating LCCAA policies, procedures, guidelines, standards of conduct, and behavior are subject to disciplinary action up to and including termination from agency employment.

Procedure:

- (1) Supervisors should not wait until a problem becomes serious. Whenever a specific problem develops, the supervisor should document problems and notify the employee.
- (2) Continued employee problems shall be communicated to the Executive Director. The Executive Director may advise the program director and/or supervisor(s) to:
 - Meet with the employee(s) to communicate the unacceptable behavior
- (3) LCCAA employment is "at-will" according to Kentucky law. The LCCAA retains the right to discipline employees for any reason and reserves the right to discharge or discipline employees for such reasons as the Program Director and Executive Director deem appropriate.
- (4) The Executive Director may also order a suspension (release from duty with or without pay) pending investigation.

Section 11.5
TERMINATIONS

Purpose of this Section:

The LCCAA is strictly an "employment-at-will" agency. The agency's hiring/firing policy assures that management shall not illegally discriminate and that all employees shall be treated with fairness, honesty, and respect.

Procedure:**(1) Types of terminations:**

- (a) Voluntary Termination. Employees may terminate their employment anytime with LCCAA. Exempt staff is requested to submit a written notice of resignation one month in advance from their date of departure. Non-exempt staff should give a minimum fifteen (15) days written notice of resignation. The notice shall contain the effective date of termination and reason for leaving. The use of annual leave will not be permitted during the last ten (10) working days.
- (b) Reduction-In-Force. Involuntary terminations may arise due to cutbacks in agency funding and/or programs. Efforts will be made to offer the employee any vacant position for which he/she qualifies.
 - i. Every effort will be made to keep staff on payroll as long as budgetary possible and to provide the employee a thirty (30) day notice of termination.
 - ii. Primary considerations in the event of staff reductions will be given to supervisory staff. Secondary consideration will be given to seniority.
 - iii. Probationary staff will not be given priority over regular staff; regular staff on disciplinary status will be given lower standing for retention than all other regular staff not currently on disciplinary report.
 - iv. In a reduction-in-force of a Head Start Lead Teacher position, a lead teacher with a current Interdisciplinary Early Childhood Education (IECE) certification from the Kentucky Department of Education shall be given a higher standing for retention than other lead teachers with lesser qualifications but higher seniority
 - v. "Consistent with federal Head Start requirements for hiring and maintaining degreed staff in early childhood education in Head Start classrooms and with the requirements of the Kentucky Department of Education for hiring and maintaining IECE certified staff in Head Start/KERA blended classrooms the following consideration will apply in a reduction-in-force of a Head Start Lead Teacher position or of an Early Head Start Infant Toddler Nurturer' position. In such an event, a current lead teacher or infant toddler nurturer with the following qualifications shall be given a higher standing for retention than

other lead teachers or infant toddler nurturers with lesser qualifications but higher seniority. Higher standing will be given in the following order of priority: a lead teacher or infant toddler nurturer with 1) a current Interdisciplinary Early Childhood Education (IECE) certification from the Kentucky Department of Education; 2) a Bachelor's Degree or above with a Preschool Letter of Exemption from the Kentucky Department of Education; 3) a Bachelor's Degree in Early Childhood Education; 4) an Associate Degree in Early Childhood Education; and 5) an Associate Degree with a minimum of 18 qualifying hours in Early Childhood Education."

- vi. Reduction-in-force termination decisions will also be based upon regular employee's Performance Evaluation scores; all other factors being equal, Performance Evaluation scores will (in inverse order) determine the order of reduction/termination.
 - vii. Staff recalled to work within two months after a reduction-in-force, lay-off or a voluntary resignation may be restored to their full seniority. If the position in which they return is full-time, the employee's seniority and all accrued leave - except Annual Leave that they have already been compensated for.
- (c) Involuntary Termination. All involuntary terminations are ordered by the Executive Director upon the recommendation of supervisory staff, or in cases of Head Start, are approved by the Head Start Policy Council.
- (2) Summary Removal. The Executive Director may order the summary termination and/or removal of any employee who in his/her considered judgment represents a clear and present danger or threat to other employees, clients, or agency property.
- (3) Typical Grounds for Involuntary Termination:
- (a) Misconduct - Unacceptable conduct during working hours or off-duty. These may include a serious violation of the agency's Code of Conduct (see Section 6.2), a violation specifically prohibited under LCCAA orders, insubordination, and other deviations from acceptable standards of employee behavior.
 - (b) Malfeasance in Office - Wrongfully using one's position with LCCAA. This includes using one's position for unauthorized or illegal employee financial gain or using one's position to promote disorder or violence within the agency or community.
 - (c) Personal Unsuitability - Emotional instability, poor attitude, breach of confidentiality, falsification or misuse of records, or use of alcohol/drugs on premises/vehicles/agency time. (This list is limited and non-inclusive.) Generally, this would include any employee behavior which limits one's effectiveness and tends to discredit the employee and/or the agency.

- (d) Unsatisfactory Performance of Duty - Deficiencies in job performance that may have been documented for a short-term or over an extended time. Failure to demonstrate one's proficiency and effectiveness in the job, as reflected on their Performance Evaluation is material evidence of this provision. Other examples under this heading would include misrepresentation, falsifying or misusing records, violating employee/client confidentiality, violating the Drug-Free Workplace requirements (see the "Drug-Free Workplace" policy in the Appendix), inability to get along with fellow staff, pattern absenteeism/tardiness, or repeat violations of the dress code or basic standards of professionalism. (Once again, this list is presented only for the purpose of providing illustrations of unacceptable employee behavior and is not intended to be all-inclusive.) Cross Reference: See Section 6.2, "Standards of Employee Conduct. "
- (4) Consultations and Concurrence. Some projects require the involvement and/or concurrence of policy committees - in Head Start, for example - pertaining to the involuntary termination of project staff. LCCAA shall adhere to all such regulatory requirements
- (5) Termination Explanation. The reasons for an employee's termination may or may not, at the Executive Director's discretion, be stated. There is no legal requirement regarding advising employees *why* they are being terminated. At the point of employee termination, the Executive Director's objective is quite clearly and simply to protect the interest of the agency in all respects.
- (6) Any departing employee for any reason shall ensure that all equipment, files, keys, etc. are secure with the Supervisor prior to departure.

Section 11.6
VISITORS POLICY

Purpose of this Section:

It is in the interest of the agency to regulate access to agency premises and records. Staff generally have reasonably free access, while visitors do not.

Procedure:

- (1) Visitors are required to "check in" with the supervisor, secretary or receptionist at each LCCAA location or place of business. Visitors are not permitted free access to agency premises nor any access to agency records except through formal, legally-mandated request procedures.
- (2) A person who is not a *current* employee is a visitor. A former employee - one no longer employed by the agency - is a visitor. All non-staff persons are subject to the Visitors Policy.

Section 11.7
PERSONAL MAIL

Purpose of this Section:

On occasion, certain pieces of so-called "personal" mail may arrive at the agency post office box(es) or address(es); sometimes it is labeled - such as "personal," "confidential," etc.; sometimes not. It is the agency intent to respect *private* communications; however, staff is advised that the agency address is *not* the place to receive such mail and *all* mail received at an agency address is deemed to be agency-related mail. Any mail received at an agency address may be opened and distributed according to usual practice. In most cases, that means that a secretary or clerk will open and distribute all mail received. All staff should take prior care to see that "private" or "personal" mail is sent to other than an agency address *if* they would object to its being opened, seen, or known by other co-workers.

- (1) All mail- including E-Mail (electronic mail) received at an agency address is considered on face value to constitute agency and business mail.
- (2) All staff shall give their agency address for the receipt of agency/business mail; if they should receive personal or private mail at the business address, it will be handled the same as any other piece of business mail.
- (3) Staff shall provide correspondents their desired non-agency address should they wish to receive mail of a personal/private or confidential nature.
- (4) The agency staff will not blatantly disregard restrictive notations on mail addressed to its staff. If observed or noted, these will be respected, but the fact is that in practice most pieces of mail are opened before being reviewed, sorted, and distributed. The agency will assume no responsibility for such mail opened "by mistake" or for the unintentional disclosure or observation of the contents therein.
- (5) The agency assumes no responsibility for forwarding mail sent to individuals at an agency address.
- (6) It is our understanding that this general issue has been tested in the highest courts of the U.S. and that, by case law decision, and thus by definition, *all* mail received at a business address is, in fact, *always* deemed to be "business mail."

Therefore, any and all staff with concern over their "personal" mail being opened at the agency address should take prior care that their private correspondence be sent elsewhere.

Section 12.1

PUBLIC INFORMATION POLICY

Purpose and Procedure:

- (1) **Public Availability of Records.** The business of the agency will be enacted publicly and available to the public as soon as possible after its enactment. Communications, personnel information, and internal memoranda concerning operations are considered confidential. LCCAA is a private, non-profit agency operating federal/state government contracts. Thus, it is bound by its many public access/"sunshine law" regulations. Information concerning the use of public funds, including staff salaries/wages, will be made available to any bona fide member of the press upon request. Any private citizen wishing information, such as described above, must address his/her written Freedom of Information Act request to the Executive Director stating the reason for such data.
- (2) **News Releases.** All news releases will meet the Executive Director's approval and shall be structured in such a way to create credibility. If a mass media entity fails to respect the release date of an article, this will be considered a violation of the agency's confidence. This may constitute a basis to cease voluntarily providing news releases to the offending entity.
- (3) **Agency Spokesperson.** The Executive Director is the designated official who shall speak authoritatively for the agency. No other staff person is authorized unless specifically delegated to do so by the Executive Director. Employees approached by the news media should inform the Executive Director and refer news media inquiries to him/her.
- (4) LCCAA employees are required to dress and behave in a professional manner at all times. Any employee engaging in unprofessional behavior may be subject to discipline. Employees are prohibited from using information about LCCAA, LCCAA products or activities or LCCAA logos or promotional materials in an unprofessional manner on any social networking site or outside the workplace.
- (5) Any agency Information shared using social media must originate from LCCAA's official Facebook page. Employees must not prepare or disseminate any agency information using social media without approval from the Executive Director. Approved posts will be presented on the official LCCAA Facebook page where they can be shared. Furthermore, no agency employee may create an individual social media page for an individual agency location (i.e. local head start center, outreach office, etc.) unless authorized by the Executive Director.

Section 12.2

INFORMATION SECURITY POLICY

Purpose of this Section:

LCCAA will minimize the risk of disclosing personal information and set practical guidelines for effectively responding to security incidents.

Procedure:

- (1) Non-digital media containing personal information shall be physically controlled and securely stored in a manner meant to ensure that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms, or similar locations if unauthorized individuals have unescorted access to areas where personal information is stored. If personal information is stored in an electronic format, it shall be protected from access by unauthorized access. Such information must be protected by software that prevents unauthorized access. If personal information is transmitted via email or other electronic means, it must be sent using appropriate encryption mechanisms.
- (2) Point of Contact. The Point of Contact will be communicated to employees through memorandum and at time of new employee orientation for new hires. The Point of Contact shall serve the following functions:
 1. Maintain LCCAA's adopted Information Security Policy and be familiar with its requirements;
 2. Ensure LCCAA's employees and others with access to personal information are aware of and understand the Information Security Policy;
 3. Serve as the contact for inquiries from other agencies regarding its Information Security Policy and any incidents;
 4. Be responsible for ensuring compliance with the Information Security Policy; and
 5. Be responsible for responding to any incidents.
- (3) Software. Security software used to protect personal information must provide user identification, authentication, data access controls, integrity, and audit controls.

Security software should be adequately tested to confirm functionality and to ensure that it is minimally disruptive to all associated operating systems, communications, applications, and other associated software systems. Contractual provisions must also ensure that the supplier's software, by design or configuration, will not introduce any security exposures.

The level of protection afforded by security software should be commensurate with the sensitivity of the data. For example, if data resides in a database that is deemed highly confidential, stringent access controls to the database should be employed. The level of protection along with the methods to implement that protection should be addressed before any personal information is stored on a device.

Systems, networks and application software used to process personal information must adhere to the highest level of protection reasonably practical. LCCAA shall use Intrusion Detection and Prevention software approved by Commonwealth Office of Technology (COT). A list of approved software is available on the COT website. As an alternative, LCCAA may use software not approved by COT, provided that such software provides comparable, or superior, protection.

- (4) Encryption. Information stored on digital media shall be encrypted in accordance with contemporary standards.
- (5) Access Control. Only authorized individuals are permitted access to media containing personal information. In addition to controlling physical access, user authentication should provide audit access information. Any access must comply with applicable regulatory requirements.
- (6) Portable Computing Device. Each person using the portable computing device must sign a form approved by LCCAA indicating acceptance of the information and acknowledging his/her understanding of the responsibility to protect the information. In the event the portable computing device is lost or stolen, LCCAA should be able to accurately recreate the personal information and must be able to provide notification to all affected persons/entities.

Physical Security Procedures.

- (1) Protection of Personal Information. LCCAA shall secure and, when applicable, appropriately dispose of non-digital media. Non-digital media containing personal information must be properly stored and secured from view by unauthorized persons. Secure measures must be employed by all permissive users to safeguard personal information contained on all LCCAA technology resources. LCCAA shall ensure that all authorized personnel are familiar with and comply with the Information Security Policy. LCCAA shall ensure that only authorized personnel may hold and have access to personal information.
- (2) Types of Incidents. Threats to the security of personal information arise in many different ways. Attacks on personal information may arise from:
 - External/Removable Media—an attack executed from removable media (e.g. flash drive, CD) or a peripheral device.
 - Attrition—an attack that employs brute force methods to compromise, degrade, or destroy systems, networks, or services.
 - Web—An attack executed from a website or web-based application.
 - Email—An attach executed via an email message or attachment.
 - Improper usage—Any incident resulting from violation of an organization's acceptable usage policies by an authorized user, excluding the above categories.
 - Loss or Theft of Equipment—The loss or theft of a computing device or media used by the organization, such as a laptop or smartphone.
 - Other—An attack that does not fit into any of the other categories.
- (3) Destruction of Records Containing Personal Information. LCCAA shall maintain documents/information for three (3) years plus the current fiscal year or per funding source, whichever is longer. All other documents/information will be destroyed. When records containing personal or confidential information are ready for destruction, LCCAA shall destroy the information completely to ensure that the information cannot be recognized or reconstructed. In addition, any personal or confidential data contained on the computer media must be obliterated and/or made indecipherable before disposing of the tape, diskette, CD-ROM, zip disk, or other type of medium.

LCCAA must provide appropriate methods and equipment to routinely destroy personal or confidential information. One of the following safeguards shall be implemented:

1. Hire a document disposal contractor to dispose of the material. The contractor should be certified by a recognized trade association and should use disk sanitizing software and/or equipment approved by the United States Department of Defense. LCCAA shall review and evaluate the disposal company's information security policies and procedures. LCCAA should also review an independent audit of a disposal company's operations and/or its compliance with nationally recognized standards.
2. Secure and utilize shredding equipment that performs cross-cut or confetti patterns.

3. Secure and utilize disk sanitizing or erasing software or equipment approved by the United States Department of Defense.
 4. Modify the information to make it unreadable, unusable or indecipherable through any means.
- (4) Reporting of Incidents Involving Personal Information. LCCAA must disclose a security breach in which personal information is disclosed to, or obtained by, an unauthorized person. Notification of the incident must be made in the most prompt and expedient manner after the incident has been discovered to the Point of Contact. The Point of Contact will follow the Department For Local Government's Protection of Personal Information Security and Incident Investigation Procedures and Practices for Local Governmental Units.

Section 12.3

SOCIAL MEDIA POLICY

Purpose of this Section:

This policy provides guidance for employee use of social media, which should be broadly understood for purposes of this policy to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner.

Procedure:

- (1) Employees need to know and adhere to the LCCAA's Personnel Policies & Procedures and other agency-adopted policies when using social media in reference to LCCAA.
- (2) Employees should be aware of the effect their actions may have on their images, as well as LCCAA's image. The information that employees post or publish may be public information for a long time.
- (3) Employees should be aware that LCCAA may observe content and information made available by employees through social media. Employees should use their best judgment in posting material that is neither inappropriate nor harmful to LCCAA, its employees, volunteers, vendors/contractors, clients or other related parties.
- (4) Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.
- (5) Employees are not to publish, post or release any information that is considered confidential or not public. If there are questions about what is considered confidential, employees should check with their supervisor or the Executive Director.
- (6) Employees are not to set up social media pages or other sites or services referred to above for any individual agency location or program (ex. individual Head Start centers)
- (7) Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to authorized LCCAA spokespersons.
- (8) Employees should get appropriate permission from the program director or Executive Director before referring to or posting images of current or former employees, clients, volunteers, or board members. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.
- (9) Social media use shouldn't interfere with employee's responsibilities at LCCAA.
- (10) Subject to applicable law, after-hours online activity that violates LCCAA's Personnel Policies & Procedures, including Employee Code of Conduct, any other agency policy, or policies of funding sources, may subject an employee to disciplinary action or termination.
- (11) If employees publish content after-hours that involves work or subjects associated with LCCAA, a disclaimer should be used, such as this: "The postings on this site are my own and may not represent LCCAA's positions, strategies or opinions."

Section 13.1

HEAD START POLICY COUNCIL

Purpose of this Section:

The LCCAA Head Start Policy Council must handle certain personnel matters as directed by Head Start Performance Standards

Procedure:

- (1) The Policy Council - in accordance with the Head Start regulations must approve or disapprove Head Start staff hiring and termination and Head Start personnel policies. It also establishes career development plans and handles programmatic employee grievance.
- (2) Hiring and/or terminating the Head Start Director and/or staff requires Policy Council approval.
- (3) The Policy Council responsibilities may include:
 - Assisting the Executive Director and Head Start Director or other designated line management staff with screening applicants
 - Reviewing and recommending agency personnel policies and procedures
 - Presenting personnel recommendations to the Executive Director
 - Monitoring the personnel selection process and affirmative action program with the Equal Opportunity Officer's assistance and guidance
 - Presenting its personnel recommendations to the Policy Council for review and action
- (4) The Executive Director administers all employment actions and procedures, but his/her actions to hire or fire Head Start staff must have the concurrence of the Head Start Policy Council in order to become effective.

Section 13.2

HEAD START CHILD DEVELOPMENT HIRING PROCEDURES

Purpose of this Section:

The LCCAA, Inc. Head Start-Child Care hires employees consistent with state and federal child care laws, regulations, and guidelines- including the Head Start Performance Standards. *See Selection Procedure 2.5 for the agency's general hiring procedures.*

Procedure:

(1) LCCAA Child Care/Head Start employees must provide a completed agency employment application and additional information including:

- Criminal Record Check
- Central Registry Child Abuse and Neglect (CAN) record check
- Pre-employment drug screen
- Sex offender registry check
- FBI criminal background check
- Other verifications as required by Program Standards
- A documented initial Commercial Driver License physical exam (including a screening for tuberculosis) must be maintained in the employee's confidential file.

Criminal Records Check

All new employees must agree to state criminal record checks for all states that employee has resided in the last ten (10) years and the Cabinet for Health and Family Services, Department of Community Based Services, Division of Protection and Permanency Central Registry Child Abuse and Neglect (CAN) record check as part of the initial employment process.

Criminal record checks and CAN checks will be conducted as required by Head Start guidelines for existing Head Start/Child Care employees.

The initial employment process for any new employee is not complete until the Executive Director, or his designee, receives the results of any background check and verifies the employee is qualified for final employment.

After reviewing the background checks, the Executive Director, or his designee shall either qualify the individual for final employment status or terminate the employment process. Reasons for terminating the employee on the basis of the background checks include, but are not limited to:

- Past or present criminal behavior threatening to the welfare of children, other employees, school district employees, or the community.
- Any behavior or patterns of behavior inappropriate for the position in which they are employed are revealed.
- Background checks indicate criminal activity including but not limited to, fraud, embezzlement, or other misbehavior involving the handling of funds.

LCCAA Child Care/Head Start bears the cost of the Criminal Records Check, the CDL physical exam and the TB skin test. LCCAA must assure that each Head Start staff member has an initial health examination (that includes screening for tuberculosis) and an annual re-examination (as recommended by their health care provider or as mandated by State or local laws). Head Start employees must use the Agency's designated health care providers. Staff electing to use other health care providers will bear the cost of the required test and exam. No applicant will be considered for employment who does not possess a GED or meet the minimum educational qualifications for the position.

- (2) Personal and employment references are verified prior to and contribute toward the decision to employ the person. Head Start applicants must provide a thorough personal and employment history. The LCCAA shall research applicant information, confirming references, the person's work and personal history, and other mandated information including:
 - Child abuse and/or neglect convictions or complaints
 - Convictions for violent crimes.
 - Authorizing the agency to perform Criminal Record Checks
- (3) LCCAA Head Start will hire the best qualified applicant for the position.
- (4) Most LCCAA Head Start employees work by a contract. Applicants and/or employees refusing contract employment for those positions where it applies shall not be employed or retained.
- (5) New Head Start employees must sign the Child Abuse *and/or* Neglect and Violent Crime Conviction Declaration Form, which is retained in their Personnel File. The LCCAA retains reference information in confidential employee personnel file.
- (6) New Head Start employees initially serve only as conditional employees. Their employment approval requires a positive confirmation of their personal and work history, their reference reviews, a positive response from the Cabinet for Health and Family Services child abuse neglect/criminal conviction investigation, criminal, sex offender, FBI and other requirements.
- (7) The Policy Council, Head Start Director, and Executive Director shall review hiring recommendations, assess provided information, and concur in hiring and/or termination decisions. The procedure shall be that the Executive Director recommends hiring or firing and the Policy Council then considers the matter. If the Policy Council concurs, the action takes effect; if the Policy Council declines, the matter goes back to the Executive Director for further action. This continues until the Executive Director and Policy Council agree or the matter is no longer presented for consideration. Should a disagreement persist beyond the Executive Director to the Board and still not be resolved between the

Policy Council and the Board of Directors, then the LCCAA Board, Head Start Policy Council Conflict Resolution Policy and Procedure (other-wise known as the "impasse" policy) will be engaged and followed.

Section 13.3

CORPORAL PUNISHMENT

Purpose of this Section:

Federal, state, local, and LCCAA /Head Start child care policies and regulations forbid corporal punishment and isolation as a disciplinary measure with children and outline other child safety measures. The Kentucky Administrative Regulation (905 KAR 2.010) prohibits hiring or retaining employees of child care facilities who have been convicted of child abuse or neglect.

Procedure (Corporal Punishment and Isolation):

- (1) Corporal punishment is the use of physical force as a disciplinary measure. It is unallowable.
- (2) Isolation is the separation of a child from normal association and activities within the classroom as a disciplinary or punishment measure. It is unallowable.
- (3) Childcare employees are forbidden from using these measures within a child care facility or during other Head Start/Child Care activities.
- (4) When a report is made that a child has been subjected to corporal punishment or Isolation the following steps will be taken:
 - a) The immediate supervisor in consultation with the Head Start Director will report it to DCBS and investigate the incident.
 - b) The employee(s) will be immediately suspended, without pay until the investigation is complete. If the employee is found guilty, the agency's personnel policies and procedures will be followed and the employee will be terminated. If the abuse is not substantiated, then pay will be reinstated to the employee.
- (5) Employees permitting, condoning, failing to report or performing corporal punishment or use isolation as disciplinary measures for any reason are subject to immediate dismissal from LCCAA /Head Start employment.

Definition of Corporal Punishment:

Corporal punishment is defined as the use of physical force as a disciplinary measure; this includes, but is not limited to, spanking, slapping, pulling of hair, verbal abuse, aggressive grip to limbs, etc. Another form of corporal punishment is isolation, which refers to separating the child from normal association with classroom activities as a punishment measure. Isolation includes, but is not restricted to, confining the child in a small area, retaining the child in the classroom while other children go to play or restricting the child from meal times with his/her classmates or the denial of food for punitive reasons.

No LCCAA/LC Head Start/Early Head Start employee shall administer corporal punishment to Head Start/Early Head Start children in any form. Any violation of this policy is grounds for immediate dismissal for LCCAA/LC Head Start/Early Head Start or any Head Start employee.

Certification of Employee Understanding and Agreement States:

As an employee of Lake Cumberland Community Action Agency, Inc./Head Start/Early Head Start, I understand that I cannot exercise any form of corporal punishment, either physical, verbal or isolation, to Head Start/Early Head Start children, nor use the denial of food for punitive reasons.

By signing this policy I agree that I have read, understand and agree to abide by all rules set in the Lake Cumberland Head Start Program Corporal Punishment Policy. If I do not abide by the policy, I understand that it is grounds for termination. I have been given an exact copy of this signed document and understand that this form will be filed in and become a part of my permanent personnel file.

Section 13.4

Head Start Staff Qualifications

Purpose of this Section:

In order to be in full compliance with Section 648A (a) of the Improving Head Start for School Readiness Act of 2007 and Head Start Program Performance Standards as revised, LCCAA requires that Head Start teachers, home educators, teacher assistants, primary caregivers and any other positions as required by the Act, obtain such credentials in accordance with timelines specified in this policy. Such employees who have completed a qualifying early childhood degree shall be considered in compliance with these minimum credentials. Determination of a qualifying degree shall be the decision of the Executive Director upon recommendation from the Head Start Director.

Procedure:

Head Start Teachers

- (1) All LCCAA Head Start teachers must hold a minimum of a qualifying associate's or bachelor's degree in child development, early childhood education (ECE), or a related field with equivalent coursework in early childhood education, or otherwise to meet the requirements of section 648(a)(3)(B) of the Head Start Act. Staff with Associate's degrees are encouraged to enroll in a baccalaureate degree program leading to a Bachelor's degree in ECE or related field with coursework equivalent to a major in ECE.
- (2) Head Start teachers in blended programs with KERA preschool children shall be subject to the minimal certification requirements of the Kentucky Department of Education. Head Start teachers in blended programs who fail to maintain current certification shall forfeit their employment. LCCAA may offer other available employment positions within the agency; if such positions are unavailable, the employee shall be terminated.

Head Start Home Educators

- (1) It is preferred that Head Start Home Educators hold a minimum of an Associate Degree in Early Childhood Education or a related field such as Psychology, Social Services or Human Services prior to employment.
- (2) Head Start Home Educators who do not hold the minimum of an Associate Degree in Early Childhood or a related field such as Psychology, Social Services or Human Services must hold a minimum of a home-based CDA credential, or equivalent coursework as part of an associate's or bachelor's degree.

Head Start Teacher Assistants

- (1) All Teacher Assistants must have at least a Child Development Associate (CDA) Credential in a pre-school setting or state-awarded certificate that meets or

exceeds the requirements for a CDA credential, are enrolled in a program that will lead to an associate or baccalaureate degree or, are enrolled in a CDA credential program to be completed within eighteen (18) months of the time of hire.

Head Start Content Area Manager-Education/Mentor Coach

- (1) Head Start Content Area Manager-Education/Mentor Coach including those that serve as curriculum specialists, nationwide in center-based programs must have the capacity to offer assistance to other teachers in the implementation and adaptation of curriculum, group and individual needs of children in a Head Start classroom; and
- (2) Have-
 - a. A Bachelor's or advanced degree in early childhood education; or
 - b. A Bachelor's or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children.

Head Start Local Area Manager (LAM)/Education Coordinator

- (1) Head Start LAM/Education Coordinators that supervise Head Start classrooms in center-based programs must have the capacity to offer assistance to teachers/home educators/primary caregivers in the implementation and adaptation of curriculum, health and safety procedures and classroom management (socialization) related to group and individual needs of children in a Head Start classroom; and
- (2) Have –
 - a. An Associate's or advanced degree in Early Childhood Education; or
 - b. An Associate's or advanced degree and coursework equivalent to a major relating to ECE, with experience teaching preschool-age children

Early Head Start Primary Caregivers

Per Section 645A(h)(1) of the Head Start Act requires that all teachers providing direct services to children and families participating in Early Head Start center-based programs must have a minimum of a child development associate credential in an infant-toddler setting and have been trained (or have equivalent coursework) in early childhood development.

Early Head or Head Start Director

Per 1302.91(b), the Head Start/Early Head Start Director shall have, at a minimum, a baccalaureate degree and experience in supervision of staff, fiscal management, and administration.

Content Area Manager (other than Education CAM)

Per 1302.91(d)(1) shall have, at a minimum, a baccalaureate degree, preferably related to one or more of the disciplines they oversee.

Family services staff

Per 1302.91(7) shall have within eighteen (18) months of hire, at a minimum, a credential or certification in social work, human services, family services, counseling or a related field.

LAKE CUMBERLAND HEAD START

STAFF EDUCATION POLICY

The Lake Cumberland Head Start Program has adopted the following: all Home Educators must have a minimum of a Home-Based Child Development Associate Credential (CDA) or comparable credential, all Teacher Assistants must have Center Based Pre-School (CDA) or obtain within eighteen (18) months of hire, Primary Caregiver must have Center Based Infant Toddler CDA, Teachers must have a minimum of an Associate's Degree and/or a Bachelor's degree in ECE or related field. Lake Cumberland Head Start encourages Teachers with an AA Degree to pursue a BA in ECE. Regulations also mandate all Family Service Staff must have or obtain a Family Development Credential (FDC) within 18 months of hire. This policy will act as a contract amendment for all current staff and will apply to all future Head Start Home Educators, Teacher Assistants, Primary Caregivers, Teachers, and Family Service Staff.

1. All Head Start Program staff must engage in a professional development plan which will meet the goal of having staff complete required training/degree requirement with specific time frame of each position respectfully.
2. Every staff person must meet with the Head Start Director and/or Local Area Manager and present a professional development plan including all required professional development. In addition, all staff enrolled in college must have a list of college classes for the year (Fall, Spring and Summer semesters) which will permit them to meet the Head Start Program's Education Policy requirement.
3. Staff enrolled in the CDA Program must meet with the Head Start Director, Local Area Manager, and/or Education Manager and present a Professional Development Plan to include all required CDA Coursework which will permit them to meet the Head Start Program's Education Policy requirement.
4. Staff who fail to meet the professional development plan requirements in accordance with their educational plan are subject to suspension or termination of employment. Determination of failure to meet goals is at the discretion of the Head Start Director.
5. All classes must be approved by the Head Start Director and/or Education Content Area Manager (CAM).

6. LCCAA will pay for approved college classes towards the Child Development Associate, Family Development Credential, Associate and Bachelor's Degrees, required by this education policy when funds are available.
7. Teachers and Teacher Assistants must submit an unofficial transcript to the Education CAM within thirty (30) days after each semester.
8. Home Educators, Teacher Assistants, Primary Caregivers, and Family Service Staff must submit an official transcript and copy of certificate/credential/degree to the Education CAM within thirty (30) days after certificate/credential/degree is awarded.
9. Students who withdraw or drop a class without consent of the Head Start Director may be required to reimburse LCCAA for the full cost of the class and materials. Attendance and all coursework is mandatory. Full participation in all coursework must be completed within the timeframe set forth by the Instructor. Such reimbursement must be made within thirty (30) days of date of dropping or withdrawing from the class.
10. Students who fail a class may be required to reimburse LCCAA. Such reimbursement determination will be made on a case-by-case basis by the Head Start Director and the Executive Director.
11. Employees who fail to prepare or participate in professional and educational development as stated herein may be suspended or terminated for cause.
12. All students accepting reimbursement or payment for college credits under this policy, agree that they will reimburse LCCAA in full for the cost of all classes and materials. This reimbursement will be in one of the following methods:
 - a. Full cash reimbursement; or
 - b. Remaining in continuing employment with LCCAA and/or the Head Start Program for the term of three (3) years following completion of the Child Development Associate, Family Development Credential, Associate or Bachelor's Degree.
13. Employees who voluntarily or involuntarily terminate their employment with LCCAA and/or Head Start Program prior to the expiration of three (3) years following completion of the Child Development Associate, Family Development Credential, Associate or Bachelor's Degree shall be required to reimburse LCCAA and/or the Head Start Program for the cost of all classes taken in pursuit of Higher Education.

Section 13.5
CHILD SAFETY

Purpose of this Section:

Safety is defined as the condition of being safe from undergoing or causing hurt, injury, or loss. Under this policy, it is *unsafe* to leave a child or children unattended for *any* length of time. It is the duty, as an LCCAA /Head Start employee to assure that no child will be left alone at any time, for any length of time. Every child will be accounted for while in the Agency's care.

Procedure:

- (1) Employees permitting, condoning, or failing to report any child being left unattended for any length of time for any reason are subject to disciplinary action up to and including termination from the LCCAA /Head Start employment.
- (2) KRS 620.030 requires that all suspected child abuse shall be reported. The Kentucky Child Abuse Hotline number is 1-800-752-6200. The following procedure shall be followed in the event that a Head Start child is suspected to be a victim of abuse:
 - The suspected abuse shall be reported immediately to the Cabinet for Health and Families Service of Protection and Permanency and the Division for Regulation Child Care by phone at 1-800-752-6200.
 - An Accident/Incident/Injury/Suspected Child Abuse Report will be completed along with any pertinent documentation and sent to the Head Start Director. Due to confidentiality the ORIGINAL Accident/Incident/Injury/Suspected Child Abuse Report will be provided to the Head Start Director and filed at the Central Office.
 - A written report will be sent to Cabinet for Children and Families Division of Protection and Permanency upon request.
 - Parents are informed of the agency's' Child Abuse Policy at Parent Trainings and resources are listed in the Parent Handbook provided at registration.
 - Staff are informed of the agency's Child Abuse Policy during New Staff Orientation and at annual training.
 - Additionally, should the allegation of abuse be against a staff member, it will also be reported to the Head Start Regional Office in Atlanta.

NOTE: Due to confidentiality, the Accident/Incident/Injury/Suspected Child Abuse Report or any other documentation concerning the Report will not be a part of the Child's Classroom Folder.

In the event that an employee is suspected of child abuse, the employee will immediately be suspended, without pay, and will remain suspended while the investigation takes place. If employee is found guilty, the agency's personnel policies

and procedures will be followed and the employee will be terminated. If the abuse is not substantiated, then pay will be reinstated to the employee.

- (3) Any violation of this policy is grounds for immediate dismissal from LCCAA Head Start employment. LCCAA reserves the right to implement this policy using its discretion, taking into consideration mitigating factors in any situation, including but not limited to the degree of threat of potential harm to the child/children left unattended and the circumstances surrounding the conduct resulting in the incident.

(4) Report Suspected Child Abuse or Neglect

- (a) Any person who intentionally violates the provisions on reporting, as required by KRS 620.030, shall be subject to penalty for failure to report in accordance with KRS 620.990(1) which states that such person shall be guilty of a Class B misdemeanor which carries a penalty of up to 90 days in jail and/or a fine of up to \$250.
- (b) No employee shall be deprived of notifying the Executive Director directly. The agency will neither threaten nor take any action against the reporting employee as a reprisal for making a good-faith report. If applicable, any occurrence that is substantiated by the Department of Community Based Services will result in immediate termination.

Section 13.6

ELIGIBILITY, RECRUITMENT, SELECTION, ENROLLMENT, & ATTENDANCE

Purpose of this Section:

The agency is under an obligation to ensure proof of income in accordance with the Eligibility, Recruitment, Selection, Enrollment, & Attendance (ERSEA) system followed by the Federal Government in order to provide services to its prospective clients.

Procedure:

- (1) All employees of the Agency are under an obligation to the Agency to ensure the validity and authenticity of any prospective client's proof of income. Any employee who knowingly accepts or allows a prospective client to submit a falsified proof of income, or any employee who knowingly allows a prospective client to provide falsified proof of income shall be hereby deemed to have violated this policy. Any violation of this policy shall constitute cause for termination or suspension and shall be determined on a case by case basis by the Executive Director.

Section 13.7

HEAD START COVID-19 MASKING/VACCINATION POLICY

SECTION 13.7**HEAD START COVID LEAVE PROCEDURES ARE CURRENTLY SUSPENDED****1. Purpose and Scope**

Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. COVID-19 vaccines are readily available, highly effective at preventing hospitalization, and even more effective at preventing death.

The Office of Head Start issued revised Head Start Program Performance Standards (HSPPS) on November 29, 2021, regarding masking and vaccination requirements grant recipient staff.

Consistent with other HSPPS, these new standards focus on outcomes over processes and plans. These standards will be monitored through the OHS Monitoring System like other health and safety standards.

Employees that are not eligible for a medical exemption or religious exemption and are not in compliance with this policy will be subject to discipline, up to and including termination.

Masking Requirements

Effective November 30, 2021, universal masking, with some noted exceptions, is required for all individuals two years of age and older when there are two or more individuals in a vehicle owned, leased (including personal vehicles used for agency business), or arranged by the Head Start program; when they are indoors in a setting where Head Start services are provided; and, for those not fully vaccinated, outdoors in crowded settings or during activities that involve close contact with other people.

Vaccination Requirements

The new standards require vaccination against COVID-19 for all staff, contractors working directly with children, and volunteers. The HSPPS will require these individuals to be vaccinated by January 31, 2022. This means staff, certain contractors (including LEA staff that provide disability and other services), and volunteers must have their second dose in a two-dose series or first dose in a single-dose by January 31, 2022. There will be provisions for exemptions to the vaccination requirement for those who cannot be vaccinated due to medical conditions or sincerely held religious beliefs, practices, or observances.

Staff that are not going to be vaccinated and do not have an approved medical or religious exemption must notify the agency by January 5, 2022, of their intent not to be vaccinated.

For those granted a vaccine exemption, there will be a weekly testing requirement. Any cost incurred for testing will be the responsibility of the employee. Furthermore, it will be the responsibility of the employee to arrange to be tested during nonwork hours. See COVID-19 Testing section below for more information.

An employee who has contracted COVID-19 in the past but has not been vaccinated is not considered to be partially or fully vaccinated.

Exemption Requests

Employees may request an exemption from vaccination requirements (if applicable) if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy

for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by the employee. All such requests will be handled in accordance with applicable laws and regulations and pursuant to LCCAA Policies and Procedures.

2. Vaccination Status and Acceptable Forms of Proof of Vaccination

All Head Start employees must provide LCCAA documentation of their vaccination status by **January 31, 2022**. Employees shall also provide LCCAA with documentation of any change in their vaccination status (e.g., when they become fully vaccinated after being partially vaccinated).

Any employee who fails to inform LCCAA of their vaccination status by the required deadline will be considered unvaccinated for purposes of this policy.

Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if applicable, their testing results.

All vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted via email, fax, mail, or hand delivery to the HR Director.

Acceptable proof of vaccination status is:

- a. The record of immunization from a health care provider or pharmacy;
- b. A copy of the COVID-19 Vaccination Record Card;
- c. A copy of medical records documenting the vaccination;
- d. A copy of immunization records from a public health, state, or tribal immunization information system; or
- e. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s).

Proof of vaccination generally should include the employee's name, the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances, LCCAA will still accept the state immunization record as acceptable proof of vaccination.

If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite good faith attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost and are otherwise unable to produce one of the other forms of acceptable proof; and including the following language:

"I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties."

An employee who attests to their vaccination status in this way should, to the best of their recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine.

Any employee who knowingly supplies false statements or documentation for purposes of complying with this policy may be subject to the criminal penalties of 18 USC 1001 and/or section 17(g) of the OSH Act.

3. Supporting COVID-19 Vaccination

An employee will be awarded four (4) hours of administrative C19 time, at the employee's regular rate of pay, per dose. This would mean a maximum of eight (8) hours of paid time for employees receiving two doses; this time must be used during the pay period in which it is awarded, unless approved in advance by the Executive Director.

Employees may utilize up to two (2) workdays of administrative C19 leave immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working.

Employee will follow LCCAA's leave policies and procedures to request and obtain necessary approvals for time off under this section.

4. Notification of COVID-19 and Removal from the Workplace

Employees who are sick or experience COVID-19 symptoms while at home or at work should communicate those to LCCAA pursuant to LCCAA's COVID-19 Healthy at Work Plan.

Employees must promptly notify their supervisor when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider. The supervisor will notify their designated LCCAA Healthy at Work Officer.

In the event an Employee must be removed from the workplace due to COVID-19, leave may be administered according to LCCAA's leave policies.

Removal from the Workplace

LCCAA will immediately remove an employee from the workplace if they have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider (i.e., immediately send them home or to seek medical care, as appropriate).

An employee who has been removed from the workplace because of a positive COVID-19 test may be eligible to work remotely or in isolation. These eligibility determinations shall be made in accordance with LCCAA's remote work policies and procedures and the LCCAA COVID-19 Healthy at Work Plan.¹

Return to Work Criteria

For any employee removed because they are COVID-19 positive, LCCAA will keep them removed from the workplace until they meet one of the following criteria:

- a. Meets the return to work criteria in CDC's "Isolation Guidance" or LCCAA's Healthy at Work, plan; or
- b. Submits a written recommendation to return to work from a licensed healthcare provider.

Under CDC's "[Isolation Guidance](#)," asymptomatic employees may return to work once 10 days have passed since the positive test, and symptomatic employees may return to work after all the following are true:

- a. At least 10 days have passed since symptoms first appeared, and
- b. At least 24 hours have passed with no fever without fever-reducing medication, and
- c. Other symptoms of COVID-19 are improving (loss of taste and smell may persist for weeks or months and need not delay the end of isolation).

If an employee has severe COVID-19 or an immune disease, LCCAA will follow the guidance of a licensed healthcare provider regarding return to work.

To return to work, an employee removed because they had a positive COVID-19 test shall submit documentation meeting the criteria of this policy to the HR Director.

5. COVID-19 Testing

Beginning **January 31, 2022**, all Head Start employees who are not fully vaccinated but have an approved medical or religion exemption will be required to comply with this policy for testing.

Employees who report to the workplace at least once every seven days:

- a. Must be tested for COVID-19 at least once every seven days utilizing a COVID-19 nucleic acid amplification test (NAAT), including PCR tests, and
- b. Must provide documentation of the most recent COVID-19 test result to HR Director no later than the seventh day following the date on which the employee last provided a test result.²

Any employee who does not report to the workplace during a period of seven or more consecutive days (e.g., if they were teleworking or on leave for two weeks prior to reporting to the workplace):

- a. Must be tested for COVID-19 within seven days prior to returning to the workplace; and
- b. Must provide documentation of that test result to HR upon return to the workplace.

If an employee does not provide documentation of a COVID-19 test result as required by this policy, they will be removed from the workplace until they provide a test result.

An employee subject to these testing requirements may not self-administer and self-read their test unless observed by a representative of LCCAA or an authorized telehealth proctor.

An antibody test does not satisfy the requirements of this section.

6. Confidentiality and Privacy

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

7. Records Requests


By the end of the next business day after a request, LCCAA shall make available for examination and copying an individual employee's vaccination and testing records to that employee or to anyone having the written authorized consent of that employee. By the end of the next business day after a request of an employee or employee representative, LCCAA shall make available to a requesting employee or employee representative the aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace. Employee requests for these records should be directed to the HR Director.

Within 4 business hours of a request, LCCAA will provide OSHA with a copy of this policy, the aggregate number of fully vaccinated employees at its workplace(s), and/or the total number of employees at such workplace(s). Further, OSHA shall be provided with all other documentation and records required by the OSHA ETS by the end of the next business day after the request.

8. Questions

Please direct any questions regarding this policy to the Executive Director.

For additional information about COVID-19 vaccines, employees should consult the CDC's "Key Things to Know About COVID-19 Vaccines," at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>.

			
	October 15, 2018	Document Type: Drug & Alcohol Testing Policy	Version: October 15, 2018

This document applies to all Lake Cumberland Community Action Agency employees.

Purpose:

The Company has an obligation to employees to reasonably ensure safety in the workplace. Therefore, the Drug Free Workplace Policy has been put into place to ensure an environment free of the use, abuse, and effects of drugs and alcohol. The Company shall conduct pre-employment, reasonable suspicion, random and post-accident/incident drug and alcohol testing where impairment is identified.

Policy:

1. Use of Alcohol is strictly forbidden on Company Property, or while ●N DUTY for this Company, and/or while operating any machinery, equipment or vehicles related to this Company. Any violation of this Policy will result in IMMEDIATE DISCHARGE.
2. Any D.U.I. /D.W.I. convictions while ●N DUTY for this Company will result in IMMEDIATE DISCHARGE.
3. No employee shall consume any alcoholic beverage twelve (12) hours prior to going ●N DUTY with this Company. Violations of this Policy will result in IMMEDIATE DISCHARGE.
4. Any illegal use of prescription medication or illegal substances may result in IMMEDIATE DISCHARGE.
5. The above notwithstanding, Lake Cumberland Community Action Agency will attempt to provide any needed aid to an employee who is seeking help for a substance abuse problem. Therefore, at its discretion, if an employee has a positive drug screen, Lake Cumberland Community Action Agency may adhere to the following:
 - (i) Refer to substance counselor.
 - (ii) Termination will be at the discretion of the agency.
 Continued employment with Lake Cumberland Community Action Agency after a positive screen is conditioned upon agreeing to drug screens upon the request of the employee's supervisor.

6. Prescription drugs must not have a debilitating effect on the employee. Prescription drugs cannot hinder the employee's alertness, reflex action or awareness. It is the employee's responsibility to question the doctor on what effect, if any, the prescription drug will have on her/him.
7. The Lake Cumberland Community Action Agency will comply with the testing requirements of the U.S. Department of Transportation and other applicable federal and state laws and regulations. This includes but is not limited to an employee who holds a commercial driver's license (CDL) and meets any of the following requirements:
 - (i) If the vehicle driven has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds
 - (ii) A gross vehicle weight rating of 26,001 or more pounds
 - (iii) Designed to transport 16 or more passengers or
 - (iiii) Of any size that is used to transport hazardous materials which require the vehicle to be placarded under hazardous materials regulations. Please see CDL Drug & Alcohol Specifications below.
8. All other employees that do not fall under the U.S. Department of Transportation guidelines will still be held to the same standard as outlined within this policy.

Procedure:

All employees will be given a drug test at the time of their hire (pre-employment). Further, all employees will be subject to random drug testing, as well as testing upon reasonable suspicion and at post-accident/ incident where impairment is identified, return to work and/or follow up testing.

At hiring, all employees will be notified of the Policy on drugs and alcohol. The guidelines in that document will be followed by all employees in all cases.

CDL Drug & Alcohol Testing Specifications

- 1.0 Drug and Alcohol Policies for Employees required to have Commercial Drivers Licenses
- 2.0 Applicability
- 3.0 Circumstances for Alcohol and Drug Tests
- 4.0 What is a Safety Sensitive Function?
- 5.0 What Drug/Alcohol-Related Conduct is Prohibited?
- 6.0 Testing Procedures
- 7.0 Procedures used to test for the presence of alcohol and controlled substances
- 8.0 Alcohol and Drug Tests are NOT optional
- 9.0 What happens if you Test Positive for Alcohol or Drugs?
- 10.0 What happens if your Alcohol Concentration is 0.02 Or More, But Less than 0.04?
- 11.0 Information Concerning the Effects of Alcohol and Drug Abuse

FOR MORE INFORMATION

If you need more information or have any questions about any of the following materials, please contact your supervisor or the Director of Human Resources, at 270-343-4600.

1.0 Drug and Alcohol Policy for Employees Required to Have Commercial Driver's Licenses.

1.1 Lake Cumberland Community Action Agency values its employees and recognizes the importance of a safe and healthy work environment. Employees who use illegal drugs and/or abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to greater absenteeism, resulting in the potential for increased accidents, costs, and risks to themselves, their fellow employees, and the community. Lake Cumberland Community Action Agency expects employees to report to work in a state of mind and physical condition to perform their assigned duties in a safe and competent manner.

1.2 Lake Cumberland Community Action Agency desires to provide a safer workplace by eliminating the hazards to health and job safety created by alcohol and drug abuse.

1.3 Employees who engage in the sale, use, possession, or transfer of illegal drugs or controlled substances, who offer to buy or sell such substances, who abuse alcohol, or who abuse prescribed drugs, will be subject to disciplinary action up to and including termination.

1.4 Lake Cumberland Community Action Agency encourages employees who may have a problem with alcohol or other substance abuse to seek treatment. This step is available to fulltime employees through the LCCAA Employee Assistance Program, as well as other assessment, referral and rehabilitation resources. These services are confidential.

1.5 Lake Cumberland Community Action Agency will not knowingly hire or retain individuals who use intoxicants in the workplace. Lake Cumberland Community Action Agency is a public entity and wishes to retain the confidence of the public in the services provided by the Lake Cumberland Community Action Agency's workforce, therefore, Lake Cumberland Community Action Agency will not knowingly hire or retain individuals who illegally buy, possess, use or sell controlled substances.

1.6 Lake Cumberland Community Action Agency will comply with the testing requirements of the U.S. Department of Transportation and other applicable federal and state laws and regulations.

2.0 Applicability.

This policy applies to each employee who is required to hold a Commercial Driver's License (CDL). You need a CDL if you drive a LCCAA vehicle:

2.1 With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;

2.2 With a gross vehicle weight rating of 26,001 or more pounds;

2.3 Designed to transport 16 or more passengers; or

2.4 Of any size that is used to transport hazardous materials which require the vehicle to be placarded under the hazardous materials regulations.

3.0 Circumstances for Alcohol and Drug Tests.

Alcohol and/or drug testing will be done under the following circumstances:

3.1 Pre-Employment. Before you start working in a safety-sensitive position, you will be tested for drugs (unless you are already being tested under another program).

3.2 Accident Involving Death of Person. If you are in an accident while performing a safety-sensitive function and the accident involves the death of a person, you will be tested for both alcohol and drugs.

3.3 Accident Involving a Ticket. If you are in an accident and you receive a moving violation ticket because of the accident, you will be tested for both alcohol and drugs.

3.4 25%. 25 percent of all drivers will be randomly tested for alcohol each year.

3.5 50%. 50 percent of all drivers will be randomly tested for drugs each year.

3.6 Reasonable Suspicion. Drivers under "reasonable suspicion" of alcohol use or drug abuse will be tested.

3.7 Return-To-Work. If you return to work on safety-sensitive functions after having tested positive for either alcohol or drugs, you will be tested again for alcohol or drugs before resuming safety-sensitive functions.

3.8 Follow-Up. If you have engaged in prohibited conduct, you will be subject to unannounced follow-up tests for alcohol and/or drugs as directed by the LCCAA substance abuse professional. Follow-up alcohol tests may take place just before, just after, or while you are performing a safety-sensitive function. Follow-up testing will not exceed 60 months from your return to duty.

4.0 What Is A Safety-Sensitive Function?

The following are safety-sensitive functions to which the prohibitions on alcohol or illegal drug use of these policies apply. If you do any of these activities with respect to a LCCAA vehicle to which a CDL applies, you are considered to be performing a safety-sensitive function:

4.1 Any time you are waiting to be dispatched on a vehicle.

4.2 Any time spent inspecting equipment on or inspecting, servicing, or conditioning a vehicle.

4.3 All driving time.

4.4 Any time you are in a vehicle, other than when you are resting in its sleeper berth, if any.

4.5 All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, being ready to drive a vehicle, or giving or receiving receipts for shipments loaded or unloaded.

4.6 When in a vehicle accident involving injury, death, or property damage of any kind, all the time you spend following the required procedures.

4.7 All time repairing, obtaining assistance for, or staying by a damaged vehicle.

5.0 What Drug/Alcohol-Related Conduct is Prohibited?

The following specific conduct is prohibited:

5.1 Being on duty and in the performance of a safety-sensitive function while having an alcohol concentration of 0.02 or more.

5.2 Being on duty or driving a commercial motor vehicle while in possession of alcohol.

5.3 Using alcohol while performing a safety-sensitive function.

5.4 Performing a safety-sensitive function within 4 hours after using alcohol.

5.5 If you have to take an alcohol test after an accident, using alcohol within 8 hours after the accident or until you take a post-accident alcohol test, whichever happens first.

5.6 Refusing to take a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test, or a follow-up alcohol or drug test.

5.7 Being on duty or remaining on duty requiring the performance of safety-sensitive functions when using a controlled substance, except when the use is prescribed by a licensed physician and when the physician has advised you that the use of the controlled substance will not affect your ability to perform the functions.

5.8 Being on duty, reporting for duty or performing a safety-sensitive function if you tested positive for illegal drugs. You will not be permitted to perform or continue to perform safety-sensitive functions if you tested positive for illegal drugs.

6.0 Testing Procedures.

6.1 Pre-Employment Testing.

(a) Before you first work in a safety-sensitive position, you will be tested for drugs. You will not be allowed on duty unless the drug test is negative.

(b) Exception to Pre-Employment Drug Test. You do not need a drug test if you have participated in a drug testing program in the last thirty days and while in that program you were tested for drugs in the last 6 months; or participated in random drug testing for the previous 12 months; and no prior employer of whom Lake Cumberland Community Action Agency has knowledge has records of a violation of the drug policies of the DOT within the last 6 months.

(c) Under these exceptions, the prior drug testing program in which you participated will be contacted and asked for the following information, subject to a written release from you: name and address of the program; verification of your participation in the program; verification that you qualified under the program; date of your last drug test; and the results of that last test. The information stays in your file.

6.2 Post-Accident Testing.

(a) As soon as possible after an accident involving a LCCAA vehicle to which a CDL applies, each surviving driver who was performing a safety sensitive function with respect to the vehicle (if the accident involved the death of a person), or who received a citation for a moving traffic violation because of the accident, will be tested for both alcohol and drugs. A driver required to be tested under these circumstances will be transported to the testing site by Lake Cumberland Community Action Agency.

(b) Two Hours. If you fail or refuse to take an alcohol test within 2 hours after the accident, your supervisor will prepare and keep a file stating why the test was not taken. If the alcohol test is not administered within 8 hours after the accident, your supervisor will cease attempts to require the test and will proceed to prepare the file.

(c) Thirty-Two Hours. If you fail or refuse to take a drug test within 32 hours after the accident, your supervisor will cease attempts to require the test and will proceed to prepare a file stating why the test was not administered.

(d) Availability. You must remain available for testing after an accident or you will be considered as having refused to be tested. This does not mean that you cannot leave the scene of the accident to obtain assistance or that medical attention will be delayed for injured drivers.

6.3 Random Testing.

(a) At least 25 percent of all drivers will be tested for alcohol every year and at least 50 percent of all drivers will be tested for drugs every year.

(b) These percentages may change based on a federal determination which is published annually in the Federal Register.

(c) Selection Method. The selection of drivers for random testing is made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with a driver's social security number. Under that process, each driver has an equal chance of being tested each time a selection is made.

(d) Notification. Random tests will be unannounced and the dates for their administration will be spread reasonably throughout the year. Your supervisor will tell you if or when you are selected for a random alcohol or drug test.

(e) Procedure. If you are notified of a random alcohol or drug test, you must proceed to the test site immediately. If you are performing a safety-sensitive function when notified of a test, you will need to stop and proceed to the test site as soon as possible.

Lake Cumberland Community Action Agency test site is located at:

Envivo Health, 2431 Lakeway Drive, Russell Springs, KY 42642

(f) You can only be tested for alcohol while you are performing safety-sensitive functions, just before performing those functions, or just after performing those functions.

6.4 Reasonable Suspicion Testing.

(a) What Is Reasonable Suspicion. You may be tested for alcohol or drugs if your supervisor has "reasonable suspicion" that you are using or abusing alcohol or drugs. He/she will base the decision on specific, present, and particular observations of your appearance, behavior, speech or body odors, including indications of the chronic and withdrawal effects of illegal drugs.

(b) Procedure. Your supervisor or other official must observe specific examples and make observations of appearance, behavior, speech or body odors which lead him/her to believe that you are using or abusing alcohol or drugs. Supervisors and other officials are trained in the ways to detect the use and abuse of alcohol and illegal drugs. The person who makes the observation will not be the same person who administers the alcohol or drug test. If you are required to be tested under these circumstances, LCCAA will provide transportation to the testing site.

(c) Alcohol Tests. You can only be tested for alcohol if the observations are made during, just before or just after you worked on a safety-sensitive function. If you fail or refuse to be tested within 2 hours of the observations, your supervisor will prepare a file stating why the alcohol test was not promptly administered. After 8 hours, your supervisor will cease attempts to require the test and will prepare a file stating the reasons for not administering the test.

(d) If your supervisor has reasonable suspicion that you are under the influence of or impaired by alcohol, you will not be permitted to work on safety-sensitive functions until you have taken an alcohol test and the results show a concentration of 0.02 or less; or 24 hours have passed after the observation.

(e) Drug Tests. When your supervisor or other official has reasonable suspicion that you are using or have used illegal drugs, he/she will write it down in your file and sign the report either within 24 hours after he/she observed you, or before the drug test results are released, whichever is earlier.

6.5 Return-To-Duty Testing.

Before you return to work after a violation of either the alcohol or drug policy, you will be tested for alcohol or drugs again. The test results must indicate an alcohol concentration of 0.02 and/or less and be negative for drugs before you may perform any safety-sensitive functions again.

6.6 Follow Up Testing.

When you test positive for either alcohol or drugs, you will be evaluated by a substance abuse professional. If the substance abuse professional decides that you need assistance in dealing with an alcohol or drug abuse problem, you will be subject to unannounced follow-up alcohol or drug tests according to the directives of the substance abuse professional. Follow-up alcohol tests are only conducted just before, just after, or while you work on a safety-sensitive function.

7.0 Procedures used to test for presence of alcohol and controlled substances.

7.1 Alcohol Testing Procedures.

(a) What Is Tested? Alcohol testing is done by testing breath because breath is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per 210 liters of breath. The testing device is called an Evidentiary Breath Testing Device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as "percent per weight." it does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is

determined and the quantity of the alcohol converted to its equivalent value in blood. A Blood Alcohol Concentration (BAC) of 0.10 means 1110th of a gram of alcohol per 210 liters of breath. The EBT will print three copies of each test result and the test results will be numbered.

(b) Quality Assurance Plan. Each EBT must have a Quality Assurance Plan (QAP) developed by the manufacturer. The plan shows the methods used to perform external calibration checks using only approved calibration devices. It also describes the minimum intervals for performing the calibration checks for the EBT and specify the tolerances for external calibration checks within which the EBT is in proper calibration. Finally, the plan specifies inspection, maintenance, and calibration requirements and intervals.

(c) Initial Test. A test may have two separate parts. The first test is the initial test. If the initial test shows a reading of less than 0.02, the test is recorded as "negative." If the initial test result is 0.02 or greater, a confirmation test will be done. The alcohol testing will be administered at a site that affords privacy. Only one breath test will be done at one time. The person giving the test will not leave the testing site during your test.

(d) Only a certified breath alcohol technician (BAT), trained in the operation of the EBT, may administer the alcohol test. Your supervisor may not administer the test under any circumstances.

(e) The EBT will immediately read the results of the test and a copy of the printed results will be given to you. Printed results are not required for the initial test. IN LIEU OF AN EBT, THE DOT REGULATIONS PERMIT THE USE OF CERTAIN APPROVED NON-EBT TESTING DEVICES TO BE USED FOR THE INITIAL TEST; THE PROCEDURES DESCRIBED ABOVE MAY DIFFER IF SUCH DEVICES ARE USED.

(f) Identification. Before the test is administered, the BAT will ask you to provide identification. If you ask, the BAT must give you his/her name.

(g) Blank Test. The first part of the testing process is to make sure that the EBT is operating properly. In your presence, the technician runs an "air blank" test to make sure the EBT is working correctly and the reading is zero. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, you will be asked to blow into the mouthpiece for at least 6 seconds, or until the EBT indicates that, an adequate amount of breath has been obtained.

(h) Confirmation Test. When the initial test results show a reading of 0.02 or greater, a confirmation test is necessary. The BAT who administers the confirmation test will be different from the BAT who administered the first test. Before the confirmation test, a 15 minute waiting period will be observed. The purpose of the 15 minute waiting period is to make sure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products, does not artificially raise the test results. As the confirmation test is done on the same EBT as the first test, the testing procedures will be the same. When the results of the test are available, the BAT will show them to you and ask you to initial the form on which the results are printed.

(I) When the confirmation result is different from the initial test, the lower of the two results will be used to determine the consequences. A breath alcohol testing form will be prepared with a copy for you.

G) Inadequate Breath Sample. If you refuse to try to provide an adequate breath sample, the BAT will immediately notify Lake Cumberland Community Action Agency.

(k) If you try to provide an adequate breath sample but you are unable to, the BAT will make a note of it in the "Remarks" section of the form and immediately inform your supervisor. You will be directed by your supervisor to obtain an evaluation by a licensed physician. The physician

will provide an opinion on whether or not a medical condition has prevented you from providing the breath sample.

(l) Release of Results. The results of your alcohol test or tests will not be released to others unless you expressly authorize the release or unless required by law. For example, Lake Cumberland Community Action Agency may release the results of your alcohol test(s) to your next employer if you furnish Lake Cumberland Community Action Agency a letter authorizing the release of the results. Lake Cumberland Community Action Agency will not release test results unless you specifically request the release **IN WRITING**. LCCAA may make the authorization for release of previous records a requirement for employment.

7.2 Drug Testing Procedures.

(a) Which Drugs. The required testing program is limited to five types of drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

(b) Testing Conditions. All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require a designated collection site; security for the collection site; chain of custody documentation; use of authorized personnel; privacy during collection; integrity and identity of the specimen; and transportation to the laboratory.

(c) Certified Laboratories. Driver protection is built into the testing procedures. The only laboratories that can be used are those that have been properly certified.

(d) Tests. After the urine specimen has been collected and forwarded to the laboratory, two tests may be performed. The initial test is the immunoassay test. This is a screening test to determine drug usage for the five classes of drugs. The second test is a confirmation test.

(e) Initial Test. If the results of the initial test are negative, the testing laboratory will advise Lake Cumberland Community Action Agency's Medical Review Officer (MRO) that the drug test for the driver was negative. No additional tests on the specimen will be done.

(f) Confirmatory Test. If the results of the initial test are positive, that is, if the results exceed the permitted levels for any of the five drugs tested, a second (confirmation) test is performed. In the meantime, you will be removed from performing any safety sensitive duties, even though the results of the confirmatory test are not yet available. The second, or confirmatory, test is done in an entirely different manner from the initial one. All specimens identified as positive on the initial tests must be confirmed using gas chromatography/mass spectrometry techniques. Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the MRO for review and analysis.

(g) Split Specimen Collection. A split specimen collection will be done. That is, the urine is divided into two specimen bottles. If the test result of the primary specimen is positive, you may request the MRO to send the second (or split) specimen to a different certified lab for testing at your own expense. The test of the split specimen will be for the presence of drugs with no cut-off levels. If the result of the test of the split specimen is negative, the MRO will cancel the test. If you want the split specimen tested, you must advise the MRO within 72 hours of being notified of the positive test result of the primary specimen. If you provide an insufficient quantity of urine, the test will be canceled. You will be asked to drink fluids and to take another test 2 hours after the first test.

(h) Records of Results. Lake Cumberland Community Action Agency will keep a record in the drivers file showing the type of test (pre-employment, etc.); date of collection; location of

collection; entity performing the collection; name of the lab; name of the MRO; and the test results. You can access the results of your drug test(s) if you make a request IN **WRITING**.

8.0 Alcohol And Drug Tests Are NOT Optional.

8.1 You **MAY NOT REFUSE** to take a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test, or a follow-up alcohol or drug test. If you refuse to take any of those tests, your supervisor will consider that you tested positive for alcohol and/or drugs, and you will not be permitted to perform or continue to perform any safety-sensitive function except in accordance with the procedures which apply to a positive test.

8.2 Refusing to be tested means that you either:

- (a) Did not provide enough breath for testing without a valid medical explanation after you were told the requirements for breath testing;
- (b) Did not provide adequate urine for drug testing without valid medical explanation; or
- (c) Engaged in conduct that clearly obstructed the testing process.

8.3 Penalty for Refusing to Submit to an Alcohol and/or Drug Test.

An employee who refuses to submit to an alcohol and/or drug test based on random sampling, reasonable suspicion, accident involving a death or ticket, return-to-work or follow-up test will be terminated from his/her position in accordance with the procedures outlined in the policy. An individual who refuses to submit to the pre-employment drug test will be disqualified from further consideration for the position.

9.0 What Happens If You Test Positive For Alcohol Or Drugs?

9.1 Immediate Consequences. You will not be allowed to work on a safety-sensitive function if you violated Lake Cumberland Community Action Agency's alcohol and drug policies. You will not be permitted to work on a safety-sensitive function if it is determined that you violated these policies.

9.2 Evaluation. If you have engaged in prohibited conduct, you will be advised by your supervisor of the resources available to you in evaluating and addressing your alcohol or drug abuse problem, including the names, addresses, and telephone numbers of substance abuse professionals, counseling and treatment programs. Some information is provided in these materials. You will also be evaluated by a substance abuse professional who will determine what type of assistance, if any, you need in addressing your dependence problem. The substance abuse professional for Lake Cumberland Community Action Agency will be designated by LCCAA.

9.3 Testing Positive for Drugs.

A confirmed positive drug test will result in the employee being disciplined up to and including termination from his/her position in accordance with the procedures outlined in policy.

9.4 Testing Positive for Alcohol.

A. A confirmed positive alcohol test will result in the employee being disciplined in accordance with the procedures outlined in policy. The employee must also follow the treatment plan outlined by the Substance Abuse Professional, to be determined by LCCAA. Failure to follow

the treatment program will result in the employee being terminated from his/her position in accordance with the procedures outlined in policy.

B. Return-To-Duty Testing. If you have violated these provisions, you will, before returning to duty and work on a safety-sensitive function, take a return-to-duty alcohol test with a result indicating less than 0.02, if your conduct involved alcohol.

C. Follow-Up Testing. In addition, if the substance abuse professional decides that you need assistance, you must be evaluated again before returning to work to make sure that you have properly followed any rehabilitation program. You will also need to take unannounced alcohol and drug tests after you come back on duty. The number and frequency of the tests will be decided by the substance abuse professional. There will be at least 6 tests in the first 12 months following your return to work. Both alcohol and drug tests may need to be administered if the substance abuse professional so determines. Follow-up testing may occur up to 60 months from the date of your return to duty. The substance abuse professional may determine to stop the follow-up testing at any time after the first 6 tests if he/she decides that the tests are no longer necessary.

9.5 Referrals. The substance abuse professional who refers you to treatment because of a substance abuse problem shall not refer you to his/her own private practice or to a person or organization from which he/she receives payment or in which he/she has a financial interest. This restriction does not prohibit a substance abuse professional from referring you to treatment for assistance provided through Lake Cumberland Community Action Agency or a person under contract to provide treatment for alcohol or controlled substance problems on behalf of Lake Cumberland Community Action Agency.

10.0 What Happens If Your Alcohol Concentration Is 0.02 Or More, But Less Than 0.04?

If the results of your alcohol test show an alcohol concentration of 0.02 or more, but less than 0.04, you will not be allowed to work on a safety-sensitive function, including driving a LCCAA vehicle, until the start of your next regularly scheduled duty time, as long as there are at least 24 hours between taking the test and when you start work again. You may also be subject to additional actions consistent with law.

11.0 Information Concerning the Effects of Alcohol and Drug Abuse.

11.1 Supervisor training. Persons chosen to determine whether reasonable suspicion exists to require a driver to take an alcohol or drug test will receive at least 60 minutes of training on alcohol abuse and an additional 60 minutes of training on controlled substance use. Training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

11.2 The effects of alcohol and drugs on health, work, and personal life. There is much information available on this subject; the following is only a brief introduction. The consequences of alcohol and illegal drugs abuse extend far beyond the individual user. Impaired employees put themselves, fellow workers, and other users of our highways in danger. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol- and drug-abusing employees increase the costs related to lost productivity, absenteeism, accidents, loss of trained personnel, theft, and

treatment and deterrence programs. Also, medical costs are higher and are passed on to the employer in the form of higher health insurance rates. Alcohol and drug abuse is costly to both the employer and the employee. Alcohol is the number one abused drug in this country. Alcohol consumption causes a number of changes in behavior. Even low doses can damage the judgment and coordination necessary to drive. Low to moderate doses increase the frequency of a variety of aggressive acts. Moderate to high doses cause marked changes in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other drugs, much lower doses of alcohol will produce the effects described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and the liver.

11.3 Signs and symptoms of an alcohol or drug problem. Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

11.4 Multiple substance abuse. Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of alcohol, prescription drugs, over-the-counter drugs, and illegal drugs. Multiple substance abuse is especially dangerous because different substances combine with each other to produce unexpected effects and dangers. Multiple substance abuse often begins with abuse of a single substance. This may happen because once a person begins to use a drug, abuse of more substances becomes more likely. People who abuse one substance are at a high risk for developing dependence and tolerance for other substances.

11.5 Methods of intervention for suspected alcohol and drug problems. Alcohol and substance abuse is a complicated problem calling for specialized supervision and care. Do not help or aid a person who you think has an alcohol or drug abuse problem. Do not make excuses for them, do not do their work for them, and do not look the other way. The problem is not going to go away. Do not help them to continue their alcohol or drug abuse. Leave the treatment and counseling of persons with an abuse problem to professionals. The person with a problem must be evaluated by a professional, such as a physician, psychologist, other person with knowledge of abuse and clinical experience in the diagnosis and treatment of alcohol and drug related disorders.

11.6 Additional information. For additional information concerning the effects of alcohol and drug abuse, contact Lake Cumberland Community Action Agency's Employee Assistance Program. For information on where to find treatment for alcohol and other drug problems, a good place to look is in the Yellow Pages under "Alcoholism Information" or "Drug Abuse and Addiction Information." Usually there is a listing of the nearest Council on Alcoholism (or Council on Alcohol and Drug Abuse). These Councils provide information over the phone on the

availability of the nearest alcohol treatment programs. Alcoholics Anonymous and Narcotics Anonymous may also be listed. Both offer help in coping with alcohol and drug abuse

Please initial the following:

___ I authorize that the Company and its agents may, at any time and without advance notification, conduct searches and inspections of employees and their work stations, lunch boxes, personal effects, clothing, work area, and vehicles for determining if such employees are in the possession, use, transporting or concealment of any prohibited items or substances. Such searches and inspection may be conducted by Managers or other agents. Trained dogs may be used for such searches.

___ In conjunction with my receiving a copy of this Policy I further acknowledge the following. I have read and fully understand the terms contained herein and the consequences for violating any term of this Policy on prohibited items and substances. I understand that my compliance with the terms contained herein is a condition of my employment with this Company.

___ I understand that according to the Company's Policy, I am required to submit to a controlled substance and/or alcohol test for controlled substance chemical analysis for the following substances: All controlled substances and alcohol. The purpose of this analysis is to determine, or rule out, the presence of non-prescription or prohibited controlled substances.

___ I authorize the collection site, laboratory, Company officers and agents retained by the Company to perform any and all functions which those entities and/or individuals may be required to perform pursuant to the Law. Such authorization shall include, but is not limited to, the release of test result information to the Company, verification of the prescribed medications, obtaining information from the employee's physician, hospital, dentist or pharmacist and the reporting of negative test results with a qualifying statement in cases wherein an employee may be taking a legally-prescribed Schedule II drug. The results of the urine drug test will be maintained by the relevant officer for the Company who will report whether the test results were negative or positive, and if positive, the identity of the controlled substance for which the test was positive.

I understand that an employee who tests positive for the use of a controlled substance, or has a breath alcohol concentration of 0.02 percent or greater, shall be subject to disciplinary action, up to and including termination of employment. An employee who refuses to be tested under any of the provisions of this Drug/Alcohol Testing Program, such refusal shall be treated as a positive test and shall result in immediate discharge of the employee. Each individual's record of testing and results under this policy will be maintained private and confidential. I understand as a condition of my employment with this company, that the above-identified test is required.

I understand a documented chain of custody exists to ensure the identity, and integrity, of my sample throughout the collection and testing process. I specifically authorize the Company's Program Administrator and their designated representatives to receive the test results of this test for release to an authorized representative of the Company. The results will not be released to any additional parties without my written authorization.

____ I hereby consent to be tested for alcohol and/or drug use pre-employment, randomly, after an accident where impairment is identified, as well as on request of my supervisor, and understand that I could be subjected to up to 31 tests per month.

____ I hereby and consent that my refusal to submit to a request of drug and/or alcohol testing may result in my immediate termination.

____ I hereby understand that I will be required to submit to a requested drug and/or alcohol test with sixty minutes of when the request was received in cases of random, reasonable suspicion and/or post-accident.

____ I hereby understand that I will be required to submit to a requested drug and/or alcohol test with sixty minutes of when the request was received in cases of return to work testing and follow up testing.

I hereby certify that I have received, read, and understand Lake Cumberland Community Action Agency policy Alcohol and Drugs and I agree to comply with this policy. I understand that non-compliance will lead to discipline, up to and including termination of employment and possible legal action.

Employee Signature/Date

Employee Printed Name