



PERSONNEL POLICY MANUAL

The personnel policies and procedures of the Agency are designed to safeguard the interests of the Agency and of all employees.

Any question regarding the interpretation of the policies herein should be forwarded to Human Resources.

MISSION STATEMENT

mercyFirst honors the spirit of the Sisters of Mercy and the legacy of their *founder*, Catherine McAuley, providing hope by reaching out to children and families in need, recognizing the unconditional, God-given right of every person to heal and grow physically, spiritually, morally, intellectually and emotionally.

HISTORY OF MERCYFIRST

The Vision Begins with the Sisters of Mercy

mercyFirst has a rich past, with roots dating back to Ireland and a spirited woman with a vision. Catherine McAuley believed in the dignity of every human being -including the poor, the sick, and the uneducated. She was committed to searching for justice for them and used her inheritance to improve their lives. In 1831, Catherine McAuley founded the Sisters of Mercy, who have dedicated their lives to helping people overcome the obstacles that prevent them from living full and dignified lives.

In 1855, five Sisters of Mercy were invited to teach at a new parish school, St. James, located on Jay Street in Brooklyn. Shortly thereafter, the school became a resource for orphans living in the streets. In 1862 the Sisters and children relocated to a new facility on Willoughby Avenue designed for residential care and the population quickly grew to over 500 children and young women. The building exists to this day and serves as the Motherhouse for the Brooklyn Sisters of Mercy.

The Vision Grows as Needs Grow

In 1894, the Sisters opened St. Mary of the Angels Home on 120 acres of farmland purchased in Syosset, Long Island. Originally, the farm was used for brief vacations as the Sisters escaped Brooklyn during the heat of summer with groups of children and young women. During this time the Sisters and the older boys managed a farm where fresh vegetables were grown for those who lived at the farm, as well as for those who remained at the Convent of Mercy in Brooklyn. The surplus was sold to the community for income. St. Mary's soon became a year round residence for orphans, and in 1905 a school for the younger boys was built, while the older boys attended local schools.

Five years after the opening of St. Mary's, the Sisters of Mercy founded the Angel Guardian Home in Bay Ridge, Brooklyn. The first residents were ninety girls aged two to five, separated from their families because of illness, homelessness and poverty. By 1903, boys were accepted, and in 1906 a nursery was erected to accommodate infants. In that same year Angel Guardian began placing children with families in the community.

In accordance with the strong belief that the family is the primary unit of society, these homes gave many thousands of children the opportunity to live with families in a normal setting. While the children attended local neighborhood schools and participated in community recreation, the staff of Angel Guardian continued to work to reunite them with their biological families. Because reunification was not always possible, an Adoption Program was initiated in 1947.

During this time, St. Mary's of the Angels Home remained a branch of the orphanage in Brooklyn. Although they faced many obstacles, such as, the Depression, when eight Sisters cared for one hundred and eighty five young boys each day, providing for their education, as well as their emotional needs, the Sisters continued to provide refuge for those in need.

In 1967 St. Mary's of the Angels Home was incorporated as a separate child care agency with the ability to serve boys up to the age of twenty one. In that year the first two cottages were built for the older boys and a partnership with the New York City Board of Education began. St. Mary's developed a series of specialized residential programs with the building of additional cottages, a gym and a pool. When a new school and administrative building were built in 1989, the old farm land had truly become a modern campus.

With further changes in public policy, Angel Guardian Home was among nine agencies selected by New York City in 1974 to participate in a pilot program to work with at-risk families in their own homes, a successful preventive program to strengthen families and keep children out of foster care whenever possible and which continues to date. In 1975 Angel Guardian opened its first group home designed for teenage mothers and their babies.

Responding Again to Changing Needs

As the needs of children and families continue to change the importance of being able to provide a continuum of services became an emerging priority for both organizations. In addition, financial pressures from public agencies were increasing and forcing services to be provided in a more cost effective manner. Under the leadership of the Sisters of Mercy, and the agreement of the Boards of Directors, Angel Guardian Children and Family Services and St. Mary's Children and Family Services merged together on March 18th, 2003 to form mercyFirst.

This merger of two of New York's premier child welfare agencies combined a legacy of over 100 years of service to children and families. Both agencies were founded by the Sisters of Mercy and shared a history and unwavering commitment to serving dependent and neglected children and families. United as one, the combined organization has captured the respective strengths of Angel Guardian and St. Mary's to create a continuum of care for children and families.

PROVISION STATEMENT

Responsibility for the establishment of personnel policies for *mercyFirst* rests with the Board of Directors. The Chief Executive Officer is responsible to implement these policies.

This Manual is intended to acquaint employees of *mercyFirst* with the terms of certain plans, policies, rules and procedures of *mercyFirst* and supersedes any prior versions.

The plans, policies, rules and procedures described in this Manual are not conditions of employment. *mercyFirst* reserves the right to modify, revoke, suspend, terminate, or change any or all such plans, policies, rules or procedures at any time with or without prior notice. It is the intent of *mercyFirst*, however, to inform employees of any changes in a timely manner.

Neither this Manual nor any other *mercyFirst* document confers any right, either expressed or implied, to remain in the *mercyFirst* employ. No employee of *mercyFirst* is authorized to enter into any written or verbal employment contracts with any employee without the expressed written consent of the CEO or his designated management officers. Any questions concerning the meaning or the application of any matters contained in this Manual should be directed to the Vice President of Human Resources.

PREFACE

mercyFirst is an independent, not-for-profit, child welfare agency licensed and certified by the State of New York. mercyFirst is governed by a Board of Directors and administered by the CEO.

While the care of children presents awesome responsibilities in ordinary life circumstances, the many complications involved in providing for children who have lost the security of their homes and families; and working with adults and families struggling to remain together or to retain their independence; compounds the challenges for this agency and each of its staff members. This challenge demands full dedication to the highest ideals of good service, commitment to the mission of the Agency, unity of purpose and effort with our fellow workers, and a determination to do our very best at whatever may be our assigned role.

It is with these considerations in mind that these Personnel Policies have been prepared. If staff is to fulfill the high expectations flowing from the nature of the commitment, then the proper climate for successful working relationships must be provided. In this way, on all levels of involvement - Board, Administration, Supervisory, Professional and Support staff - it can always be immediately and clearly known what are the duties, obligations, rights, and benefits of each employee. "Good care" for our children and families will not be a viable goal of the agency if it is not preceded by "good caring" for one another.

This Manual is for the employees of mercyFirst. It will help you find the answer to most of the questions you have regarding your employment. Read it carefully. If you do not find the answers to your questions or need additional information, please feel free to question your supervisor or a member of the Human Resources Department. These Personnel Policies were originally approved by the Board of Directors and are revised periodically in order to remain current with the needs of the agency and its staff. The contents of this Manual are based on the rules and regulations presently in force at the time of printing. These Policies and Procedures are subject to modification or amendment at any time at the discretion of Administration without prior notice to staff. It is the intention of the agency, however, to notify staff of any changes in a timely manner.

Neither this handbook, nor any other agency document grants any contractual right, either express or implied, to remain in the Agency's employ, nor does it guarantee any fixed terms and conditions of your employment. Your employment with the agency is not for any specific time and may be terminated at will, with or without cause, and without prior notice by the Agency or you may resign for any reason.

Hon. Bernard McCaffrey
President, Board of Directors

Gerard McCaffery
Chief Executive Officer

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SECTION 1 - POLICIES

101.00 EQUAL EMPLOYMENT OPPORTUNITY

mercyFirst is an equal opportunity employer and is committed to making all personnel decisions without regard to age, race, creed, religion, color, gender, national origin, disability, marital status, citizenship, pregnancy, sexual orientation, veterans status, or any other status protected by law.

Anyone who believes that he or she or any co-worker has been discriminated against on the basis of any of these characteristics, or who believes he or she has been retaliated against for making a complaint of discrimination, shall immediately report the incident to the Vice President of Human Resources. If you feel uncomfortable speaking with to this individual or if you feel your complaint has not been adequately addressed, please speak to the Chief Executive Officer.

101.01 POLICY STATEMENT FOR DISABLED EMPLOYEES

*mercy**First** is committed to complying with all applicable provisions of the laws applicable to disabled employees. It is the Agency's policy not to discriminate against any qualified employee with regard to any term, condition, or privilege of employment because of such individual's disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, mercy**First** will provide reasonable accommodation to a qualified individual with a disability, as defined by law, provided that such accommodation does not constitute an undue hardship on the Agency.*

101.02 CODE OF ETHICS

The Agency follows a Code of Ethics Policy to guide all its actions and decisions that can be found in the Appendix.

PHILOSOPHY ON CONTINUOUS QUALITY IMPROVEMENT

The Agency strives to continually improve its services and activities. To accomplish this, the Agency *generally* undertakes the following activities:

- Assessing clients' and community needs through close contact with referral sources, families and other sources.
- Identifying and selecting opportunities for improvement through data collection, analysis and interpretation.
- Enhancement of programming, services and skills through regular supervision, ongoing training and performance evaluation.
- Active participation in community efforts to meet the needs of our clients through advocacy and information sharing.
- Implementation of quality improvement processes and training.

All staff and clients are a part of our drive to continually improve the quality of service we provide to our children and families.

I. SEXUAL HARASSMENT

Sexual harassment in the workplace is illegal and all employees are forbidden from engaging in such activity in any manner. mercyFirst is committed to providing a work environment free from all forms of sexual harassment or intimidation.

Definition of Sexual Harassment:

1. *Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - A. *Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; -OR*
 - B. *Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, such as promotion, transfer, or termination; -OR*
 - C. *Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.**
2. *It makes no difference if the harassment is "just joking" or "teasing" or "playful" Such conduct may be just as offensive as any other type of harassment. Specific forms of behavior that may constitute sexual harassment include, but are not limited to, the following:*

A. Verbal and Written:

Explicit or implicit threats of retribution, or promises of benefits, in return for sexual favors;

Abusive language related to an employee's sex or sexual preference, including sexual innuendoes, slurs, suggestive, derogatory or insulting comments or sounds, whistling, jokes of a sexual nature or concerning gender-specific traits, sexual propositions and threats;

Use of demeaning or offensive words when referring to a particular sex or sexual preference;

Demands for sexual favors or sexually oriented comments about an employee's body or appearance, sexual habits, sexual preference, or sexual desirability that are unwelcome and unreasonably interfere with an employee's work performance by creating an intimidating, hostile, or offensive working environment;

Sexual harassment is not limited to oral comments. Abusive written language, transmitted via E-mail, instant messaging, or otherwise, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries or obscene gestures, which unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment, are also prohibited.

B. Physical:

Any sexual advance involving physical contact that is not welcome, including touching, petting, pinching, coerced sexual intercourse, assault or persistent brushing up against a person's body.

II. OTHER FORMS OF UNLAWFUL HARASSMENT

Just as sexual harassment is strictly prohibited, so is harassment on the basis of age, race, creed, religion, color, national origin, disability or medical condition, marital status, citizenship, pregnancy, sexual orientation, veteran status, or any other status protected by law. The Agency is committed to providing a work environment free from all forms of unlawful harassment or intimidation.

Definition of Prohibited Harassment:

1. Verbal or physical conduct constitutes prohibited harassment when:

A. It is based on an applicant or employee's age, race, creed, religion, color, national origin, disability or medical condition, marital status, citizenship, pregnancy, sexual orientation, veteran status, or any other status protected by law; - AND

B. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

2. It makes no difference if the harassment is "just joking" or "teasing" or "playful." Such conduct may be just as offensive as any other type of harassment. Specific forms of behavior that may constitute prohibited harassment include, but are not limited to, the following:

Abusive language related to an employee's age, race, creed, religion, color, national origin, disability or medical condition, marital status, ancestry, citizenship, pregnancy, familial status, sexual orientation, veteran status, or any other status protected by law, including innuendoes, slurs, suggestive, derogatory or insulting comments or sounds, threats, and jokes based on the employee's protected status.

Use of demeaning or offensive words when referring to an employee's age, race, creed, religion, color, national origin, disability or medical condition, marital status, ancestry, citizenship, pregnancy, familial status, sexual orientation, veteran status, or any other status protected by law.

Prohibited harassment is not limited to oral comments. Abusive written language, transmitted via E-mail, instant messaging or otherwise, showing or displaying offensive objects or pictures, graphic commentaries or gestures, which unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment, are also prohibited.

Any physical contact based on an employee's age, race, creed, religion, color, national origin, disability or medical condition, marital status, ancestry, citizenship, pregnancy, familial status, sexual orientation, veteran status, or any other status protected by law that is not welcome.

III. PROCEDURES

1. Any person who feels that he or she has been the victim of sexual or other unlawful harassment or has witnessed such activity must immediately report the incident to Vice President of Human Resources. If you feel uncomfortable speaking to this individual or if you feel your complaint has not been adequately addressed, please speak to the CEO.

2. All complaints will be investigated in a timely manner.

3. Confidentiality will be maintained to the maximum extent possible, consistent with the Agency's obligation to conduct a thorough investigation. All individuals who become involved in the investigation are required and directed to treat the matter confidentially.

4. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a focus upon the nature of the behavior, the pattern of such conduct, if any, and the context in which the incident(s) occurred.

5. Individuals who believe they have been unjustly charged with sexual or other unlawful harassment will be afforded every opportunity to offer and present information in their defense.

6. Anyone who participates in this procedure may do so without fear of retaliation. Retaliation against anyone, because he or she has filed a harassment complaint, is illegal and grounds for disciplinary action.

7. An individual who is found to have violated this policy will be subject to appropriate disciplinary action, up to and including termination.

IV. GENERAL PRINCIPLES

- 1. This policy applies to all applicants and employees, whether related to conduct engaged in by an employee or someone not directly connected to the Agency (outside vendors, consultants, customers).*
- 2. To assure compliance with this policy, supervisors and managerial personnel must take timely and appropriate corrective action when instances of sexual or other unlawful harassment come to their attention.*
- 3. All employees will be held responsible and accountable for avoiding or eliminating prohibited conduct.*
- 4. Knowingly false complaints of sexual or other unlawful harassment, as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.*

101.05 WORKPLACE VIOLENCE PREVENTION

To ensure a safe workplace and to reduce the risk of violence, employees must review and understand all provisions of this workplace violence policy.

A. PROHIBITED CONDUCT

We do not tolerate any type of workplace violence committed by or against employees or others in the workplace. Employees are prohibited from making threats or engaging in violent activities. The "workplace" for the purposes of this policy includes Agency property, vehicles used in the course of business and any other location where Agency business is being conducted.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

- Causing physical injury to another person;*
- Making threatening remarks;*
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;*
- Intentionally damaging employer property or property of an employee or member;*
- Possession of a weapon while on Agency property or while on Agency business.*

B. REPORTING PROCEDURES

Any potentially dangerous situations must be reported immediately to the AOD, any management employee or Human Resources. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis.

C. RISK REDUCTION MEASURES

While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform a manager if any employee, member or visitor exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes:

- *Discussing weapons or bringing them to the workplace;*
- *Displaying overt signs of extreme stress, resentment, hostility or anger;*
- *Making threatening remarks;*
- *Sudden or significant deterioration of performance;*
- *Displaying irrational or inappropriate behavior.*

D. ENFORCEMENT

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination, as well as potential prosecution. Non-employees engaged in violent acts on the Agency's premises or against employees will be reported to the proper authorities.

EMPLOYEE MANDATE ON THE REPORTING OF ABUSE AND MALTREATMENT ALLEGATIONS

The Mission and Philosophy of the Agency stresses the importance we place on respect for the individual and our commitment to protect children from abuse and maltreatment. New York State law defines individuals employed in particular job categories as Mandated Reporters. These positions are:

Social Worker	Coroner	District Attorney, or Assistant District Attorney
Licensed Creative Arts Therapist	Osteopath	Investigator employed in the Office of the District Attorney or other law enforcement official
Licensed Marriage and Family Therapist	Optometrist	School Official
Licensed Mental Health Counselor	Resident	Social Services Worker
Licensed Psychoanalyst	Intern	Christian Science Practitioner
Physician	Registered Nurse	Hospital personnel engaged in the admission, examination, care or treatment of persons
Surgeon	Registered Physician's Assistant	Any employee or volunteer in a residential care program for youth, or any other child care or foster care worker
Dentist	Psychologist	Day Care Center Worker
Dental Hygienist	Mental Health Professional	Provider of Family or Group Family Day Care
Chiropractor	Substance Abuse Counselor	Emergency Medical Technicians (EMTs)
Podiatrist	Alcoholism Counselor	
Medical Examiner	Police Officer; Peace Officer	

Most employees of mercyFirst are designated "mandated reporters" and thereby required by law to report any incidents of suspected abuse or maltreatment that they observe while at work. It is agency policy that all other employees are expected to bring any incidents, information or suspicions of abuse and maltreatment to the attention of their supervisor for follow-up and reporting.

Please refer to the *Policy and Procedures for Reporting Abuse and Maltreatment* in the Appendix.

101.07

INVESTIGATIONS

All staff are required to fully participate in investigations upon request. Failure to provide full and accurate information may result in disciplinary action up to and including termination of employment. Staff may not impede an investigation in any way. Compromising the investigation may result in disciplinary action up to and including termination of employment.

SECTION 2 - HIRING POLICIES

102.00 INTERNAL JOB POSTING

It is the policy of the agency that positions will generally be posted on the Human Resources Job Posting bulletin board located in the Administration Building in the Syosset Human Resources Department. Such postings will also normally be distributed to all sites and posted on the agency's intra-net web site. Job postings will list position title, minimum qualifications, department, with a two week deadline to apply.

The agency reserves the right, however, to offer a position to a qualified candidate already employed in that department whose experience and qualifications make that individual uniquely suitable for that position. In such situations, Senior Management, in consultation with the Supervisor and the Vice President for Human Resources, will reach a determination on making the job offer to the individual involved.

Current staff applying for positions must do so as directed on the Job Posting. Employees on orientation or probation are not eligible to apply to an internal job posting. Employees who have received a disciplinary action within the last 90 days are not eligible to apply to an internal job posting. Qualified applicants will have an opportunity to be interviewed.

To help insure open communication about possible promotions and job transfers, supervisors are required to sign the employee's internal job application before it is sent to Human Resources for processing.

102.01 HIRING OF RELATIVES AND SIGNIFICANT OTHERS

In general, applications from any individual who is related to a current employee, agency foster parent or a client should be discussed with the Vice President of Human Resources before a job offer is made.

In order to avoid any impropriety or the appearance of impropriety, management and supervisory staff are not authorized to hire or promote any individual who is related by blood or marriage to a staff member in the same program or site who will serve in a supervisory capacity to that individual. In such matters, the Vice President of Human Resources must be apprised of the circumstances surrounding the matter and will make the final determination, in consultation with the Senior Manager for that area, as to whether a job offer will be made.

The hiring of an individual from outside the agency who previously worked for the administrator or supervisor, or the hiring or promotion of someone who is related by blood or marriage to any individual already working at the program or site must also be approved by the Vice President for Human Resources, in consultation with the Senior Manager for that area.

In addition, in order to avoid any impropriety or the appearance of impropriety, management and supervisory staff are not authorized to hire or promote any individual who is related by blood or marriage to a member of the Board of Directors. In such matters, the Vice President for Human Resources must be apprised of the individual and position under consideration, status of other candidates being considered, and the reasons for wanting to hire or promote the particular individual. Upon consultation with the CEO, a determination will be made as to whether a job offer will be made.

102.02 REFERRAL FEE

Except for a member of the Management Team, there is a referral fee award of \$250.00 for any staff member who recommends someone for full-time employment and that person is subsequently hired. The employee referring the new hire will be paid \$125.00 upon their being hired and be paid the remaining \$125.00 after the new hire successfully completes their Orientation period and has received their performance evaluation. The person referring someone must be currently and actively employed to receive finder's fee monies.

The new employee must list the name of the employee who referred them on the application packet for this referral fee to be applicable.

102.03 PHYSICAL EXAMINATIONS

All new employees are required to undergo and pass a physical examination within one (1) month of hire date. The examination will include Serology and Tuberculin Mantoux (PPD) tests.

New employees can go to their own *health care provider*, at their own expense, for the *required initial* physical exam. *As described above the examination must include PPD test. Upon submission of a bill, the agency will reimburse the employee up to \$75 for any un-reimbursed cost of this initial examination.* If the new employee fails to undergo the examination within the required time, he/she may be suspended without pay until the required documentation is received by a Human Resources Department representative.

The New York State *Office of Children and Family Services* requires employees who work directly with the children undergo annual physical examinations as a condition of employment. The Agency requires annual physicals for any staff member who performs work in a residential cottage, group home, or office who has regular contact with children and/or families, *including custodial and maintenance staff.* All physicals must include PPD tests. PPD tests are given free of charge by the Agency.

The Human Resources Department will inform the *supervisors at the time the annual performance review is due* of those employees when examinations are due. Failure to comply may result in disciplinary action up to and including suspension or termination of employment.

Staff who need annual physicals include:

- Recreation Staff
- Direct Care Workers I and II
- Program Managers
- Any staff who work in a residential cottage, group home, or office with regular contact with children and/or families
- Caseworkers
- Clinical staff
- Health staff

Those employees who have positive reactions to the Tuberculin Mantoux (PPD) test will be required to report to their own physician or a local clinic for a chest X-ray. These employees must present to the Vice President of Human Resources certification of a negative chest X-ray. Those employees who have a positive chest X-ray will be required to follow the recommendations of their physician or local clinic.

102.04 HEPATITIS B VACCINE

Hepatitis B Vaccine will be made available through the Agency's Health Offices, free of charge, to all employees with direct contact with the clients. Staff with medical coverage may instead go to their physician and receive the vaccine.

In order to receive the vaccine through mercyFirst, staff must get a prescription for the vaccine from their physician, present the prescription to a Human Resources representative, and then *make an appointment to go to an Agency Health Office at either the St. Mary's or Angel Guardian Campus* where a nurse will administer the vaccine. Please note the Hepatitis B vaccine is a series of injected doses administered over the course of six months.

All direct care staff who do not wish to receive the vaccine must sign a statement to that effect, but are free to change their minds at a later date and avail themselves of the vaccine.

102.05

DRIVER'S LICENSE

All *direct care staff*, CRTs, Program Managers, Caseworkers, and Case Managers, and similar positions working directly with our children *in any of our residential programs* are required to have and maintain a valid New York State driver's license. *Any staff members who drive an agency vehicle or their own vehicle on agency business, including Maintenance and Custodian Staff, must have a valid New York State Driver's license as well.* A copy of an employee's current valid driver's license will be maintained in an employee's personnel file. Human Resources regularly receive reports from Department of Motor Vehicles on moving violations.

Upon hire, and on an ongoing basis, employees *in the above categories will have their* driver's licenses will be validated through the New York State Department of Motor Vehicles.

Applicants who have a "Probationary" or "Restricted" license will not be eligible for hire in the categories specified above.

Licenses will also be validated at the expiration date. Employees whose positions require driver's licenses must maintain a satisfactory driving record. Their driving history will be reviewed on an ongoing basis. Failure to maintain a satisfactory record may result in a disciplinary action including suspension and/or termination of employment.

102.06 CREDENTIALS

Staff must submit to the Human Resources Department their highest educational certificate and professional license pertinent to their position. This information must be updated as additional certifications, licenses and degrees are obtained. In certain job categories, educational transcripts may be requested. All documents must be updated, as prior ones expire, and sent to the Human Resources Department. Copies of these professional license renewals and certifications must be submitted to the Human Resources Department. Failure to maintain current credentials pertinent to their position may result in disciplinary action up to and including suspension and/or termination of employment.

FINGERPRINTING PROCEDURE/STATE CENTRAL REGISTRYA. FINGERPRINTING

1. Fingerprinting of candidates will be done as the last phase of the recruitment process.
2. A Human Resources representative will register the prospective employees or volunteers through the Office of Mental Health (OMH) Criminal History Information Tracking System (CHITS).
3. After successful registration in CHITS (OMH Tracking System), the applicant will go to a LiveScan Station (located at most OMH Psychiatric Centers) to be fingerprinted or another designated site.
4. At the LiveScan station, the applicant is fingerprinted using LiveScan technology, which allows the immediate collection and transmission of electronic fingerprint images. These images are then forwarded to the New York State Department of Criminal Justice (DCJS).
5. Results of the screening will be forwarded by DCJS to the Office of Mental Health - CHITS data bank for the employer to review. If the screening is unfavorable, the employee will be instructed to write a statement of the occurrence(s) found in the returned results. The statement from the employee will be submitted to the Human Resources Manager.
6. Human Resources will review fingerprint results and the employee's statement of occurrence for unfavorable results. The Vice President of Human Resources will review all unfavorable results and related documents with Senior Management member responsible for that department. While under review, and if deemed necessary, the individual may be placed on administrative leave. The individual will be given a Summary of Rights under the Fair Credit Reporting Act, a copy of the CHITS report and a letter indicating that the issue is under review. All individual receiving an unfavorable report will be notified in writing of the final determination.
7. Human Resources will be responsible for providing the New York State Department of Criminal Justice with this information which will be maintained in a confidential file in a manner that is consistent with the law.

B. STATE CENTRAL REGISTRY (SCR)

1. *State Central Registry (SCR) Clearance* of candidates will be done as the last phase of the recruitment process.
2. *The completed SCR Form will be sent to the Office of Children and Families Services.*

3. If the screening is unfavorable, the CEO will notify the Vice President of Human Resources as to the results of the screening. The employee will be instructed to write a statement of the occurrence(s) which will be presented to the *Vice President for Human Resources and Senior Management for review*. This information will be maintained in a confidential file in a manner that is consistent with the law.

4. The *Vice President of Human Resources and Senior Management* will make the final determination regarding the candidate's employment or the staff member's continued employment. While under review, the individual may be placed on administrative leave. The individual will be given a Summary of Rights under the Fair Credit Reporting Act, a copy of the report, and a letter indicating the issue is under review. All individuals receiving an unfavorable report will be notified in writing of the final determination.

5. *A SCR Clearance must be received for an employee having direct contact with children:*

(a) If a SCR Clearance is not received prior to completion of the orientation period, the employee is not allowed to supervise children without a cleared co-worker present with them at all times.

(b) If a SCR Clearance is not received for an employee having direct contact with children within 2 months following their being hired a review will be undertaken by the Vice President for Human Resources and Senior Management to determine whether the employee will be put on leave until the clearance is returned. Under no circumstances can such an employee work longer than 3 months without a favorable clearance being returned.

102.08 Notification of Communicable Diseases

For the health and welfare of our staff and residents, the Agency expects every staff member to report communicable illnesses to their supervisor. Because our clients are children, there is a special need to report such situations (i.e. chicken pox, strep throat, pink eye). Supervisors will be required to report communicable diseases to the Health Office. Staff may not be allowed to work during contagious periods. Staff may be required to provide medical documentation that they are no longer contagious.

SECTION 3 - EMPLOYMENT

103.00 JOB DESCRIPTION

Current job descriptions shall *generally* be on file for all positions within the Agency. Supervisors will *normally* maintain job descriptions for their departments. A copy of the description will *normally* be given to all current and prospective employees. Job descriptions are subject to change *and may be revised from time to time* according to departmental needs. Supervisors should ensure that job descriptions are accurate and responsible for ensuring that job descriptions accurately reflect the essential functions of positions under their supervision. *If an employee does not believe a job description accurately describes their position, they should bring this to the attention of Human Resources.*

103.01 PERSONNEL RECORDS

Personnel files shall be maintained in the Human Resources Department for each employee. These records are considered highly confidential. Each employee has a right to review his or her file by appointment, *in the Human Resources Department and in the presence of a Human Resource representative.* Supervisors and department heads shall also have access to these records, when authorized by the Human Resources Department. *Employees have a right to attach a written statement disputing documents placed in their personnel file.*

103.02 CHANGE OF PERSONAL STATUS

Each employee is responsible for notifying the Human Resources department of any change of name, address and telephone number, marital status or person to be contacted in case of emergency. You must also notify the Human Resource Department, in writing, if you wish to change your beneficiary or dependent coverage under your group insurance program or pension plan.

If you earn a degree, complete specialized education courses, receive a professional license or registration, etc., you must submit a copy of your accomplishment to the Human Resources department. This will be placed in your personnel file.

CONFIDENTIALITY

As an employee of the Agency, you may have access to confidential information about the individuals served by the Agency, other persons associated with the Agency, or financial or business information obtained through your association with the Agency.

Confidential information is valuable and sensitive and should be treated as such. It is protected by laws, rules and regulations including the Health Portability and Accountability Act of 1996 (HIPAA), which require protection of confidential information, obtained within the Agency's information systems. Inappropriate disclosure of confidential information may result in the imposition of fines up to \$250,000 and ten years imprisonment per incident.

The following are conditions of employment:

1. Staff will not access confidential information unless there is a legitimate need to know the information and he/she is an authorized user.
2. Staff will not divulge, copy, release, sell, loan, review, alter or destroy any confidential information unless expressly permitted by existing policy or approved in writing by an authorized officer of the agency.
3. Staff will not utilize another's user password in order to access any system, will not reveal computer access code to anyone, unless authorized by the Information Systems Department or its authorized designee, and will accept personal responsibility for all activities occurring under my password.
4. If a staff member becomes aware of, or suspects, unauthorized access or divulgence of confidential information, there is a duty to report it immediately to his/her supervisor or to the Privacy Officer (who is the Compliance Manager in QI), or agency designee.
5. Staff will not benefit personally or permit others to benefit personally from any confidential information to which he/she has access.
6. Staff will respect the ownership of proprietary software and not operate any non-licensed software on any agency computer.
7. Staff understands that all information related to his/her job and position at the Agency, regardless of the media on which it is stored (paper, computer, video recorder, etc.), the system processing the information (computers, voice mail, telephone systems, faxes, etc.) or the methods by which information is transmitted (electronic mail, face to face conversation, written word, faxes, etc.) is the property of the Agency and shall not be used inappropriately or for personal gain. Staff also understands that all electronic communication will be monitored and subject to internal and external audit.

8. Staff agrees to abide by the Agency's Security and Confidentiality Agreement as well as other Agency policies, rules and regulations.
9. Staff understands that failure to comply with the Security and Confidentiality Agreement may result in disciplinary action which includes, but is not limited to, termination of employment or volunteer/student intern status and/or loss of my privileges within the Agency.

103.05 STATEMENTS TO MEDIA

Only the CEO or his/her designee may make any statement to the *media* which in any way *explains or* represents the policy positions or activities of the agency, its clients or staff. Staff should immediately notify the CEO *if they are contacted by the media* and follow his/her directives.

103.06 INFORMATION REQUESTS

All requests for reference information on present or past employees shall be referred to the Human Resources department. The Agency will only verify employment status for any telephone inquiries. Requests for additional information must be in writing on company letterhead and sent either by first class mail or facsimile. Information will be released to governmental agencies upon their request. *Except in unusual situations, and then only with the authorization of the CEO, only basic information – name, dates of employment and position - will be provided.*

103.07 STAFF DEVELOPMENT

Since training is an essential component of your career path, the Agency has a Staff Training and Development program that offers opportunities for administrative, professional and support staff to improve their knowledge, skills, and abilities. The training consists of in-service workshops and outside seminars. Upon hire, there is mandatory training program required for all staff.

All full-time direct care staff members are required to complete a minimum of 28 hours of training per year (in accordance with NYS regulation). Part-time direct care staff members are required to complete a minimum of 13 hours of training per year.

All non-direct care staff members are required to complete a minimum of 10 hours of training per year.

EMPLOYEE ASSISTANCE PROGRAM

The Agency contracts with the National Employee Assistance Program (EAP) for staff needing assistance with personal problems. *EAP can be contacted at 1-800-624-2593 and Information on their services is available on the agency's intra-net web site.* The purpose of the program is to offer confidential problem assessment, counseling, and referral services.

The EAP is a confidential and valuable resource that assists staff in addressing personal problems including, marriage and family concerns, budgeting and financial problems, physical and emotional difficulties, before their job performance is affected.

Any employee who is a victim of violence, including domestic violence, is strongly encouraged to seek help through the Employee Assistance Program. The Agency is committed to assisting staff, who are victims of violence, whenever possible. Staff members who exhibit certain behaviors may be required to participate in an EAP program as a condition of employment.

RIGHT OF REFUSAL TO TREAT

It is the policy of the Agency to provide for a mechanism to address requests from staff members not to participate in any aspect of client care and treatment that may conflict with their cultural values and/or religious beliefs. This may include, but is not limited to counseling or access to abortions or sterilizations. However, the primary obligation of the Agency is to provide treatment and care to all of its clients. Therefore, in no instance will the mission of the Agency be compromised.

The Agency procedure established for staff to request not to participate in a specific treatment or care is as follows.

1. Before an individual staff member is hired, he/she will be clearly informed about the populations we serve and the policies on client care that may influence his/her decision regarding employment. During the hiring and orientation phase of employment, new hires are again advised of the population we serve. If they decline such employment, administration may consider them for other position vacancies for which they might be qualified.
2. A staff member can request not to participate in a treatment or procedure by notifying their immediate supervisor as soon as they become aware of this issue. This request must be put in writing and the reasons clearly stated. A copy of this request must be sent to the Vice President of Human Resources. This must be done in a reasonable time frame and may not affect the client's treatment.

3. The supervisor will evaluate such requests in concert with the Vice President of Human Resources. A determination will be made if such requests can legitimately and appropriately be granted, taking into consideration all circumstances existing at the time. If granted, the supervisor will arrange to redistribute the tasks, activities and duties to other individuals as needed to ensure appropriate quality care for the client. It may be necessary for the staff member requesting such exclusion to provide appropriate client care until alternate arrangements can be made.
4. Due to staffing limitations, it may not always be possible to grant such a request. The Agency will attempt to make reasonable accommodation for all justified requests and shall not unreasonably withhold approval.
5. The individual granted an exemption from duties under the provisions of this policy will be reassigned to other duties (when possible) that do not conflict with their cultural values, ethics or religious beliefs. Staff affected may wish to consider a request for transfer to position in which conflict of care issues are less likely to occur.
6. The Vice President of Human Resources will evaluate the impact of this practice on client care as part of the Quality Improvement program.

Nothing in this policy shall relieve staff of the obligation to provide the basic program needs of the clients.

SECTION 4 – EMPLOYMENT STATUS

104.00 EMPLOYMENT STATUS

A. Full-Time Employees

Those employees who *are regularly scheduled*, to work 35 hours/week (e.g. administrators, supervisors, caseworkers, psychologists, office assistants) or 40 hours/week (e.g. *direct care staff*, maintenance staff, crisis *response team*) hours per week on an annual basis shall be considered full-time. These employees are entitled to full benefit time: vacation leave, holiday leave, personal leave, sick leave as well as health benefits. (See Benefits chapter for full explanation).

B. Part-Time Employees

Those employees *in categories above* who are assigned to work less than 35 or 40 scheduled hours per week on an annual basis shall be considered part-time.

- Pro-rated Benefits: Those employees who are regularly assigned to work at least 20 or more scheduled hours per week on an annual basis shall be entitled to *pro-rated* vacation, holiday pay, sick, and personal leave *based on the benefit time their position is entitled to*.
- Other Part-time Employees: *Those employees who are assigned to work less than 20 scheduled hours per week are not eligible to accrue any benefit time.*

C. Temporary Employees

Those employees hired *for a temporary basis* or for a particular season regardless of the total number of hours during that season shall be considered *temporary*. Such employees do not accrue benefits, nor are they entitled to health benefits.

Per diem employees are individuals who are hired for spot (fill-in) duty on a temporary basis, regardless of the total number of hours worked during such spot duty. Such employees do not accrue any benefit time, nor are they entitled to medical benefits.

D. Pre-doctoral psychology Interns

Pre-doctoral psychology interns contract with the Agency for a period of one year to receive training and supervisory experience in the provision of clinical services. Interns receive a monetary stipend and 2 weeks vacation, 12 holidays, 4 personal days, 6 sick leave days and health benefits upon

completion of enrollment forms. After a 90-day waiting period, interns are eligible to enroll in the health and dental benefit plan.

Note: Clinical externs are not entitled to paid benefit time off or medical insurance.

104.01 DUAL EMPLOYMENT

An Agency employee may not engage in outside employment, including self employment, which conflicts with his/her duties or responsibilities, or which otherwise adversely, affects his or her performance.

The following guidelines are intended to assist in the identification of potential areas of conflict and are not to be considered to be all inclusive:

- The outside employment may not occur during assigned working hours.
- The outside employment may not create or appear to create a conflict of interest with any policies and procedures of the Agency.
- Outside employment with persons or organizations subject to licensing, funding or review with the Agency may not be undertaken without prior administrative approval.
- Outside employment with persons or organizations engaging in business with the Agency may not be undertaken without prior administrative approval.
- The outside employment may not diminish the effectiveness of the employee in the performance of duties by:
 - causing physical or mental fatigue;
 - discrediting the objectives of programs at the Agency.

All employees presently engaged in or planning to engage in such outside employment must inform the *Vice President of Human Resources*, in writing, and obtain approval for dual employment. The notification must be completed on a Request for Approval of Dual Employment form.

The Agency reserves the right in its sole discretion to determine whether dual employment is in violation of this policy.

ORIENTATION PERIOD

All staff that qualify and have been accepted for employment must attend the New Employee Training Program for his/her job category of employment (direct care or non-direct care). New staff will be informed of the date, time, and location of the training program *by their supervisor*.

The orientation period is designed to provide new employees with the opportunity to demonstrate their abilities, interests, and overall job performance and to provide the supervisor with the opportunity to observe and evaluate the employee's qualifications.

All new employees receive a 30-day initial assessment. The 30-day initial assessment report is discussed with the new staff member. The report is forwarded to the Human Resources Department.

The orientation period for all *new* employees is six (6) months.

Approximately two (2) weeks before the scheduled end of the orientation period, the employee's supervisor will prepare a written assessment of the employee's job competency. The supervisor will review the assessment with the employee and forward it to the Human Resources Department. At this time, a determination will be made regarding the employee's status. The employee will either be (a) retained as an employee, (b) placed on an extended probationary period after which they will be re-evaluated or (c) terminated. The supervisor will recommend the length of such extension (1-3 months). This must be approved by the Vice President of Human Resources.

If a SCR Clearance is not received for an employee having direct contact with children within 2 months following their being hired a review will be undertaken by the Vice President of Human Resources, Senior Vice President and Executive Vice President to determine whether the employee will be put on leave until the clearance is returned. Under no circumstances can such an employee work longer than 3 months without a favorable clearance being returned.

PERFORMANCE EVALUATION

The purpose of an evaluation is to determine whether a staff member is carrying out assigned responsibilities in accordance with the policies and procedures established by the Agency. Evaluations are simply a summary of all supervision sessions between an employee and his/her supervisor. It is the basic policy of the Agency to appraise the progress, performance, abilities, and potential of each employee uniformly and objectively at the end of the orientation period and at least annually thereafter.

Evaluations are discussed with and read by the employee concerned. If, after discussion with the Supervisor, the staff member is not in agreement with the evaluation, they may file a written statement containing any points of disagreement. The formal evaluation, and the employee's response, will be submitted to the *Vice President for Human Resources* and placed in the employee's personnel file. Staff evaluations are conducted at the six-month orientation period and annually thereafter.

Every employee transferring *or being promoted* to another position is placed on three month *orientation*. A written evaluation is completed after this *orientation* period. All policies regarding the new employee orientation period are applied to transfers, promotion and demotions.

104.04 SENIORITY

The seniority date is the date of original start-hire. If *employment* is broken through separation from the Agency, then the seniority date will be that date on which the employee is re-hired.

Seniority is used as an aid in determining promotions, transfers, and vacation schedules. However, departmental and Agency needs must be given priority. Seniority rights will be maintained while employees are on limited leaves of absence. For same purposes, per diem status is not recognized as time of service *for benefit leave*.

104.05 PROMOTIONS

In filling a vacant position, the Agency will give consideration to the promotion of qualified employees within the Agency. *Most* positions will be posted. *The agency reserves the right, however, to offer a position to a qualified candidate already employed in that department whose experience and qualifications make that individual uniquely suitable for that position. In such situations, Senior Management, in consultation with the Supervisor and the Vice President of Human Resources will make the job offer to the individual involved.*

Advancement to a more responsible position is dependent upon the employee's overall job performance, attendance and attitude. Employees on probationary status or have received a disciplinary action within the last 3 months are not eligible for promotion. Seniority is considered in the final determination, especially when qualifications of applicants are relatively equal.

Employees who desire to be considered for promotion must confer with their supervisor. All promotions are subject to the approval of the Vice President of Human Resources *and Senior Management. Before a promotion is finalized a written evaluation must be completed by the employee's supervisor to keep files up to date.*

104.06 TRANSFERS

Transfers will be granted according to the needs of the Agency. All transfers must have the recommendation of the Supervisor and/or the approval of the department head. All transfers (except from unit to unit) are subject to the approval of the *Vice President of Human Resources and Senior Management following the submission of a completed Personnel Change (PCN) form to Human Resources.*

104.07 ADMINISTRATIVE LEAVE

The safety and security of our clients is of the utmost of importance. On occasion, *an incident* may arise that requires *an investigation by the agency to ascertain what took place.* In some situations, a staff member may be transferred to another unit or site or placed on Administrative Leave to ensure the integrity of the investigation or to insure the safety of clients or staff. While on leave, staff will be paid at their regular rate of pay. During periods of investigation, staff may not contact any staff, *other than the Vice President for Human Resources*, or resident/client as this may impair the investigation process.

Placing a staff on Administrative Leave requires the approval of the *Vice President of Human Resources and the Senior Manager for that program/department.*

104.08 PROGRESSIVE DISCIPLINARY APPROACH

mercyFirst believes in using a progressive disciplinary approach when dealing with job performance issues that arise. While the agency reserves the right to address misconduct and job performance issues as it deems fit, a progressive disciplinary approach means that supervisory staff will usually address job performance issues by the following steps:

1. *Discussion - Discussing the situation with an employee and documenting this discussion in their supervisory notes;*
2. *Written memo – A “Notice to Employee File” will be written outlining what occurred, related incidents in the past, and steps, if any, that need to be taken by the employee and agency, if applicable, to rectify the problem. The memo will be signed by the employee acknowledging that they received the memo with a copy to their personnel file;*
3. *Probation - Placing the employee on a probation status a period of from 3-6 months with the understanding that any similar incident or other incident will result in a review of the employee’s continued employment with the agency and possible discharge.*
4. *Discharge.*

In addition, an employee may be placed on probation for poor job performance or an overall rating of "less than satisfactory" on their annual evaluation. Anyone placed on probation will not be eligible for wage increases, promotions and tuition assistance, and are not eligible for transfer for the period covered by the probation. Length of probation and performance requirements will be defined in writing at the start of the probationary period.

A Progressive Disciplinary Approach requires that there be regular and open communication between an employee and their immediate supervisor about issues that arise in the workplace that affect performance. While supervisors need to address issues that arise in a timely manner there also needs to be regular discussion between the supervisor and their Manager, as well as with the Human Resources Department to deal with issues in a constructive manner, and before subsequent steps outlined above are taken.

An employee always has the opportunity to attach a written response to any disciplinary memo that goes to their personnel file without fear of retaliation or retribution and to discuss any concerns they have about such matters with the Senior Manager responsible for their department or program, and/or the Vice President of Human Resources.

104.09 SEPARATION OF EMPLOYMENT

A. RESIGNATION

In order to receive payment for any unused vacation leave, employees must provide adequate notice of resignation. Any employee who resigns from the Agency must submit such resignation in writing to their supervisor. Exempt Staff – management, directors, supervisors, case workers and professional staff (i.e. psychologists), etc. must give at least 4 weeks notice. All non-Exempt Staff – direct care workers, maintenance staff, parent advocates and office support staff, etc. - must give at least two (2) weeks' notice.

Once the resignation has been submitted, the employee may not use accrued benefit time during the period of notice. It is expected that the resigning employee will complete their time on the job, completing all duties and responsibilities and assisting in the training of their replacement. Any unused vacation days will be issued in a *separate check*.

Employees who fail to give the required notice will forfeit any and all unused vacation leave. Employees who resign before the successful completion of their orientation period or extension thereof will forfeit any and all unused benefit time.

If, at the time of resignation, the employee has overdrawn his/her vacation, personal leave, sick leave, or has any outstanding debts, the total sum will be deducted from the final paycheck *which is hand-issued*.

The final paycheck will be issued after the employee has returned keys, ID card, agency beeper, agency phone card, completion of all work, etc.

B. RETRENCHMENT

When required because of funding, retrenchment of staff will be carried out with the best interests of the program and clients in mind by taking into account the skills and experiences of the staff to best meet the changing needs of the agency. Seniority will be one factor taken into consideration when there is a choice to be made between holding onto staff of equal skills and abilities.

Whenever possible, qualified staff affected by retrenchment will be offered an open position at the same level either in their current program or another.

C. EXIT INTERVIEW

All employees who leave the Agency are *encouraged* to attend an exit interview with a Human Resources representative. Employees may be asked to complete an exit survey. If applicable, an explanation of their COBRA rights will be mailed to staff who separate from the Agency.

104.10 REPORTING OF AN ALLEGED CRIMINAL CHARGE OR ARREST

Since the Agency is responsible for the care and custody of children, we require that all staff members report any and all criminal charges brought against them.

REPORTING PROCEDURES

1. Within 24 hours, any employee charged *with* a crime must verbally notify his/her department head, supervisor or administrator on duty (AOD).
2. Failure to comply and give due notification within a 24 hour period may result in immediate dismissal.
3. The supervisor or AOD receiving the verbal notification will ask the employee to submit a written statement of the event(s) causing the criminal charge. The statement should be given to the Vice President for Human Resources within the first business day following the arrest or charge along with any related materials concerning the arrest or charge. All related materials concerning the alleged crime is a matter of strict confidentiality and will be kept separate and apart from an individual's personnel file until final disposition of the alleged criminal charge.
4. If the employee is unable to meet the above requirements, the Agency should be notified of the situation by the employee's designee (attorney, family member or friend).

5. Due to the sensitive nature of our work with children, the employee may be placed on Administrative Leave until a final disposition of the case is made. If indicated, each case will be reviewed by *Senior Management and the Vice President of Human Resources* who will make the decision to reinstate or terminate *the employee*.

6. The employee is required periodically to give an up to date report to the Vice President of Human Resources of the progress and disposition of their case.

7. If the charges have been dismissed, all documentation held by the Vice President of Human Resources will be amended to indicate charges were dismissed.

SECTION 5 - BENEFITS

105.00 PAY PERIODS

Bi-weekly checks are distributed on alternate Fridays. Employees should retain their pay stubs for their own records. Any questions staff members may have concerning their checks should first be discussed with their supervisor, who will review with *Human Resources*.

If an employee's check is lost or stolen, it must be reported, in writing, to the Human Resources Department immediately.

105.01 SALARY DEDUCTIONS

The Agency shall make the following automatic salary deductions as required by state and federal Law:

- a. Federal Income Tax
- b. New York State Income Tax
- c. New York City Income Tax (if applicable)
- d. *FICA/Medicaid*

Voluntary deductions may also be deducted from an employee's paycheck but must have prior written approval from the employee. These deductions, *for example*, can include:

- 403b Thrift Plan (Pension)
- Flexible Spending (for un-reimbursed medical and dental expenses)

Other deductions might include:

- Garnishment (note: does not require the approval of the employee)

105.02 MUNICIPAL EMPLOYEES CREDIT

The Agency makes available to all employees the advantages of belonging to the Municipal Employees Credit Union. Further information can be secured from Human Resources.

HEALTH INSURANCE

Full time employees are eligible for medical and dental insurance through the Agency after three months of employment (some plans start on the first of the month following three months). It is the responsibility of each employee to complete the enrollment forms in a timely fashion and return them to the Human Resources Department. Benefits include:

- Medical (includes hospital, major medical, and prescription coverage)
- Dental benefits
- Life/AD&D (\$20,000) offered free of charge.

For medical and dental coverage, the Agency pays part of the premium for the cost and the employee contributes a portion for either single or family plans. Information on rate increases will be provided to staff in a timely manner. Employee contribution toward the premium will be deducted from each paycheck on a pre-tax basis.

Part-time employees whose permanent schedule is 20 or more hours per week are eligible for medical and dental insurance, but must pay a prorated amount of the premium cost.

If an eligible employee does not want medical coverage, such benefit must be waived in writing.

This description is a general explanation of these benefits and is not intended to provide you with all the details of these benefits. This manual does not change or otherwise interpret the terms of the plan documents for these benefits.

COBRA POLICY

Under COBRA, you and your family may have the opportunity for a temporary extension of health coverage at group rates in certain instances where coverage under the plan would otherwise end.

If you are an employee of the Agency covered by our group health plan, you have the right to chose continuation coverage if you lose your group health coverage because of a reduction in your hours of employment or the separation of your employment (for reasons other than gross misconduct).

If you are the spouse of an -employee covered by the Agency's group health plan, you have the right to chose continuation coverage for yourself if you lose health coverage under the Agency's plan for any of the following reasons: the death of your spouse; a separation of your spouse's employment (for reasons other than gross misconduct); a reduction in your spouse's hours of employment; divorce or legal separation from your spouse; or your spouse becomes entitled to Medicare.

In the case of a dependent child of an employee covered by the Agency's group health plan, he or she has the right to continuation coverage if group health coverage under the Agency's plan is lost for any of the following reasons: the death of a parent; a separation of a parent's employment (for reasons other than gross misconduct) or a reduction in a parent's hours of employment; a parent's divorce or legal separation; a parent becomes entitled to Medicare; or the dependent child ceases to be a "dependent" child under the Agency's group health plan.

The law requires that you be afforded the opportunity to maintain continuation coverage for three years, unless you lose group health coverage because of the separation of employment or reduction in hours. In that case, the required continuation period is 18 months. The 18 month period may be extended to 29 months if an individual is determined to be disabled for social security purposes during the first 60 days of continuation coverage and the Agency is notified of that fact within 60 days of the determination and before the end of the 18 month period. The 18 month period may also be extended an additional 18 months (36 months in total) for a spouse or dependent child who elects continuation coverage if a second qualify event occurs during the first 18 months of continuation coverage.

The law also provides that continuation coverage may be cut short for any of the following reasons: the Agency no longer provides group health coverage; the premium for your continuation coverage is not paid n time; you become covered under another group health plan and there are no exclusions or limitations with respect to any preexisting condition; you become entitled to Medicare; you extended coverage for up to 29 months due to a disability and there has been a final determination that you are no longer disabled.

The above is a summary of your rights under COBRA. Additional information can be obtained at any time from the Human Resources Department.

105.08 PENSION PLAN

mercyFirst provides a 403b Thrift Plan to enable an employee to accumulate long-term savings for retirement while benefiting from favorable tax treatment on his/her current salary. This voluntary retirement savings program offers the advantage of making contributions on a pre-tax basis. Contributions are made each payroll period by salary reduction.

mercyFirst will also make contributions on your behalf. Contributions are stipulated in writing and may be discontinued or reduced *depending on budgetary considerations*. The plan administrator, under contract with the Agency, receives the plan contributions, maintains participants' individual accounts, offers investment options, and pays benefits to participants.

For a full explanation, refer to the Summary Plan Description (SPD) which is attainable from the Human Resources Department. This manual does not change or otherwise interpret the terms of the Agency's 403(b) plan.

105.09 ADVANCES

mercyFirst does not advance part or all of an employee's salary before payday.

105.10 OVERTIME/FLEX TIME

A. OVERTIME (Non-exempt employees)

In accord with federal wage regulations, only non-exempt employees are eligible to be paid overtime. However, overtime is permitted only in exceptional circumstances and emergencies. A non-exempt employee shall only work overtime with prior authorization from supervisory or management staff.

Non-exempt employees will be paid overtime at a rate of one and one-half times their regular hourly rate in excess of 40 hours WORKED per week. Benefit time hours are not inclusive of the 40 hours per week. Separate checks will not be issued for overtime worked. All overtime hours will be paid on the regular paycheck and taxed accordingly.

The following list generally shows those categories of non-exempt staff that are eligible for overtime:

Direct Care/AOD/CRT/Recreation
Maintenance/Custodian
Clerical Support/Switchboard Staff/Secretary
Parent Aides/Advocates
Para-Professionals

DIRECT CARE WORKER MANDATORY OVERTIME POLICY

It is the policy of *mercyFirst* to have 24 hour coverage for all residential programs. At no time can a Direct Care Worker leave a residential unit until he or she is relieved by another staff member.

Every attempt will be made to fill the shift, by means of per-diems or other staff who may be available at the time. When all these methods are exhausted the following policy will be adhered to:

1. The AOD shall determine if a staff member must stay.
2. If a staff refuses to work a mandated shift, disciplinary action including possible termination of employment will result.
3. Every attempt will be made to fill a shift before implementing the mandatory overtime policy.
4. *Under no circumstances can a Direct Care Worker work more than 16 hours in any 24 hour period.*

B. FLEX TIME

Exempt employees who work in excess of their regularly scheduled work week shall *flex their schedule within the same work or by the end of the following pay period* provided that such time is approved by their supervisor in advance.

Employees must *accurately* record their *work schedule including any flex time* on their time card, and the supervisor must approve same.

SECTION 6 - TIME AT WORK

106.00 PHOTO IDENTIFICATION

All employees will be given a photo I.D. badge as they begin their employment. Staff must wear their I.D. badge in a visible place while on duty. When off grounds and on duty, staff must have their I.D. badges with them. Replacement cost for a lost I.D. badge is \$5.00.

106.01 SCHEDULED HOURS

All new employees will be apprised of their scheduled hours and meal breaks, if applicable, before they report for work. *All staff positions at mercyFirst are "awake" positions and as such no staff member is allowed to sleep or nap on the job.*

Scheduled hours are subject to change according to departmental and/or Agency needs.

Employees may be required to work on Saturday, Sunday, and/or holidays. In certain emergency cases, employees may be required to work before and/or after their regularly scheduled hours.

The regularly scheduled hours of an employee may not be changed without the written approval of the Senior Manager, the Vice President of Human Resources and the employee's immediate supervisor.

106.02 TIME RECORDING

All employees are responsible for the correct recording of time worked.

Each employee is responsible for the correct swiping or signing of their time card. Failure to *scan* or sign, in or out, can lead to disciplinary actions up to and including termination of employment.

Any employee found guilty of inputting another employee's time without administrative approval will be subject to disciplinary action, including termination of employment.

106.03 WORK DURING NON-SCHEDULED HOURS

Any employee who is on any agency property for any reason outside of their regularly scheduled working hours or receives approval to work on a holiday/weekend must notify the AOD or Supervisor upon arrival and departure. This is for safety and security purposes.

106.04 MEALS AND REST PERIODS

Employees will have either one (1) hour or one-half (1/2) hour for lunch and/or dinner depending on the schedule for their particular position. DirectCare Workers will be provided with meals, but may not leave the residents except with proper authorization from their supervisor or the AOD.

The Agency will give employees a rest period, workload permitting, during the first half of their regularly scheduled workday and a rest period during the second half of their regularly scheduled workday when possible.

Employees who work as Direct Care Workers are paid during mealtime. When they need to take a break, they can contact their supervisor or the AOD, who will arrange to give them an appropriate break and ensure the department work flow is not interrupted. Those Direct Care Workers who work a double shift, will be given at least a fifteen (15) minute break, which also must be arranged by their supervisor or the Administrator on Duty (AOD). Staff is never permitted to leave their posts unattended.

106.05 PARTIES

While the Agency encourages celebration of events such as anniversaries, farewells, weddings, birthdays, it is Agency policy that these parties can only be held before or after work or during lunch time. Parties may not be held during the normal working hours.

106.06 Accuracy and Timeliness of Documentation

mercyFirst believes that the best interests of its clients are served when case records, progress notes, expense reports, fiscal claims and all other documentation related to the provision of services by the Agency are completed accurately and submitted in a timely manner. The submission of accurate and timely documents is also a requirement of the various contracts the agency enters into with the City of New York, County of Nassau, County of Suffolk and other governmental entities, as well as with foundations that provide private funding to support the services we provide.

Any employee who is aware of the falsification of any documents or reports related to the provision of services or to the funding of such services must notify the CEO. Any employee who is encouraged in any way by a supervisor or member of management to falsify such documents must notify the CEO. Any employee who is found to have falsified documents used in the regular conduct of agency business is subject to immediate dismissal. In addition, a supervisor or member of management who encourages the falsification of such documents or ignores the falsification of documentation by other employees is subject to immediate dismissal.

106.07 INCLEMENT WEATHER/TRANSIT DELAYS

During severe weather conditions, major transportation difficulties, and/or extremely unusual events (i.e. power outages), experience has shown that almost all employees succeed in *reporting to work* at the Agency. While this may be difficult for some, all employees are expected to make every reasonable effort to report for work.

If you do not report for work, you may not be paid for the absence. You will, however, have the option of using vacation *leave*, personal *leave* or holiday *leave* rather than being charged for a day off without pay. If any employee calls in sick on one of these "emergency days", he or she will be required to submit a note from their personal physician attesting to the nature of the illness in order to qualify for paid sick leave, if eligible.

106.08 EXPENSES

All requests for reimbursement for expenses incurred while on Agency business must be submitted to their supervisor on an *Employee Expense Report* form. All receipts for incurred expenses must be attached to the Request form. All forms must be approved by the employee's supervisor.

Employees shall be reimbursed for the use of their private vehicles while on Agency business at the agency's established rate which is usually set at the beginning of the fiscal year. This is intended to provide reimbursement for maintenance, insurance, repairs, gas, and oil, etc. *related to the use of one's car for agency business*. (Please note: Employees involved in an accident using their own vehicle *will find that their insurance coverage applies for any damages resulting from that accident*. Agency insurance serves as secondary coverage. Employees are responsible for recording exact mileage on an *Employee Expense Report* form.

Employees receiving a traffic ticket while on agency business and using their own car are responsible to pay such tickets. The agency will not reimburse employees for these tickets.

An employee receiving a traffic ticket using an agency vehicle is required to *submit a check for the summons payable to mercyFirst to the Fiscal Department upon receiving the ticket. If an employee believes that their actions did not warrant a ticket being issued to them they have the right to contest such a ticket on their own time, not agency time. They are responsible to submit documentation to the Fiscal Department on all steps they are taking to contest the issuance of the ticket.*

Due to contractual restrictions, employees must submit expenses no later than two months following their incurring that expense to receive reimbursement.

OUT-OF-POCKET PURCHASES

Employees are not to utilize their personal funds to make purchases for the Agency without the approval of the CEO. In the case of minor purchases (under \$50), the employee may, with the prior approval of their supervisor, utilize their personal funds and receive reimbursement for same.

Such situations may include, but shall not be limited to:

- i) Meals for residents while away from Agency (e.g. medical or court appointments);
- ii) Parking while on Agency business.

Minor Out-of-Pocket Expenses shall be reimbursed under the following conditions:

- i) The employee shall complete an *Employee Expense Report* form. This form and instructions for its use shall be available from all department heads and supervisors, and the fiscal department;
- ii) The employee shall attach receipts where appropriate;
- iii) The employee shall submit an *Employee Expense Report* form to their department head;
- iv) The department head shall check the *Employee Expense Report* form for completeness and accuracy. Incomplete forms shall be returned to the employee;
- v) the department head shall approve and forward the form to the Fiscal Department.
- vi) The Accounts Payable *Department* shall process the request according to fiscal procedure. Any request not accompanied by proper receipts will not be paid. The Agency will also not reimburse sales tax paid by an employee;
- vii) *For staff based on campus*, checks must be picked up at the fiscal department and employees must sign the Reimbursement Log Book indicating receipt of *the check*. *Checks for all other staff will be forwarded to the site supervisor for distribution and the signing of a receipt indicating receipt of the check.*

DRESS CODE

It is expected that the Agency demonstrate professionalism in every aspect of functioning. Employees are expected to maintain high standards of appearance and grooming and wear clothing that is appropriate for the position for which they are assigned. Direct care staff should refer to departmental program manual for specific dress code requirements. All staff are required to wear agency ID badges on the outer layer of their clothing. This ID must be visible at all times while on duty.

All staff are expected to provide the residents we serve with appropriate role modeling. One way which this can be accomplished is by dressing professionally while on duty. Therefore, the following dress code has been established:

I. NON-DIRECT CARE STAFF

A. Directors, Supervisors, Professionals, Office Personnel

Staff in these positions must wear a dress, business suit or jacket and dress slacks; shirt and tie or blouse; and dress shoes. (Note: A tie is not required for AOD's or Residential Supervisors unless attending a professional meeting.)

B. Case Workers

Case Workers are required to dress professionally whenever they expect to represent the Agency in court or at meetings with clients or other organizations. This means a clean, pressed and neat attire - collared shirt and khakis or dress pants for men, and a skirt or dress pants with blouse or sweater for women. T-shirts and jeans are not considered appropriate.

Case workers doing field visits are required to dress appropriately for visits with clients and foster parents. This means wearing clean, pressed and neat attire - collared shirt for men and blouse or sweater for women. Khaki pants or clean neat jeans are permissible. T-shirts and shorts are not appropriate.

II. DIRECT CARE STAFF

A. Direct Care, Recreation, CRT

- Collared shirt, dark colored pants, khakis, blue jeans (in good condition), sneakers or similar shoes.
- In warmer weather, direct care staff may wear knee length shorts, a collared polo shirt and sneakers. No sandals, flip-flops or beach shoes are permitted.

- No head wear (i.e. baseball caps), except for seasonal need or religious reasons, are permitted. No head wear, other than religious, may be worn indoors. Head wear must be worn properly.
- Tee shirts *alone* are not permitted.
- For agency functions, including those on grounds (cultural and/or celebratory luncheons), professional business dress is required of all staff including direct care staff.

III. MAINTENANCE

The Agency will provide the Maintenance staff with uniforms for use on the job to protect their clothing.

IV. HEALTH OFFICE

Nursing staff are to wear lab coats while on duty. These will be provided by the Agency.

106.10 PERSONAL TELEPHONE CALLS

Employees who are not Direct Care Staff in residential programs or after-school programs are asked to minimize the making or receiving of personal phone calls during working hours. These phone calls must be brief and to the point.

*Direct Care Staff in residential programs and staff working in after-school programs must obtain permission to make a phone call from their Supervisor, Program Coordinator/Manager or AOD, so that they can leave their post to make the call and insure that proper supervision of the *clients* is maintained *at all times*.*

For *Direct Care* staff *working on campus* who do not have Voice Mail, the switchboard operator will take a brief message and place it in the unit mailbox. In an emergency, the operator will attempt to contact the staff member immediately. Phone calls to Direct Care staff, CRT staff, and Recreation staff will go through the Administrator on Duty.

PERSONAL BEEPERS, CELL PHONES AND OTHER ELECTRONIC COMMUNICATION EQUIPMENT

All staff members who are responsible for the direct supervision of children *in residential programs and after school programs* are strictly prohibited from *turning on* their personal beepers, cellular phones and camera phones while on duty. Except for agency purposes, the use of any camera (regular, digital, or telephone cameras) to photograph a client, on or off the agency's premises is strictly forbidden *due to laws and regulations that guard the confidentiality of our clients. Taking photos for personal use is not allowed.*

Cellular telephones will be issued to certain employees in connection with their job responsibilities. Agency cellular phones should be used by the employees to whom they have been issued for all Agency business. However, it is recognized that at times it may be more suitable to use a personal cellular telephone to conduct Agency business. In certain circumstances, mercyFirst may reimburse expenses for work related calls on personal cellular telephones.

mercyFirst requires the safe use of cellular telephones by employees while conducting business. Cellular telephones should not be used while operating motor vehicles. Employees that need to make phone calls while driving should pull over to a safe place on the road and stop their vehicle prior to making the call. The same procedure should be followed when receiving a telephone call. In the event that a telephone call is received while driving in an area where it would be impossible to stop, the employee should use a hands free cellular device and keep the conversation brief. To obtain a hands free cellular device, please contact Human Resources. Failure to comply with the above may result in disciplinary action up to and including termination.

In case of a family emergency, staff on campus will be contacted through the Administrator on Duty (AOD). Staff at our Group Homes can be contacted at the homes and must notify their supervisor (or if not reachable, the AOD) immediately as to the nature of the problem. The AOD can then assist the staff personnel by providing coverage for the unit so they are free to handle the serious emergency situation, while ensuring that the children under our care remain safe.

Staff who are responsible to be on call for Agency business will be issued agency beepers. These beepers are for Agency business only, and may not be utilized for personal calls. Failure to adhere to this policy will result in disciplinary action, including possible dismissal.

106.12 SOLICITATION

Employees may not solicit other employees or distribute literature or other items to employees during working time, nor may employees distribute literature or other items in work areas at any time. Working time does not include break or meal periods.

Furthermore, employees are not permitted to engage in solicitation or to distribute literature at any other time if such distribution or solicitation interferes with other employees work activities. In addition, the solicitation of employees or distribution of literature or other items by visitors on Agency premises is strictly prohibited. Non Agency employee solicitors may be prohibited from the Agency's property and/or work areas.

The CEO has the sole discretion to make exceptions to this policy.

106.13 AGENCY PROPERTY

A. Care of Agency Property:

1. The materials and equipment used in work areas are valuable and often difficult to replace. Appropriate care will do much to keep equipment in proper working order. When equipment is in need of repair, a supervisor and the appropriate department must be notified.

2. Negligence in the care and use of Agency property may be considered cause for disciplinary action including possible suspension or termination of employment.

B. Return of Agency Property:

Agency equipment issued to an employee must be returned immediately upon termination of employment or when requested by authorized Agency personnel.

C. Personal Property

All employees are responsible for their personal property at all times. The Agency accepts no responsibility if personal property is lost, damaged, or stolen. Items such as wallets, pocketbooks, jewelry, etc., should be kept under control at all times. Large sums of money should not be brought to work. Personal vehicles must be locked at all times.

REIMBURSEMENT FOR LOSSES

While the Agency has no legal obligation to reimburse employees for damages done to their personal belongings by clients served by the agency, the Agency may, under certain circumstances, make such reimbursement. This responsibility is assumed only when the following conditions are met:

1. Reasonable care and caution was taken by the employee. Losses as a result of carelessness or poor judgment will not be reimbursed.
2. Losses which involve inappropriate items will not be entertained - e.g., expensive jewelry or clothing.
3. Definite evidence must be presented that the loss occurred as a result of aggressive or violent behavior of a particular *client* (e.g., torn clothing or broken glasses) as a result of restraining an out of control *client* or a *physical intervention of some kind*.
4. The AOD, Manager or Human Resources Department must be notified, in writing, within 48 hours after loss is incurred. Delay in notifying the Human Resources Department may invalidate the employee's claim.

The determination of reimbursement in all cases under this policy, will be made by the Chief Operating Officer. However, when an employee feels that the determination made is unfair, the employee would have the recourse in presenting his or her case to the CEO. *The CEO's decision regarding reimbursement under this policy is final and not subject to further review.*

INFECTION CONTROL

The Agency makes a conscious effort to protect the health of each staff member who serves them. The Agency is committed to a scrupulous Infection Control program, to guarantee that the health of our employees and residents/clients is safeguarded. To guard against the spread of infections, staff are advised to wash hands regularly with soap and use rubber gloves, and other preventive equipment when needed for the performance of their jobs. Also, see The Agency AIDS and Blood-Borne Pathogen Control Policies on file with your supervisor.

106.16 HOUSEKEEPING IN OFFICES

While a cleaning staff is responsible for vacuuming and dusting offices in non-residential programs, each staff member is responsible for keeping their work area clean and neat. If your office space has not been cleaned in a satisfactory manner, notice should be given to the Custodial Department. In residential programs, staff is required to dispose of their own refuse and to clean their own office space. No personal belongings should be left in the work area overnight.

106.17 DRUG-FREE WORKPLACE POLICY

I. Statement of Purpose

The Agency has a vital interest in ensuring safe, healthful and efficient working conditions for its employees. The Agency has a duty to safely and efficiently provide the children and families we serve with quality services in a responsible manner. The unlawful presence of controlled substances in the workplace conflicts with these vital interests and constitutes a violation of the public trust. For these reasons, the Agency has established, as a condition of employment and continued employment, the following drug-free workplace policy.

II. The Agency is Committed to a Drug-Free Workplace

The Agency has a serious commitment to its employees to provide a safe and drug free place to work. Alcoholism and substance abuse on the job are responsible for heavy financial and other costs to employers and employees, through lost time, accidents, increased use of health and sickness benefits, lowered morale and poor client services. The Agency's commitment is always to approach any existing or alleged problem with open communication. The Agency recognizes that drug and alcohol problems can interfere with the agency goals and employee's health.

"CONTROLLED SUBSTANCE" shall include any drug or substance listed in Public Health Law Section 3306.

"DRUG" shall include any substance which requires a prescription or other writing from a licensed physician or dentist for its use and which may impair an employee's ability to perform his/her job or whose use may pose a threat to the safety of others.

A. It is the Agency's policy to offer confidential assistance to those employees who voluntarily seek the help of the agency in their attempts to recover from substance abuse. No disciplinary action will be taken against an employee who voluntarily seeks counseling or rehabilitation and faithfully participates in a recovery program. In providing such confidential assistance, no disclosure of information shall be made to parties outside of The Agency

EAP and the Vice President of Human Resources and other senior staff without the written authorization by the employee.

B. While the Agency will extend compassion and assistance to those who seek help with substance abuse problems, the agency cannot and will not tolerate employees who are unable or unwilling to serve the needs of the clients in a sober and fit manner.

C. Each employee is under an affirmative obligation to report to the Vice President of Human Resources, in writing his/her use or possession of any Controlled Substance or Drug. Each employee must also report the use of any drug or substance, whether or not used pursuant to proper medical authorization, which may impair job performance or pose as hazard to the safety of others. The Agency will maintain the confidentiality of all employee reports under this section. Employees with question concerning the effect of a drug on performance should consult with their physician. Upon request, the Vice President of Human Resources will make job descriptions available to physicians who are consulted.

D. The Agency will conduct a screening program to assure that employees do not violate the drug free workplace policy. The Agency will conduct pre-employment testing, periodic testing, reasonable cause testing, return to work testing, random testing, and testing when there has been an accident or unusual incident. Testing will be initiated by the Vice President of Human Resources. No employee will be discharged without the concurrence of the CEO.

E. Disciplinary action up to and including termination may be taken if an employee:

1. Drinks alcoholic beverages or uses illegal drug substances or abuses prescription drugs during working hours, or any time to the extent rendering the employee unfit to perform the duties of his/her job safely, in a manner that would constitute a threat to the property or safety of others.
2. Possesses alcoholic beverages or illegal drug substances on Agency premises. "Agency Premises" includes, but is not limited to, Agency Offices, work locations, eating areas, parking lots, lockers, desks and Agency vehicles, as well as personal vehicles used for business.
3. Reports to work under the influence of alcohol and/or illegal drugs.
4. Engages in illegal drug or alcohol related activities.

F. Employees whose performance indicates that they may be unfit for duty because of drug and alcohol abuse may be referred for drug or alcohol evaluation. Employee involvement in an accident or unusual incident may result in a test for drug or alcohol abuse. In determining drug or alcohol

abuse, the Agency reserves the right to require an employee to submit to a breathalyzer examination, urine or blood test.

G. Refusal to cooperate in drug or alcohol evaluation may result in disciplinary action, up to and including discharge.

H. If treatment is indicated by the evaluation, the employee may be required to seek rehabilitation as a condition of continued employment.

I. Failure of the employee to faithfully participate in a rehabilitation program at the request of the Agency may result in the employee being disciplined.

J. An employee must inform the Vice President of Human Resources in writing of any criminal conviction for any violation of a drug statute, no later than 5 days after the conviction.

III. Drug-Free Workplace Policy

1. Prohibition Against Unlawful Presence of Controlled Substance in the workplace.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on our premises, in the Agency's vehicles or while engaged in the Agency's activities is strictly prohibited.

2. Compliance as a Condition of Employment.

All employees are hereby advised that full compliance with the foregoing policies shall be a condition of employment at The Agency.

3. Sanctions for Violation of Drug-Free Workplace Policy.

Any employee who violates the "Drug-Free Workplace" policy as described above shall be subject to disciplinary action up to, and including immediate discharge.

An employee who has been terminated as a result of a positive drug or alcohol test may apply for re-hire after a minimum period of sixty days.

The Agency will only consider re-hiring those employees who are not in a direct care capacity and who can demonstrate to the Agency's satisfaction that they have faithfully participated in a rehabilitation program and are drug free and sober. The Agency reserves complete discretion in deciding whether to rehire an employee. Should an employee be re-hired, he or she is would be required, as a condition of employment, to participate in an ongoing follow-up program which will involve periodic testing, random testing, and compliance with directives of the Employee Assistance Program.

106.18 SMOKING POLICY

The Agency is a "smoke-free environment". This means that there is absolutely NO SMOKING on Agency property, *including Agency vehicles*

106.19 SCHOLARSHIP PROGRAM

The Agency grants awards to staff attending undergraduate or graduate programs relating to their work, through the Sr. Margaret O'Connor Scholarship Award Program. Awards are granted to staff that have completed their orientation period and are in good standing with the Agency. The application and selection processes are coordinated by the Chief Operating Officer and the Scholarship Committee. Awards are given, when monies are available, at the start of the spring and fall semesters.

106.21 EMPLOYEE RECOGNITION

It is incumbent upon mercyFirst to have a comprehensive approach to recognizing the contributions that staff makes to the mission of the agency. While our primary mission is to meet the needs of the children and families we work with, it is only through the consistent efforts of staff that this mission is accomplished.

A. INDIVIDUAL RECOGNITION: *Each staff member who carries out their duties on a consistent and effective basis should receive recognition for the efforts they make and the success they are responsible for. Recognition of this work should be done as follows:*

- Supervisory Recognition: *Supervisors and managers will recognize the efforts made by members of their staff through verbal praise. Outstanding efforts should be recognized by a written memo or note that gets copied to the staff member's personnel file and the responsible senior cabinet member.*
- Senior Staff Recognition: *Senior staff are encouraged to re-enforce a supervisor's recognition through follow up contact – verbal or written - with the staff member involved. Where appropriate, public acknowledgement should be given at departmental and agency-wide gatherings.*
- Key Milestones: *At an annual event staff will be recognized for reaching certain milestones with the agency – 3 years, 5 years, etc. - with a plaque or similar official recognition.*
- Annual Evaluations: *A staff member's overall performance will be recognized in their annual performance evaluation and the raise they receive.*

B. DEPARTMENT/PROGRAM RECOGNITION: *A department or program that earns a significant achievement either by some internal criteria or an outside body (i.e. successful audit by ACS) should receive recognition for this accomplishment. Recognition will be done as follows:*

- *Supervisory Recognition: Supervisors and managers will recognize these accomplishments by a written memo to all staff members that will also be copied to each staff member's personnel file and the responsible senior staff member.*
- *Senior Staff Recognition: Senior staff are encouraged to re-enforce a supervisor's recognition through follow up contact – verbal or written - with the program or department involved. Where appropriate, public recognition will be done at departmental and agency-wide gatherings.*
- *Agency-wide Recognition: With agreement by Senior Staff the achievement of a program or department can be recognized on the banner that circulates on the agency's intra-net cover page.*

C. PROFESSIONAL FIELD RECOGNITION: *Throughout the year there are various times when different professions and positions are recognized – i.e. March is Social Work Month. Given the size, diversity of professions and the geographic spread of the agency, it is very difficult to carry out agency-wide celebrations for each and every one of these events. The agency officially recognizes the following events:*

- *Founding of mercyFirst: On or about **March 18**, the agency will alternate hosting an agency-wide event (breakfast or lunch) at Syosset and the 12th Avenue Campus each year to celebrate the founding of mercyFirst in 2003 and, given the overall focus and mission of the agency, to also recognize that March is Social Worker's Month and the role that each staff member plays in our work and success. The Mission Integration Committee will plan this day.*
- *March is Social Worker's Month: In **March**, the agency will host a celebratory breakfast – coffee, juice, bagels, etc. – on a decentralized basis to recognize this occasion and the role that every staff member has in this work. It will be up to the responsible Senior Staff member to plan for a celebratory breakfast or lunch at one or more offices where their social workers are based.*
- *Administrative Professionals (Secretary's) Day: This day is celebrated on the **4th Wednesday in April**. This day was created in 1952 to promote the value and importance of the job of Secretaries and Administrative Assistants. It is up to each supervisor and manager to recognize their secretary/ administrative assistant.*
- *National Nurse's Week: This week begins each year on **May 6th and ends on May 12th**, Florence Nightingale's birthday. It is up to the Chief Medical Officer to plan for some kind of celebratory breakfast or lunch at one or both of the agency's locations where nurses are based.*

All of these events will be recognized on the agency's intra-net web page as well. Other events that occur will be up to the individual supervisor or manager to decide how to handle.

106.21 BULLETIN BOARDS

Bulletin boards maintained by mercyFirst are to be used only for posting and distributing material of the following nature:

- *Notices containing matters directly concerning Agency business.*
- *Announcements of a business nature which are applicable and of interest to employees.*
- *Notices and announcements from Human Resources.*

All posted material must have authorization from Human Resources or the Vice President responsible for that program/department. All employees are expected to check these bulletin boards for new and updated information and to follow the rules set forth in all posted notices. Employees are not to remove materials from the bulletin boards.

106.22 AGENCY EQUIPMENT USE GUIDELINES

1. Approved Use of Computer Services

Agency computer systems may only be used for conducting Agency business or for purposes authorized by management. Use is subject to audit at any time by management.

Downloading games or non-business programs, *or installing any licensed or unlicensed software that is not approved by MIS onto Agency systems* is specifically prohibited. In addition, personal use activities may never include: solicitation of Agency employees; providing information about, or lists of, Agency employees to others; or commercial, political, or religious solicitations. Any questions concerning personal use of Agency computing resources should be discussed with your supervisor.

Using Agency computer systems to send or reply to "chain letters", or to view or distribute offensive or inappropriate material, is prohibited. Even e-mails of jokes or other messages intended to be humorous that may be universally enjoyed and offend no one still consume enormous file space and have productivity costs; such non-business related communications are not authorized on Agency systems.

For guidance or requests to review the handling of such issues, employees may contact the VP of MIS in writing. Never copy or duplicate licensed software, except as explicitly permitted in the license terms and conditions.

2. Protecting Against Computer Viruses

A “computer virus” is a program designed to copy itself into other programs. Do not execute a program if you are uncertain of expected results or do not know the source of the program. *Never open e-mail or attachments that come to you from an unknown sender.* If you are uncertain, you should contact the VP of MIS.

3. Standards of Conduct

When using electronic mail:

- Do not send mail so that it appears to come from someone else.
- Do not send unsolicited advertising via mail.
- Do not send any “mass mailing”.
- Do not send or store any material that would be considered inappropriate, offensive or disrespectful of others.

When using the internet:

- Observe Agency policies.
- Use only services you have authorization to access. Do not attempt to access internet system or server ports without prior authorization.
- Do not run security testing tools/programs against any internet system or server without explicit authorization from the system/server owner.
- Always present yourself as yourself.
- Do not place any material on the Internet that would be considered inappropriate, offensive or disrespectful to others, and do not access such material.

Numerous web sites contain or distribute material that is objectionable in the workplace. While it is impossible to list every possible web site or form of objectionable material, some clear examples include: sites that contain sexually explicit images or related material, sites that advocate illegal activity or sites that advocate intolerance for others.

Agency employees should not access such web sites, or distribute or obtain similar material through the Internet, or by any other means. Questions concerning other inappropriate web sites or objectionable material should be discussed by employees with your supervisor.

When using the Agency intranet:

- The same standards of conduct apply to the Agency intranet as those stated above.
- In addition to the general standards listed above, employees must refrain from communicating information that is confidential, false, disrespectful to others, or detrimental to the interests of the Agency.

4. Application of Policy to Use of Other Agency Equipment

Other Agency equipment, such as Voice Mail, telephones, telefax, photocopy equipment, and recording devices are also limited to business use and subject to the Standards of Conduct stated above. No employee may use any of the equipment referred to throughout this policy in a manner that could be construed by others as harassment or offensive based on race, national origin, sex, sexual orientation, age, disability, or religious beliefs.

Compliance with this policy is a condition of employment. Violation of this policy may result in disciplinary action, including possible termination.

5. Agency ownership

All electronic communications created, stored or communicated using Agency equipment are the property of the Agency.

The Agency may access documents or communications stored on its property or in its systems whenever warranted by business need or legal requirements and reserves the right to monitor its systems for accounting purposes, to ensure proper use, and to detect security violations.

Employees should not expect that their communications using the Agency's systems are private.

SECTION 7 - TIME OFF

107.00

DEFINITIONS

Given the various work schedules in our different programs it is necessary to define the number of hours that comprise a “day” – be that for a holiday, vacation day, personal day or sick day. As noted in the attached Accumulated Leave Time Schedule, for staff regularly scheduled to work a 35 hour week a “day” is 7 hours. For staff regularly scheduled to work a 40 hour week a “day” is 8 hours.

107.01

HOLIDAYS

The Agency currently recognizes the following holidays:

1. Independence Day
2. Labor Day
3. Columbus Day
4. Veteran's Day
5. Thanksgiving Day
 - *On the day before Thanksgiving the agency's offices close at 2 PM.*
6. Day after Thanksgiving Day
7. Christmas Day
 - *On the day before Christmas the agency's offices close at 2 PM.*
8. New Year's Day
 - *On the day before New Years Day the agency's offices close at 2 PM.*
9. Martin Luther King Day
10. President's Day
11. Good Friday
12. Memorial Day

When offices close at 2 PM on days prior to holidays, Direct Care staff are required to work their regularly scheduled hours.

Employees assigned to full-time status or part-time with benefits are eligible for holiday pay from their date of hire.

Full-time employees are entitled to twelve (12) holidays per fiscal year. *Part-time employees with benefits are paid pro-rated number of hours for each of these 12 holidays.*

If an employee is required to work on a holiday to which he/she is entitled, he/she will receive either: (a) equal time off (Holiday Transfer); or (b) be paid for the holiday, depending on departmental and/or Agency needs. Requests for a Holiday Transfer must be submitted on a Benefit Leave Form and approved by the employee's supervisor.

If a holiday falls on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday.

If a holiday falls during an employee's vacation, it may be taken in conjunction with said vacation provided that the supervisor approves.

Employees on Military Reserve Leave, Family Leave, Disability Leave, or Worker's Compensation Leave *do not earn holiday time*

107.02 VACATIONS

The vacation accrual follows a fiscal year calendar which begins on July 1st of one calendar year and runs through June 30th of the following calendar year. All requests for vacation must be submitted *at least two weeks in advance* on a Vacation Request Form and must be approved by the Supervisor. *To be eligible for vacation leave an employee must be in good standing and not behind in their work, and not on orientation. Seniority and coverage requirements for a program, department or unit will be a consideration in approving request for vacation leave.*

Effective July 1, 2006, vacations accrue from the date of hire *and must be used during that fiscal year except for up to two weeks of vacation leave that may be "rolled over" on June 30. Any vacation leave "rolled over" must then be used by September 30 in the following fiscal year and any unused vacation time is lost.*

Exempt Employees – e.g. Managers, Supervisors, Caseworkers, professional staff, RN's and designated administrative positions, accrue 20 vacation days per fiscal year.

Non-exempt staff in designated direct care positions – e.g. Direct Care Worker II's, AOD and CRT's - accrue 15 vacation days per fiscal year.

All other *non-exempt* staff – Direct Care staff, maintenance and custodial positions, office support positions - accrue a maximum of 10 vacation days per fiscal year.

Employees in the 10 and 15 day vacation group will be granted 20 vacation days in the fiscal year following five years of continuous service.

The maximum number of vacation days any employee will receive is 20 days.

Employees who terminate after the successful completion of the orientation period or extension thereof *and who give the required notice of their leaving* will be paid for accrued, but unused vacation time. Employees who are terminated for any reason before the successful completion of the orientation period or extension thereof are not entitled to receive compensation for any accrued vacation.

Vacation must be taken in minimum one hour blocks.

To ensure adequate coverage, requests for vacation leave of more than two consecutive weeks requires approval of Senior Management, Vice President of Human Resources and the employee's immediate supervisor.

107.03 PERSONAL LEAVE

The Personal Leave accrual is based on a fiscal year which begins on July 1st of one calendar year and runs through June 30th of the following calendar year.

Personal days accrue and employees will be eligible to take personal days from the hire date.

- Full-time employees are entitled to four (4) personal days per year which accrue at a rate of one (1) day per quarter (on July 1st, October 1st, January 1st, and April 1st).
- Pro-rated benefit employees are entitled to *pro-rated* personal time per year which accrue at an *even* rate per quarter (as above).
- Employees are required to have prior supervisory approval before taking personal days.
- Personal days must be taken between July 1st of one calendar year and June 30th of the following calendar year. Unused days are not to be carried over or paid.
- Personal leave may be taken in minimum one hour blocks.
- Unused Personal Leave is not paid when an employee leaves the employ of the Agency

All requests for Personal Leave must be submitted at least two weeks in advance on a Vacation Request Form and must be approved by the Supervisor. To be eligible for personal leave an employee must be in good standing and not behind in their work, and not on orientation. Seniority and coverage requirements for a program, department or unit will be a consideration in approving request for personal leave.

107.04 SICK LEAVE

Sick leave is provided by the Agency in case of illness *of the employee or for those family members they are the Primary Caregiver*. IT IS NOT A PART OF BENEFIT DAYS OR TIME OFF FROM THE AGENCY AS IS VACATION, PERSONAL DAYS OR HOLIDAYS.

The sick leave accruals follow the fiscal year which begins on July 1st of one year and runs through June 30th of the following calendar year. Sick leave

must be taken in minimum one-hour blocks. Sick leave will be based on years of service as follows:

- for the first fiscal year = up to 6 days (prorated based on date of employment)
- for the second fiscal year = 7 days
- for the third fiscal year = 8 days
- for the fourth fiscal year = 9 days
- for the fifth fiscal year and beyond = 12 days

New employees will accrue sick time from the start/hire date, but are not eligible to take paid sick time until after completion of their *orientation period*.

To insure adequate coverage, Direct Care staff are required to call and speak with their supervisor or AOD at least four (4) hours prior to the start of their shift. All other staff are required to speak directly with their supervisor at the beginning of the work day. For all categories of staff leaving Voice Mail messages about not being able to work due to illness is not acceptable. Sick days are reported for on one's Time Sheet.

All unused sick days at the end of the fiscal year will carry over to the following fiscal year. You can accumulate up to a maximum of one hundred fifty (150) days of sick leave. These days are only to be used in case of prolonged disability or Worker's Compensation cases. Unused sick leave is not paid to employees at the end of the fiscal year. Also, unused sick leave is not paid to employees in the event of separation from the Agency.

Employees will NOT be paid for absences if:

1. The employee's family or friends call for them, unless the employee is totally incapacitated.
2. They do not leave a phone number where they can be reached during the day.
3. They called the Agency with less *than the required notice*.
4. They have not spoken to their supervisor or the AOD.
5. They are assigned to work on a holiday and call in sick.

If an absence is three (3) or more working days or shifts, a statement from a physician will be required. This statement must include the reason for the absence and that the employee can return to work without restrictions. If any restrictions are imposed, a detailed description of the restrictions must be included on the notice from the physician. *The physician's statement is to be submitted to the employee's supervisor who in turn will submit it immediately to Human Resources*

An employee whose absence is *expected to be for more than one week or who has been out of work for more than 5 days* may be placed on Family Medical Leave. (See Family Medical Leave section 107.08).

If an absence is due to a non-job-related illness or injury and exceeds seven (7) consecutive days, the employee is entitled to apply for New York State Disability.

If an employee has been identified and informed as having a poor attendance record, or if the absences have become patterned (i.e. absences fall on the day before, after or on holidays or other benefit times), the employee's supervisor may require medical documentation even if the absence has not exceeded two working days. In addition, the employee may be required to bring in medical documentation for a specified period of time.

Excessive use of sick time or patterned abuse will be reflected in the employee's evaluation, which could lead to an employee being placed on probation or terminated.

107.05 NEW YORK STATE DISABILITY

New York State Law requires all employers to provide their employees with disability insurance (DBL). *Please see Human Resources for additional information.*

Medical and dental coverage will continue during disability, but the employee is required to pay the employee-contributed portion of the premium. If the premium is not paid within 31 days of the onset of disability, health and dental insurance may be cancelled, unless other arrangements have been agreed to. *The employee is expected to re-pay any missed employee portion of premiums upon their return to work.*

When an employee is on disability the employee will not be paid for holidays which fall during the disability nor will the employee accrue vacation, personal leave, or sick leave during the period of disability.

107.06 LONG TERM DISABILITY

This plan is voluntary and gives added income protection for absences due to long term disability. All full time employees are eligible. The full cost of long term disability is the responsibility of the employee. Arrangements should be made for a payroll deduction through Human Resources as well as additional information about this benefit.

NEW YORK STATE WORKER'S COMPENSATION

mercyFirst employees are covered under NYS Worker's Compensation Insurance. *Should an employee sustain a work-related injury, he or she must immediately notify his/her supervisor and the Human Resources Department.*

Below are important facts concerning Worker's Compensation:

- You must report any accident immediately to your supervisor and the Human Resources department on a completed Accident Report form, but under no circumstances should you wait longer than 24 hours. Failure to report the accident in a timely manner could result in the insurance carrier's delay in paying, or even refusing to pay your claim.
- Medical and dental coverage will be continued during the disability period, but the employee will be required to pay the employee contributed portion of the insurance premium. If the premium is not paid within 31 days of the onset of disability, health and dental insurance *may* be canceled, unless other arrangements have been made. *The employee is expected to re-pay any missed employee portion of premiums upon their return to work.*
- *Employees out on Worker's Comp* will be paid for holidays which fall during the disability, and will accrue vacation, personal and sick leave during the first 20 business days they are out of work.

For clarification and/or further information, contact the Human Resources department.

LEAVES OF ABSENCE

The following leaves of absence must be requested on Leave forms and approved by the supervisor, department head, and/or Vice President of Human Resources as indicated:

A. Bereavement Leave

An employee may request from up three (3) days off *with pay* due to a death in the immediate family. Such requests must be submitted on a Benefit Leave Form, and be approved by their Supervisor. Such time must be noted on the Time Sheet.

Immediate family is defined as mother, father, wife, husband, brother, sister, child, parents of spouse, sister or brother-in-law, grandparents, *and step-family in these same categories*, or any relative residing the immediate household.

B. Jury Duty

The Agency recognizes that you may be called to serve as a juror from time to time. This is a responsibility that you as a citizen must fulfill. Employees who are summoned for jury duty should immediately present jury notification to their immediate supervisor or department head and, upon their return, certification of Jury Duty service from the Court Clerk. If court releases you with half or more of your workday left, The Agency will expect you at work for that time.

You will continue to receive your regular base salary and accrue benefit time for up to 10 days of jury duty. After that period you will not receive your regular base salary, neither will you accrue any sick, vacation, personal or holiday pay. Benefit accruals will resume upon return to active employment.

Any payment, minus travel expenses, received from the court while serving jury duty during the first 10 days must be signed over to The Agency (endorse check: "DEPOSIT ONLY TO THE AGENCY").

C. Military Reserve Duty

Military leaves of absence shall be granted in accordance with the Agency's legal obligations under applicable law. Questions concerning Military Leave should be directed to Human resources.

D. Family and Medical Leaves of Absence

Scope:

This policy is applicable to all requests for family and/or medical leaves of absence under the Family and Medical Leave Act of 1993 (hereinafter referred to as FMLA).

Eligibility:

To be eligible for FMLA benefits, an employee must have worked for mercyFirst for at least a total of 12 months and at least 1,250 hours over the 12 month period prior to commencement of any leave.

Leave Entitlement:

Eligible employees are entitled to take up to 12 weeks of unpaid, job-protected leave during a rolling 12 month period (measured backwards from any given leave) for one or more of the following reasons: (1) the birth of a child; (2) the placement of a child for adoption or foster care; (3) the care of an immediate family member (spouse, child or parent) with a serious health condition; or (4) a serious health condition that makes the employee unable to work.

Procedure:

An employee requesting either a family or medical leave pursuant to the FMLA must submit the leave request in writing to his or her supervisor not less than thirty (30) days before the date the leave is intended to begin. The Agency recognizes that unexpected emergencies can arise where it is not possible to provide 30 days' notice of the intended leave. In such situations, employees are expected to provide as much advance notice as is practicable.

Medical Certification:

In cases where an employee is requesting medical leave because of the employee's own serious health condition or that of a spouse, child or parent, the Agency requires the employee to submit written medical certification, verifying the need for the leave. The Agency, at its own expense, may require the employee to receive a second opinion from a health care provider designated and approved by the Agency. If this opinion conflicts with the first opinion, the Agency, again at its own expense, may request a third opinion from a health care provider mutually agreed upon by both the Agency and the employee. The third opinion will be binding on both parties. Additional certifications of the employees or immediate family member's medical condition may be required as permitted by law. Employees on leave are expected to remain in contact with their supervisor and/or Human Resources to keep mercyFirst apprised of their progress, prognosis and expected return to work.

Substitution of Paid and Unpaid Leave:

An employee taking leave pursuant to FMLA will be required first to use any sick leave, vacation leave and/or paid time off accrued prior to the leave and such paid time off shall be counted concurrently as FMLA leave under this policy. Up to two weeks of vacation leave may be saved to be used no sooner than 2 months following the employee's return to work. The remainder of the leave will be unpaid. Under no circumstances shall mercyFirst be required to provide more than 12 weeks of family and medical leave in any 12-month period.

Intermittent and Reduced Schedule Leave:

FMLA leave time may be taken intermittently (or on a reduced schedule basis) whenever the leave is medically necessary to care for a seriously ill family member, or because the employee is seriously ill or unable to work. Intermittent leave will not be granted for the birth or placement of a child. If the need for intermittent leave is foreseeable, based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt the Agency's operations.

Consequently, the employee must consult with his/her supervisor before scheduling such leave. The Agency reserves the right to request that such leave be rescheduled. The employee must submit a written medical certification, verifying the need for the leave.

When an employee requests intermittent leave or reduced schedule leave, the Agency reserves the right to transfer the employee temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule. The position to which the employee is transferred will be equivalent in pay and benefits to the one that the employee held prior to the transfer.

Return to Work Certification:

All employees taking medical leave to care for their own serious health condition will be required to submit to their supervisor an original copy of a fitness-for-duty certification signed by their health care provider before returning to work, stating that the employee is able to resume his or her position.

Status of Benefits While on Leave:

While an employee is on medical or family leave pursuant to this policy, he/she will continue to be covered under the Agency's medical insurance plan in effect at the time and so chosen by the employee, so long as the employee continues to pay the employee portion of the premium costs.

If paid leave is used for any portion of the family or medical leave, employee premiums will be deducted from the payments in accordance with the practice applicable to active employees.

An employee who fails to return to work for at least 30 calendar days following the expiration of an unpaid family or medical leave shall be required to reimburse the Agency for the portion of the health care premiums paid by the Agency during the unpaid leave unless the employee can establish that the failure to return was due to the continuation, recurrence or onset of a serious health condition which meets the criteria for leave under this policy or was due to other circumstances beyond the employee's control.

Restoration of Benefits and Position at the Conclusion of Leave:

The employee on family or medical leave is not entitled to the accrual of any seniority or employment benefits during any period of leave except as expressly stated herein or as otherwise provided by law. At the conclusion of an employee's medical or family leave, the employee will be returned to the position that the employee held prior to taking the leave or, if that position is not available, the employee will be placed in a position that is equivalent in pay, conditions and other terms of employment to the employee's prior position. An employee on leave, however, will not be entitled to return if his/her position was abolished or if he/she was terminated due to a reduction in workforce or other circumstances unrelated to his leave.

Key Employees:

A key employee is a salaried, eligible employee who is among the highest paid ten percent of employees of the Agency. The Agency may refuse to reinstate key employees after using FMLA leave if it determines that substantial and grievous economic injury would result from reinstatement. If this determination is made, the employee will be notified in writing and given an opportunity to end the leave and return to work. If the employee remains on leave, he or she will not have a right to be restored to employment

Non-Retaliation:

It is the policy of mercyFirst to not to retaliate or take adverse employment action against any " employee because he/she has taken a bona fide leave under the FMLA.

Questions:

Should you have any questions regarding FMLA leave, contact the Human Resources Office.

107.09 OVERAGES IN BENEFIT TIMES

Any staff member who uses and is paid more benefit time than he or she has earned, will be required to repay the agency for the overage.

SECTION 8 - SAFETY AT WORK

108.00 SAFETY

It is the policy of the Agency to comply with all applicable federal, state and local health and safety regulations and to provide a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements. The Chief Operating Officer oversees safety policies and procedures.

Supervisors are responsible for ensuring that employees under their supervision understand and comply with all safety rules, regulations and procedures.

Employees should report to their supervisor all observed safety and health violations, or potentially hazardous conditions.

In order to ensure the safety of residents and staff, all employees must wear the I.D. badge on their outer clothing while on duty.

All visitors to any office or program of the agency must sign in at main reception areas. Employees may not bring family or friends onto any Agency sites without prior approval from the director of their program. This is for the safety of our clients as well as our staff and volunteers.

Staff and visitors arriving at any office or program after regular business hours need to produce appropriate identification when arriving. Staff expecting visitors during that time must alert the AOD prior to the visitor's arrival.

108.01 ACCIDENTS/INJURY

For each employee's own protection, all injuries or accidents, no matter how minor, must be reported to their supervisor and the Vice President of Human Resources immediately. If a staff member is involved in an accident, witnesses or discovers an accident or injury of another employee, contact the AOD at once. An Accident Report form must always be completed when an injury occurs on Agency premises or in an Agency vehicle. Names of witnesses to an accident and the conditions of the area in which the accident occurred should be noted and reported. In the case of a vehicle accident, a police report must be filed.

Employees are encouraged to alert the Agency of potential hazards, via the Chief Compliance Officer, the Chief Operating Officer, the Vice President of Human Resources, or immediate supervisor.

108.02

WORKER PROTECTION

The Agency will provide special clothing or equipment for the protection of staff when law requires such clothing. Protective equipment (gloves, masks, etc.), must be used when indicated as a matter of standard precaution. The Agency will provide ongoing and/or special training programs for safety and health matters when deemed necessary or as required by federal regulations.

Supervisors should provide the following to employees who are exposed to known toxic substances and recognized harmful physical agents, at the time of hire and at least annually thereafter:

- a) Existence, location and availability of exposure records or medical records pertaining to employees exposed to toxic substances or harmful physical agents which are maintained by the Agency.
- b) The identity of the person responsible for maintaining access to those records and
- c) The right of each employee or the employee's designated representative to examine and copy such records.

These employees should also be advised that they may be required to submit to physical exams and tests at intervals determined by their length of time on the job and whenever there is reason to believe they were exposed to toxic substances or harmful physical agents. (Refer to Hazard Communication Program for full description.) Violation of Agency safety rules, regulations and procedures will result in disciplinary action.

108.03

PARKING ON SYOSSET GROUNDS

On the Syosset campus, during special events or meetings taking place and when the regular parking lots are full, park across the street by the barn area. You may not park in spaces reserved for Agency cars and vans. Spaces designated for handicapped individuals should only be used with proper handicapped parking identification.

The speed limit on campus is 10 mph and is strictly enforced for staff and the residents' protection.

Personal and Agency vehicles must be shut off and locked when parked anywhere on agency grounds. Failure to shut off and/or lock your personal vehicle or an agency vehicle signed out to you, may result in disciplinary action.

The Agency assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while in parking lots.

The Agency encourages employees to carpool if at all possible.

FIRE PLAN

As an employee of the Agency, each staff member plays a vital role in our fire prevention program. Staff must be on guard to prevent potential fires by ensuring that no one smokes on agency grounds; that flammable materials are safely secured in metal closets; that extension cords are never used; that all wiring around their work areas are not frayed; and that pathways to exits are never blocked.

Each staff member needs to be familiar with the evacuation plan posted in each work area and take mental note of the location of the fire extinguishers. Staff should be mentally prepared as to what to do in case of a fire. If any staff member smells smoke or detects a fire, call or radio Switchboard immediately.

Fire drills are held periodically *at all locations*. All staff must comply with alarm bells as soon as sounded, closing office doors while exiting. Leave the building from the Exit door closet to you and assemble at a central point. Direct Care staff are to escort their residents' to pre-arranged locations. *Staff are responsible to escort all clients and visitors to pre-arranged locations.*

SECTION 9 - MISCELLANEOUS

109.00 GRIEVANCE PROCEDURE

Despite all employees being an “employee at will”, it is recognized that a prompt and efficient method of settling grievances is an indispensable part of sound personnel relations and good practice. While the Vice President of Human Resources is always available to discuss and assist in resolving personnel issues that may arise, provision is made for a fair and impartial hearing if an employee believes they have been unjustly affected by a violation of or an unfair application of a personnel policy, has been unjustly suspended or terminated or has dissatisfaction with working conditions. Every employee of mercyFirst should feel free to use this procedure without embarrassment, fear of criticism, reprisal or loss of status. The following grievance procedure shall be followed:

1. The employee should present the issue in writing to his/her immediate supervisor who will consider the matter and give an answer within five (5) working days. Supervisors should make a diligent effort to remedy all grievances on a front line basis.

2. If the employee is not satisfied, they should submit their grievance and a request for an appointment, in writing, to their Administrative Department Head. Copies should be sent to the immediate Supervisor and the Vice President of Human Resources. The Administrative Department Head will discuss the matter with the employee and give a decision in writing within five (5) working days.

If the employee's immediate supervisor is the Administrative Department Head, the employee can skip Step #2 and proceed directly with Step #3.

3. If the employee is still dissatisfied, he or she may appeal to the Vice President of Human Resources, *in writing within five (5) working days, and request an appointment. At the discretion of Human Resources a meeting may be scheduled within the next five (5) days involving the employee and one or more of the following staff – employee’s immediate supervisor, Vice President for that program/department, Senior Vice President – to try to resolve the matter.*

4. *An employee who is not satisfied with the determination of Human Resources, may request a formal hearing of their grievance by serving a written request upon the Chief Executive Officer within ten working days of their receipt of the written determination by Human Resources under the Informal Procedure.*

The request shall set forth the basis of the specific action by citing the Personnel Policies that was violated and the circumstances surrounding the situation giving rise to the grievance and the specific basis for their dissatisfaction.

5. *If the grievance is accepted, the CEO will decide whether to meet with the employee and hear the Grievance himself or appoint a Grievance Committee composed of the Vice President of Human Resources and four members to be selected from among the management and supervisory staff of the Agency, but excluding the employee's immediate supervisor.*

The CEO shall appoint a Chairperson of the Grievance Committee from the members of the Committee and the Chairperson shall advise the employee, in writing, of the hearing to be commenced within ten work days weeks from the date of receipt of the employee's request for a hearing.

6. *The hearing shall endeavor to give a fair and impartial hearing to all concerned. The employee shall have the right to call witnesses and introduce documents into evidence. If the Committee feels it needs additional information, the Chairperson shall have the right to call additional witnesses and request access to documents.*

7. *The Grievance Committee shall serve a written report of its findings and recommendation upon the employee and CEO within thirty days of the termination of the hearing. The CEO will make the final determination of the matter within 10 work days upon receiving the Committee's recommendation. The decision of the CEO will be given to the employee in writing. The determination of the CEO shall be final and not subject to any further appeal. To the extent possible, all concerned shall keep all such proceedings confidential.*

8. *In case of suspension, if the grievance is upheld, the employee will receive their base pay retroactive to the date of suspension. If the grievance is not accepted, the employee will forfeit salary for the period of suspension.*

109.01 Staff Relationships With Clients

To ensure the healthy development of our clients, mercyFirst encourages staff to be involved on a volunteer mentor basis and even as an adoptive resource to certain children. This policy and procedures is outlined in the Family Resources Policy that is in the Appendix.

The Agency prohibits staff from involvement in any social or extracurricular activities with clients, or members of their family, that are separate from those sponsored or sanctioned by the agency or program. Supervisors must be made aware of any and all activities an employee seeks to participate in that involve client participation.

mercyFirst also prohibits professionals and consultants employed by the agency, and volunteers and students involved in the agency or providing services to the agency from involvement in any social or extracurricular activities that are separate from those sponsored or sanctioned by the agency or program.

Such a prohibition will remain in force for a period of one year following a client's final discharge from services from the agency or program. A violation of this policy is considered unprofessional conduct and is grounds for dismissal or termination of services.

Appendix A

Code of Ethics Statement

Whistleblower Policy

Policy on the Reporting of Abuse and Maltreatment Allegations

Family Resource Policy

Benefit Leave Accrual Schedule

CODE OF ETHICS

PREAMBLE

As put forth in our *Mission Statement*, mercyFirst is committed to promoting the well being of our clients in a context of respect and collaboration. This commitment is carried out in a variety of settings and with a broad range of roles including direct practice, supervision, administration, teaching, training, research, consultation and advocacy. This code of ethics embodies the seven core values of mercyFirst: compassion, competency, dignity for all, faithfulness, hospitality, integrity, and justice.

As mercyFirst professionals we are aware of, and sensitive to, the responsibilities involved in our practice. Each professional has the responsibility to strive for high standards of ethical conduct, which include:

- Concern for one's own behavior
- Encouraging the ethical behavior of others
- Consulting with others on ethical issues

For the purpose of this document only, mercyFirst expands the definition of "professional" to include all members of the Board of Directors, paid employees, interns/extern, independent contractors, birth families, foster families, and volunteers. In the course of practice, professionals encounter many situations which have ethical dimensions and implications. We define professional ethics as the organized and systematic articulation of child, youth and family care values and their application to the issues we encounter in practice.

This ethical statement is a living document, always a work in progress, which will mature and clarify as our understanding and knowledge grows. These principles, which are defined in our *Mission Statement* and elaborated on in this Ethics Statement, represent values deeply rooted in the Agency's Catholic origin and Mercy tradition. Additionally, they are intended to serve as guidelines for conduct and to assist in resolving ethical issues. In other instances, the mercyFirst' professional is required to combine the guidance of these principles with sound professional judgment, and consultation and review by the Ethics Committee when appropriate. In any situation, the course of action chosen is expected to be consistent with the spirit and intent of these principles.

PRINCIPLES AND STANDARDS

I. RESPONSIBILITY FOR SELF

The professional shall be responsible for self by:

- A. Maintaining competency.
 1. Taking responsibility for identifying, developing, and fully utilizing one's knowledge and abilities.

2. Participating in training, education, supervision, experience and/or counsel to assure competent service.
- B. Maintaining high standards of personal conduct by being honest, lawful and respectful and avoiding behaviors that do not reflect well on the Agency.
- C. Preserving physical and emotional well-being in order to fulfill one's designated role within the Agency.

II. RESPONSIBILITY TO CLIENT*

*Client is defined as any person for whom the Agency provides services.

The professional shall be responsible to the clients by:

- A. Protecting clients from abuse and maltreatment: Protecting the client by working to prevent practices which are emotionally or physically harmful, degrading, dangerous, or exploitive, etc.
- B. Respecting the privacy of our clients.
1. Respecting the privacy of our clients in accordance with HIPAA and other applicable laws.
 2. Safeguarding clients' confidences within the limits of the law.
- C. Preserving the human dignity of our clients.
1. Providing services that are sensitive to and non-discriminatory toward clients regardless of race, color, ethnicity, national origin, national ancestry, age, gender, sexual orientation, marital status, religion, abilities, mental or physical handicaps, medical condition, political beliefs, political affiliations, socio-economic status, or any other protected characteristic as established by law.
 2. Providing or arranging for treatment and services with consideration for the dominant language and linguistic capabilities of each client.
 3. Increasing one's knowledge and appreciation of the cultures of our clients.
- D. Enhancing the client's growth and development.
1. Facilitating an environment that fosters self-determination.
 2. Designing, offering or arranging for programs that address clients' developmental status, understanding, educational needs, and age.

E. Offering the best therapeutic care.

1. Accepting clients into the specific programs where their needs match the admitting criteria, and clearly indicating what services we provide to our referral sources to enhance their ability to make appropriate referrals.
2. Providing in our residential programs and foster homes, living conditions that demonstrate our respect for the human dignity of each client.
3. Recognizing that competent service often requires collaboration and such service is a cooperative effort drawing upon the expertise of many.
4. Recognizing our obligation to offer consultation and information to the families or associate of clients where legally appropriate.

F. Fostering self-determination.

1. Informing the clients of their right to refuse treatment in accordance with the governing regulations of their specific program.
2. Enabling our clients to have their rights validated through:
 - Ongoing involvement in the treatment planning process including informed consent regarding medications, treatment goals, or any changes in the client's programming.
 - Recognizing their right to know the system of payment for services provided.
 - Recognizing their involvement in discharge planning.
 - Providing access to a grievance process while the client is under our care.

G. Protecting the integrity of life for family/significant others.

1. Involving ourselves in alleviating the condition that necessitated the Agency's services.
2. Working toward uniting the family, where appropriate.
3. Recognizing and advocating for the rights of the client with emphasis on social change that will strengthen family life.
4. Recognizing the client's needs and facilitating the participation of family/significant others in service to the client.

H. Maintaining professional boundaries.

1. Ensuring that the boundaries between professional and personal relationships with clients, families, and/or significant others is explicitly understood and respected, and the practitioner's behavior is appropriate to such boundaries. This includes prohibiting personal gift giving and intimate emotional, financial, and/or physical involvement.

III. RESPONSIBILITY TO THE AGENCY

The professional shall be responsible to the Agency by:

A. Respecting commitments made to mercyFirst by adherence to Agency philosophy, policies and procedures.

1. Recognizing the individual's right to his/her own conclusions of conscience, as professionals, each individual is expected to seek a resolution in a manner that is consistent with the Agency's Mission, philosophy, policies and procedures. For an explanation of Staff Right to Refuse to Treat, see Employee Policy and Procedure Manual.

2. Treating colleagues with respect, courtesy, fairness and good faith.

3. Respecting the privacy of each other and holding privileged information in the strictest confidence.

B. Promoting ethical conduct within the Agency.

1. Addressing potential violations of the ethics guidelines personally if an informal resolution seems appropriate.
2. Reporting ethical violations to the Ethics Committee when an informal resolution is not appropriate.
3. Recognizing that professionals must be free from the fear of retaliation, the Agency is committed to a policy of no retaliation when a professional makes a report of an ethical violation.

IV. RESPONSIBILITY TO THE PROFESSION

The professional shall be responsible to the profession by:

A. Upholding the standards in this code to guide the resolution of ethical conflicts.

B. Adhering to the code of ethics of one's particular discipline, if applicable.

C. Promoting ethical conduct within the Agency.

1. Addressing potential violations of the ethics guidelines personally if an informal resolution seems appropriate.
 2. Reporting ethical violations to the Ethics Committee when an informal resolution is not appropriate.
- D. Encouraging collaborative participation by professionals, clients, family and community to share responsibility for client outcomes.
- E. Ensuring that research is approved by the Research Committee, designed, conducted, and reported in accordance with high quality practices, recognized standards of scholarship, and research ethics.
- F. Offering education and training programs that are competently designed and delivered through curricula which meet the requirements set forth by the Agency.
- G. Striving for programs and services which meet standards of quality and ethical practice in relation to clients, staff, governing bodies, and the community by:
1. Providing support for professional growth.
 2. Evaluating staff performance on the basis of established requirements.

V. RESPONSIBILITY TO COMMUNITY

The professional shall be responsible to the community by:

- A. Promoting understanding and facilitating acceptance of diversity in society.
- B. Encouraging informed participation by the public in shaping social policies and institutions.

VI. RESPONSIBILITY TO REFERRING AGENCY

mercyFirst shall adhere to the following ethical standards with regard to:

- A. Admissions: Accepting only those clients whom we are qualified to serve, in accordance with established admission criteria (contracts).
- B. Billing: Billing government sources and other funding sources for services actually provided, in accordance with contractual agreements.
- C. Conflict of interest: mercyFirst recognizes an employee's right to engage in community activities outside of his/her work for the Agency. The Agency

encourages all employees to be well-rounded, active and contributing citizens. However, to avoid any real or potential conflict of interest:

- * An employee should not become involved, at any level, in a business transaction that could be viewed as a conflict between his/her personal interests and those of mercyFirst's or his/her role as an employee of mercyFirst;
- * An employee should not accept any outside employment that potentially could interfere with the satisfactory performance of his/her duties at mercyFirst.
- * An employee should not accept gifts, bequests, payments, fees, return services, discounts, valuable privileges or favors of any type that in any fashion obligate or compromise the Agency or the employee or has the potential to do so.
- * An employee should not attempt to influence the hiring or employment of relatives or other persons by the Agency's clients, suppliers or providers. Under no circumstances should anyone served by the Agency be solicited to purchase goods or services of an outside enterprise.
- * If an employee has any outside interests or activities which may be interpreted as a conflict of interest, he/she should discuss these activities with a representative of the Human Resources. Any second jobs which may involve a conflict of interest or interests in any vendor or customer of the Agency or Board of Director positions must be disclosed to the Agency in writing.

D. Marketing.

Reflecting accurately all services provided by the Agency in all brochures, publications and advertisements.

Whistleblower Policy

mercyFirst is committed to operating in furtherance of its tax-exempt purposes and in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by mercyFirst, any of its board members, employees, or volunteers. This policy outlines a procedure for employees to report actions by mercyFirst or any its employees that an employee reasonably believes violates such laws, rules or regulations or constitutes fraudulent practices. This policy applies to any matter which is related to the conduct of mercyFirst business and does not relate to private acts of an individual not connected to the business of mercyFirst.

If an employee has a reasonable belief that mercyFirst or any of its employees has engaged in any action that violates any applicable law, rule or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the employee is expected to immediately report such information to the Chief Executive Officer. In the alternative, if the employee does not feel comfortable reporting the information to the Chief Executive Officer, he or she should report the information to the President of the Board of Directors by mailing this information to the President at the main office of mercyFirst and marking the envelope "Personal and Confidential". Employees may also report any concerns regarding safety or quality of care provided through mercyFirst to the Joint Commission via agency intranet link, phone 1-800-994-6610, or email to complaint@jcaho.org.

All reports will be followed up promptly, with further investigation conducted where needed to resolve disputed facts. In conducting its investigations, mercyFirst will strive to keep the identity of the individual providing the information about perceived violations of the accounting, auditing, or other applicable laws and regulations as confidential as possible, while remaining compliant with the conduct of an adequate review and investigation. mercyFirst will take appropriate action in response to any such report, including, but not limited to, taking disciplinary action (up to and including termination) against any employee who in management's assessment has engaged in misconduct and reporting such misconduct to the relevant civil or criminal authorities as required by law.

mercyFirst will not retaliate against an employee in the terms and conditions of employment because that employee: (a) reports in good faith what the employee believes to be a violation of the law to a supervisor, to the Board of Directors or to a federal, state or local agency; or (b) participates in good faith in any resulting investigation or proceeding.

In addition, mercyFirst will not, with the intent to retaliate, take any action harmful to any employee who has provided to law enforcement personnel or a court, truthful information relating to the commission or possible commission by mercyFirst or any of its employees of a violation of any applicable law or regulation.

Adopted by the Board of Directors November 2005

POLICY ON THE REPORTING OF ABUSE AND MALTREATMENT ALLEGATIONS

The Mission and Philosophy of mercyFirst stresses the importance we place on respect for the individual and our commitment to protect children from abuse and maltreatment. Mindful of our responsibility to protect all children from abuse and maltreatment we will report all cases of suspected abuse or maltreatment, unless other wise indicated and substantiated it has been previously reported.

NOTE: Most employees of mercyFirst are designated “mandated reporters” and thereby required by law to report any incidents of suspected abuse or maltreatment that they observe or become aware of at work. On the last page is a list of those professions that are designated by law as a mandated reporter.

It is the expectation of mercyFirst that all employees will bring any incidents, information or suspicion of abuse or maltreatment to the attention of their supervisor for follow-up and reporting.

Against Care Giver – Foster Family, Guardian, Relative, Baby Sitter or Parents

I. In keeping with our mission and NY State Social Service Law it is required of all mercyFirst employees that if any of the following occur:

- a child alleges to anyone that he/she has been abused, or in any way maltreated at any time in their life (regardless of their age at the time) with/without detail
- a staff person reads in a report/progress note, a statement of alleged abuse or maltreatment in a child’s record (other than documentation from the referral source)
- child displays signs of abuse or maltreatment
 - physical signs i.e. scars, bruises, malnourished
 - psychological signs
 - reports actions taken against him/her which appear to be abusive
- child makes an allegation or expresses concerns for siblings/other children about actions being taken against them which raise your suspicion of abuse or maltreatment of those children

A. The staff person will:

1. Notify their supervisor immediately.
2. An immediate case review will occur.

- **Reports which are historical in nature:** the case record review must determine if all legal obligations have been met (i.e. via contacting: author of report, referral source, or previous program). This determination must be made within 48 hours.
 - **For reports of new/recent incidents (these would generally be reports of allegations of incidents since you have been involved in the case):** the case record review will be utilized to get historical information which relates to this allegation or for demographic details (i.e. names, address), if available, and could be utilized in the report to the central registry. This report must be made within 48 hours
- II. If **legal obligations have not been met** (if it can't be substantiated that the allegation was previously reported to the central registry), the staff person will then be directed to report these allegations to the Central Registry.
- Case will be reviewed with Program Director
 - Report will be made to the Central Registry
 - Notify the AOD of the call and outcome (i.e. accepted, caller id #)
 - The staff person will then note it in their report, progress notes etc., that all legal obligations have been met, by who and when.
- III. If **legal obligations have been met** the staff person will then note this in their report, progress notes etc., that all legal obligations have been met, by who and when.

*NOTE: All allegations, unless previously all legal obligations were met, must be called into the central registry. This includes new incidents of previously reported allegations (i.e. case was founded for abuse in 1998, but child is now reporting incidents in 2003).

There is no agency or individual determination of what is reportable, the registry will make that determination.

Against a Staff Member

When a child alleges to anyone, that he/she has been abused or, in any way, maltreated; or if anyone bears witness to or hears about an act that is abusive or may cause harm to a child that person will:

- I. Notify the AOD (Administrator on Duty) immediately at extension 199, by locating them on radio or through the Switchboard Operator.
- II. The staff who is the subject of the allegation will be immediately told to report to the Administration building to avoid contamination of the interview process. If the staff person is not on duty, they will be contacted by HR, the AOD, or Risk Management. They will have 24 hours from the point of notification to report to the agency to give a statement. If the staff person does not respond, they may face disciplinary action.

- III. The AOD will register the allegation in the AOD log book.
- IV. The AOD will contact the Executive VP of Programs, Program Senior Vice President, and the supervisor of Risk Management. Sr. VP will notify other staff as deemed necessary.
- V. The supervisor of Risk Management or their designee will be responsible for coordinating the investigation. This includes assigning staff for interviewing the child and any witnesses. Necessary steps will be taken to avoid any conflict of interest issues in the interviewing process.
 - A. The AOD will guarantee the protection of the child and staff member by arranging to have them separated. If reasonable cause is found, the staff person may be placed on administrative leave pending investigation.
 - B. The AOD will arrange for an immediate medical examination and photographs of the child, whether there are obvious bruises or not.
 - C. The investigator will gather statements, photographs of the child and the area, as well as securing physical evidence and medical material (if appropriate).
- VI. *The AOD will notify the CEO, and the Vice President of Human Resources to provide a clear description of the incident and explanation of what action has been taken. The AOD will then be directed on how to proceed.*
- VII. In compliance with mercyFirst policy and New York State Institutional Abuse regulations, the supervisor of Risk Management or designee will immediately phone in a report of the allegation to the New York State Child Abuse and Maltreatment Registry in Albany, (1-800-342-3720). The AOD and/or the Caseworker/Social Worker will also notify the parent/guardian of the child.
- VIII. The Caseworker/Social Worker will notify all governing as well as referral agencies (i.e. DSS, OCFS, ACS).
- IX. The Casework Supervisor and/or Director will ensure that an 853D/incident report is completed immediately and sent to the Case Manager .
- X. The AOD will insure that the staff member, CRT, Health Office and/or any other reporting staff person have completed a Critical Incident form.
- XI. Within 48 hours of the verbal report to the State Central Registry, the supervisor of Risk Management or designee will complete the 2221-A State Registry form and submit it to the New York State Child Abuse Registry, to CQC, and the District Attorney's office, when appropriate.
- XII. The supervisor of Risk Management and/or the Senior Vice President of the Program will serve as the liaison to the IAB Team, if an IAB investigation occurs.

- XIII. The supervisor of Risk Management or designated investigator will complete the investigation summary that will be reviewed and accepted by the Program Senior Vice President and Vice President of Human Resources. The Executive VP of Programs will approve the summary. The investigation summary will include:
- A. All statements
 - B. Any evidence – i.e. pictures
 - C. A copy of the medical report

NOTIFICATION OF STAFF:

- I. The staff named in an allegation will be notified immediately by the AOD/Administrator.
- II. The Supervisor of Risk Management or their designee will interview the staff, resident and any witnesses.
- III. Unless the allegation is retracted, child is not at risk, or there are several credible witnesses, the determination will be made to place them on administrative leave or move them to another program where no contact can be made between child and staff person.
- IV. If staff is placed on administrative leave, they will be notified within 72 hours as to the status of the investigation.
- V. The staff will be reimbursed for time as appropriate.

LIST OF MANDATED REPORTERS

Social Worker	Coroner	District Attorney, or Assistant District Attorney
Licensed Creative Arts Therapist	Osteopath	Investigator employed in the Office of the District Attorney or other law enforcement official
Licensed Marriage and Family Therapist	Optometrist	School Official
Licensed Mental Health Counselor	Resident	Social Services Worker
Licensed Psychoanalyst	Intern	Christian Science Practitioner
Physician	Registered Nurse	Hospital personnel engaged in the admission, examination, care or treatment of persons
Surgeon	Registered Physician's Assistant	Any employee or volunteer in a residential care program for youth, or any other direct care or foster care worker
Dentist	Psychologist	Day Care Center Worker
Dental Hygienist	Mental Health Professional	Provider of Family or Group Family Day Care
Chiropractor	Substance Abuse Counselor	Emergency Medical Technicians (EMTs)
Podiatrist	Alcoholism Counselor	
Medical Examiner	Police Officer; Peace Officer	

Family Resource Policy

At the heart of *mercyFirst's* mission is our commitment to promote and secure healthy, loving and permanent family connections for all children, adolescents, and young adults with whose lives we have been entrusted. In so doing, *mercyFirst* provides hope and the context in which children, adolescents and young adults can best heal and grow – physically, spiritually, morally, intellectually and emotionally.

In cases where reunification with birth families is not possible, *mercyFirst* seeks out and explores other persons who may wish to become permanency resources for those who need them. *mercyFirst* will explore all possible options in our effort to identify and secure permanent resources for each and every child, adolescent and young adult in our care.

mercyFirst recognizes that staff members can be an important source of permanency resources for the adolescents and young adults in our care. Accordingly, it is *mercyFirst* policy to welcome and respond to staff interest in an efficient, professional manner. The following guidelines will inform the process:

1. Permanency and adoption should never be entered into lightly or casually. They involve life-changing decisions for the adults and children, adolescents and young adults involved.
2. The staff member must have successfully completed the orientation period of employment in order to proceed with this process. A staff member who is interested but who has not completed the orientation period may contact the Vice President of Special Programs to discuss her/his interest.
3. To avoid the possibility of unnecessary disappointment on the part of the youngster, the staff member may not, under any circumstances, discuss her/his interest with the youngster involved until they have been approved to do so by *mercyFirst*.
4. The staff member must discuss her/his interest with her/his Supervisor. The Supervisor will advise the staff member to attend orientation training and to complete a "Family Resource Application." The Supervisor will explain that the application will be submitted to the Senior Vice President of the youth's program, the Vice President of Human Resources and the Vice President of Special Programs, and that an interdisciplinary agency committee – the Family Resource Review Committee – will meet to review the application and determine a plan to interview the staff member.
5. The Family Resource Review Committee will be comprised of the Vice President of Special Programs, who will serve as Committee Chairperson, the Senior Vice President of the youth's program, the Senior Vice President of the staff member's program, the Vice President of Human Resources, the Chief Compliance Officer, and the Director of FBH Clinical Services. The Senior Vice President of the youth's program may invite other staff members into the process for the purpose of providing insight, i.e. the child's Clinician, Director and/or Supervisor.

6. The Committee Chairperson will convene the Family Resource Review Committee to review the staff member's application and determine the plan for an interview. In order for the interview to take place, five of the six standing Committee members must be present.
7. During the interview, the Committee and other invited staff members will carefully discern the nature of the staff member's interest and intentions. The staff member must convey an understanding of and be willing to discuss the impact of this commitment on the youth in the program. The Committee Chairperson will explain these guidelines and the process by which such a plan may occur.
8. Within one week from the date of the staff member's interview, the standing Committee members will make a decision by consensus as to whether or not to recommend proceeding with the staff member as a prospective permanency/adoptive resource for the youth.
9. If the recommendation is to proceed, the Vice President of Special Programs will notify the staff member and refer her/him to another agency to attend pre-certification and therapeutic training and complete the adoption home study process. The Vice President of Special Programs will monitor and support the staff member in her/his process of becoming certified.
10. The Senior Vice President of the youth's program will notify the treatment team of the staff member's interest and the committee's recommendation. The treatment team will continue to support the youth's progress in treatment while assessing his/her readiness for transfer and monitoring the progress of the staff member in becoming certified.
11. If the staff member works at the same location where the youth resides and/or receives services, a transfer in work assignment will be necessary.
12. The treatment team will work with the referral source to obtain approval to transfer the youth to an appropriate setting at another agency pending the staff member's completion of the adoption certification process.
13. Once the prospective family is certified as an adoptive family, and providing the treatment team believes it is the best interest of the youth to proceed with this plan, the treatment team will conduct a child discussion/full disclosure meeting with the prospective family.
14. When the youth and prospective family decide to proceed, the treatment team will expeditiously schedule and hold a transfer conference with the receiving agency and the prospective family. Case planning responsibility will be transferred to the receiving agency on the date of the youth's transfer.
15. The youth will transfer to the receiving agency and visitation with the prospective family may begin.
16. After the youth transfers, the staff member may request a transfer back to her/his former *mercyFirst* job site/unit or she/he may remain where she/he is working.

ACCUMULATED LEAVE TIME

NOTE: The following information is for full time employees. Part time employees earn pro-rated time based on the number of hours they are regularly scheduled to work.

A. BENEFIT YEAR: The benefit year is the fiscal year or July 1 through June 30.

B. DEFINITION OF A DAY: For staff regularly scheduled to work a 35 hour week a “day” is 7 hours. For staff regularly scheduled to work a 40 hour week a “day” is 8 hours.

C. PERSONAL LEAVE: The number of Personal Leave Days a full time employee earns in a benefit year is 4 days or 28 or 32 hours depending on the number of hours an employee is regularly scheduled to work each week.

Schedule of Personal Leave Days earned:

→ As of July 1 - 1 day

→ As of January 1 - 1 day

→ As of October 1 - 1 day

→ As of April 1 - 1 day

D. VACATION TIME ACCRUAL: The number of vacation days earned by a full time employee in a Benefit Year depends on their length of employment and the category their position is in. The time accrued each month and quarter listed below is rounded off for ease of calculation. All accrued vacation leave can be used by June 30 with a maximum of up to two weeks “rolled over” to be used by September 30 of the following fiscal year.

1. Exempt Employees – 20 Vacation days a year for Managers, Supervisors, Caseworkers, Professional Staff and designated administrative positions.

Years employed	Days/Hours per year	Days/Hours per month	Days/Hours per Quarter
-	20 Days/140 Hours	1.5 Days/11.5 Hours	5 Days/35 Hours

2. Non-exempt staff: 15 Vacation Days a year for designated administrative positions and designated direct care positions – Direct Care Worker II’s, AOD and CRT’s - for first five years and then 20 Vacation Days in fiscal year that follows 5 years of continuous service..

A. Regularly Scheduled to Work 35 Hours a Week

Years employed	Hours per year	Hours per month	Hours per Quarter
Up to 5 years	105 Hours	8.5 Hours	26 Hours
In fiscal year that follows 5 years of continuous service.	140 Hours	11.5 Hours	35 Hours

B. Regularly Scheduled to Work 40 Hours a Week

Years employed	Hours per year	Hours per month	Hours per Quarter
Up to 5 years	120 Hours	10 Hours	30 Hours
In fiscal year that follows 5 years of continuous service.	160 Hours	13 Hours	40 Hours

3. Non-exempt staff: 10 Vacation Days a year for first five years and then 20 Vacation Days in the fiscal year that follows 5 years of continuous service for all other staff.

A. Regularly Scheduled to Work 35 Hours a Week – This category includes clerical, switchboard and support positions.

Years employed	Hours per year	Hours per month	Hours per Quarter
Up to 5 fiscal years	70 Hours	6 Hours	17.5 Hours
In fiscal year that follows 5 years of continuous service.	140 Hours	11.5 Hours	35 Hours

B. Regularly Scheduled to Work 40 Hours a Week – This category includes all other direct care and support positions.

Years employed	Hours per year	Hours per month	Hours per Quarter
Up to 5 fiscal years	80 Hours	7 Hours	20 Hours
In fiscal year that follows 5 years of continuous service.	160 Hours	13 Hours	40 Hours

D. SICK DAYS: The number of Sick Days earned by a full time employee in a benefit year depends on their length of employment. A “day” is assumed to be 7 hours for staff regularly scheduled to work 35 hours a week and 8 hours for staff regularly scheduled to work 40 hours a week. For example, a staff member

- for the first fiscal year = up to 6 days (pro-rated based on date of employment)
 - ⇒ For 35 hour a week staff, Sick Time is accrued at 3.5 hours a month, 21 hours every 6 months and 42 hours for the year.
 - ⇒ For 40 hour a week staff, Sick Time is accrued at 4 hours a month, 24 hours every 6 months and 48 hours for the year.
- for the second fiscal year = 7 days
 - ⇒ For 35 hour a week staff, Sick Time is accrued at 3.5 hours a month, 24.5 hours every 6 months and 49 hours for the year.
 - ⇒ For 40 hour a week staff, Sick Time is accrued at 4 hours a month, 28 hours every 6 months and 56 hours for the year.
- for the third fiscal year = 8 days
 - ⇒ For 35 hour a week staff, Sick Time is accrued at 4.5 hours a month, 28 hours every 6 months and 56 hours for the year.
 - ⇒ For 40 hour a week staff, Sick Time is accrued at 5 hours a month, 32 hours every 6 months and 64 hours for the year.
- for the fourth fiscal year = 9 days
 - ⇒ For 35 hour a week staff, Sick Time is accrued at 5 hours a month, 31.5 hours every 6 months and 63 hours for the year.
 - ⇒ For 40 hour a week staff, Sick Time is accrued at 6 hours a month, 36 hours every 6 months and 72 hours for the year.

- for the fifth fiscal year and beyond = 12 days
 - ⇒ For 35 hour a week staff, Sick Time is accrued at 7 hours a month, 42 hours every 6 months and 84 hours for the year.
 - ⇒ For 40 hour a week staff, Sick Time is accrued at 8 hours a month, 48 hours every 6 months and 96 hours for the year.

At the end of every Benefit Year unused sick time is banked up to a maximum of 150 working days or 1,050 hours for staff regularly scheduled to work a 35 hour week and 1,200 hours for staff regularly scheduled to work a 40 hour week. In the event of a serious illness an employee may use this banked sick time.

PLEASE SIGN BELOW AND RETURN TO HUMAN RESOURCES

EMPLOYEE ACKNOWLEDGMENT STATEMENT

This will acknowledge my receipt of the Agency Personnel Manual of Policies and Procedures (herein referred to as the "Manual"). I further understand that it is my responsibility to read and comply with its contents and any revisions made to it. I further understand the following:

- I have entered into my employment with The Agency voluntarily and acknowledge that there is no specified length of employment.
- Since the information, policies, and benefits described herein are subject to change, I acknowledge that revisions to the Manual may occur and that I will comply with them.
- All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.
- Furthermore, I acknowledge that this Manual is neither a contract of employment nor a legal document.
- Only the CEO or other authorized agent of the Agency has the authority to adopt any revisions to the Manual.
- I agree that if there is any policy or provision in the manual that I do not understand, I will seek clarification from the Human Resources Department.

Employee Name (Print or Type)

Employee Signature

Date

Revised policy and procedure manual of 5/1/06.