



PERSONNEL POLICIES

OF

SOUTH PLAINS COMMUNITY ACTION ASSOCIATION, INC.

**411 Austin Street
P.O. Box 610
Levelland, Texas 79336**

Effective September 2011

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These Personnel Policies replace (supersede) any and all previous South Plains Community Action Association, Inc. (SPCAA) personnel policies whether written or oral. Should any provisions in this policy manual be found to be unenforceable and invalid, such findings do not invalidate the entire manual, but only that particular provision.

These Personnel Policies are established to provide basic information about the SPCAA policies for staff, program administrators, and supervisors at SPCAA. The manual does not represent all of the policies of SPCAA, but it is designed only to give guidance to many of the agency personnel policies.

SPCAA's policies and procedures described herein are not conditions of employment. The language used in this manual is not intended to create, nor is it to be construed to constitute a contract between SPCAA and any one or all of its employees. SPCAA is an "at will" employer. Employment is for no fixed term. Either the employer or the employee may terminate the employment at any time, with or without notice, with or without cause.

SPCAA reserves the right to interpret, modify, revoke, suspend, terminate, or change any or all such policies or procedures, in whole or in part, at any time, with or without notice, without consent of employees.

The SPCAA Personnel Policies have been approved by both the SPCAA Board of Directors and the Head Start Policy Council.

Questions concerning this procedure (or policy) should be addressed to the Human Resources Department, P.O. Box 610, Levelland, Texas 79336, (806) 894-6104.

CHAPTER I. GENERAL

A. **Statement of Purpose**

The following personnel policies are established to promote and bring into the service of South Plains Community Action Association, Inc. (SPCAA), the high degree of understanding, cooperation, efficiency, and unity which come through systematic application of good procedures of personnel administration and to provide a uniform policy for all employees with all the benefits such a program insures.

B. **Authority**

The Board of Directors is the source of authority for the administration of SPCAA. The Board specifically delegates to the Executive Director the authority and responsibility for the administration of SPCAA, retaining for itself, the power to establish objectives and priorities and to issue broad policy statements for the direction of the Executive Director. The power to hire and fire is delegated to the Executive Director upon the advice and consent of the Board and the Board shall retain the right to review appeals on personnel practices. The right of appeal shall apply to job applicants as well as the employee. (See Chapter XII. Employee-Management Relations.)

C. **Coverage**

The policies apply to all employees of SPCAA.

D. **Dissemination**

Each full-time employee, upon their employment by SPCAA, shall be furnished a copy of the personnel policies. Part-time employees will be given a modified version of these personnel policies pertinent to their responsibilities.

E. **Policy Interpretation**

The personnel policies are to familiarize the employee with SPCAA and some of its current policies. The policies may change from time to time, with or without notice, to afford flexibility in the administration of policies.

F. **Employment At Will**

Employment with SPCAA is at will. It is for no fixed or definite term. Either the employer or employee may terminate the employment at any time, with or without notice, with or without cause. No management representative has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contract to the foregoing, except the Executive Director. Any such agreement between the Executive Director and the employee must be in writing.

G. Equal Opportunity

SPCAA is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available person in each job. Company policy prohibits unlawful discrimination based on race, sex, age, color, national origin, religion, disability, status as a disabled veteran or veteran of the Vietnam Era, genetic information, political affiliation (as required in applicable grants and/or contracts), or any other consideration made unlawful by federal or state laws.

This obligation includes hiring, placement, promotion or demotion, recruitment, advertising, or solicitation for employment. The objective of SPCAA is to hire individuals qualified and/or trainable for positions by virtue of education, training, experience, and personal qualifications.

Treatment during employment includes fair rate of pay or other forms of compensation, selection for training, and lay-offs or termination.

SPCAA is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of SPCAA and prohibits unlawful discrimination by any employee of SPCAA, including staff managers and co-workers. All employees have a personal responsibility to conduct themselves in compliance with this policy and to report any observations of discrimination and/or harassment immediately to the Human Resources Department.

This policy of SPCAA is consistent with the requirements and objectives set forth by the Presidential Executive Order 11246, Section 402, of the Vietnam Era Veterans Readjustment Act, the Americans with Disabilities Act (ADA) and the Fair Labor Standards Act (FLSA).

Each Division Director is responsible for ensuring compliance with and continued implementation of SPCAA's policy on equal employment opportunity.

H. Use of Funds

No funds received by SPCAA shall be used, directly or indirectly, to support any religious or anti-religious activity; lobbying; or political activities.

CHAPTER II. RECRUITMENT, SELECTION, AND HIRING OF EMPLOYEES

A. Principles for Human Resources Management at SPCAA

The following reflects the values and principles to which SPCAA leaders aspire in their daily activities and interactions with the staff.

SPCAA believes that the strength of the organization is in its people.

SPCAA values integrity and honest communication, and declares them to be guiding principles in managing the human resources of SPCAA.

SPCAA values and embraces differences in people and cultures, recognizing that such differences are vital to the successes and challenges of a human services agency.

SPCAA serves a large diverse population of children and families, young adults, adults, elderly, individuals with physical challenges, employers, and staff – making their needs the highest priority.

SPCAA values a healthy and safe work environment that supports people working together to achieve the goals of the organization.

SPCAA is committed to providing a fair pay structure to employees.

SPCAA values every employee's contributions, expects every employee to meet established performance expectations, and works to encourage excellence in a variety of ways:

- SPCAA treats every person with respect
- SPCAA gives ongoing informal feedback about performance
- SPCAA gives formal feedback about performance at least once each year
- SPCAA supports career and professional growth by allowing reasonable time away from work to attend workshops and seminars and by encouraging employees to attend academic classes
- SPCAA recognizes that work is only one aspect of a person's life, and supports employee efforts to balance personal and professional lives
- SPCAA supports employee efforts to maintain good physical, mental, and emotional health
- SPCAA provides flexible work schedules when possible

Hiring, appointments, and promotions shall be made on the basis of the best qualifications that meet the job requirements. Employees will be chosen based on their capability to discharge duties with competence and integrity and so that employees are promoted or advanced under impartial procedures designed to improve agency/program performance and effectiveness.

B. Recruiting and Selection

1. Regular (full-time, notice of salary, and part-time) vacancies or anticipated vacancies shall be reported to the Human Resources Department using the Personnel Requisition Form.
2. The Human Resources Department and the Division/Program Director having a job vacancy share responsibility for recruiting and hiring staff. South Plains Community Action Association, Inc. is committed to:
 - Providing equal opportunities to all qualified employees and applicants without regard to race, age, sex, color, national origin, religion, disability, status as a disabled veteran or veteran of the Vietnam Era or any other consideration made unlawful by federal or state laws
 - Promotion from within whenever possible
 - Full and timely consideration of all applicants that meet the minimum training, experience, education, skill requirements, and personal qualifications or their equivalency, as established for the position
3. Employee referrals are encouraged, but once a referral is made to the Human Resources Department, the referring employee should not attempt to influence any hiring decision. Employees are not allowed to give employment references, complete employment verification forms, write letters of reference, give verbal references, or any such employment related action for current or previous SPCAA employees. All employment verifications will be referred to and conducted by Human Resources personnel.
4. SPCAA encourages applications from qualified Head Start parents, clients, previous clients, and other low-income individuals.

C. Persons Ineligible for Hire by SPCAA

The following persons are ineligible for employment with SPCAA or any of its partner contractors:

- Any person who serves as a voting member of the SPCAA Board of Directors or its major policy advisory bodies or of the Board of Directors of any of the partner contractors. Further, no member of SPCAA's Board of Directors or its major policy advisory bodies may be employed by SPCAA during their service on the board or for twelve months thereafter.
- Near relatives (husband, wife, son, daughter, father, mother, grandparent, brother, sister, son-in-law, daughter-in-law, grandchild, brother-in-law, sister-in-law, mother-in-law and father-in-law) of the Executive Director, President of the Board of Directors, SPCAA Division Directors, partners, or Chairman of the Boards of Directors of any of the partners are ineligible for employment with SPCAA.
- Persons related within the second degree by blood relationship or marriage or third degree by blood relationship or birth to any member of the Board of Directors or to any other officer or employee authorized to employ or supervise such person are ineligible for employment.
- Any person who holds an official position in a political party.

- Relatives of employees of SPCAA who do not meet the above definition may be considered for hire within SPCAA, but would be restricted in any instance where one relative would have responsibilities relating to the selection, hiring, or supervision of that employee or have a real or perceived position of authority over the employee.

D. Temporary Employment

1. Temporary appointment may be made to any staff position that the Division Director indicates to be temporary provided that:
 - The position is not likely to require the services of an employee for a period of more than six (6) months; AND
 - The position will not require an employee to exceed 1,000 hours in a twelve (12) month period.
2. Temporary employees are not eligible to participate in employee benefit programs.
3. Only the Human Resources Director and Executive Director are authorized to issue alternate procedures.

E. Probationary Period for Head Start Employees

As per Head Start regulations, only Head Start employees will be placed on a 90-day probationary period. A 90-day performance evaluation will be completed by the direct supervisor and approved by the Team Leader Monitor or other appropriate manager. A report is provided at each Policy Council meeting stating employees who have successfully completed the 90-day probationary period. The probationary period allows time to monitor employee performance and to examine and act on the results of the criminal record checks. Notwithstanding the foregoing, Head Start employees are subject to the at will provisions in Chapter I, Section F.

F. Background Checks

SPCAA reserves the right to conduct criminal history checks, driving record checks, education verifications, employment verifications, and any other such background checks determined to be appropriate by SPCAA.

Criminal history checks are a requirement of employment for Head Start and Early Head Start employees (prior to offer of employment) and Health Attendant/Providers. The following factors will be considered for those applicants with a criminal history: the nature of the crime and its relationship to the position; the time since the conviction; the number (if more than one) of convictions; and whether hiring, transferring or promoting the applicant would pose an unreasonable risk.

CHAPTER III. CLASSES OF EMPLOYEES

A. Employment Classes

It is the intent of SPCAA to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and SPCAA:

1. **Full-time Employee:** An employee who is projected to accrue at least 2,000 hours of work in a calendar year.
2. **Notice of Salary Employee:** An employee who is scheduled to work a specific number of hours per year as outlined in the employee's Notice of Salary Agreement. These employees are considered full-time and are eligible for all benefits afforded to full-time employees.
3. **Part-Time Employee:** An employee who is projected to accrue less than 2,000 hours of work in a calendar year. A part-time employee may be hired on a long term or episodic basis, depending upon the needs of SPCAA.
4. **Temporary Employee:** An employee whose position is not likely to exceed six (6) months or 1,000 hours in a twelve (12) month period. A temporary employee is one who is hired as an interim replacement, to temporarily supplement the work force, or to assist in the completion of a specific project and is not furnished by a personnel service. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. A temporary employee retains that status unless and until notified of a change.

B. Exempt Status

Each employee is designated as either non-exempt or exempt from federal and state wage and hour laws. Non-exempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. Each employee will be informed of their status as an exempt or non-exempt employee by their supervisor. If an employee changes positions during their employment as a result of a promotion, transfer, or otherwise, they will be informed by their supervisor of any change in their exempt status.

- **Exempt Employee:** Salaried employee who is not eligible for overtime wages under the Fair Labor Standards Act.
- **Non-Exempt Employee:** Salaried and hourly employees who are entitled to overtime wages under the Fair Labor Standards Act.

C. Equal Opportunity Job Classifications

Employees shall be categorized in one of the Equal Opportunity (EO) job classifications [Officials and Managers, Professionals, Technicians, Official and Clerical, Sales, Craft Workers, Operative (semi-skilled), Laborers (unskilled), or Service Workers] dependent upon job qualifications and duties.

D. Job Descriptions

Each employee will have a job description outlining the grade and salary range, essential job functions and other responsibilities, job qualifications, physical demands, work environment specifications, and travel requirements. The job description will also show if the employee is exempt or non-exempt and if the position is safety sensitive. If the job duties of an employee are significantly changed, the Division Director/Supervisor is responsible for development of a new job description. The original, signed job description must be forwarded to Human Resources to be placed in the personnel file.

E. Applicable Policies

These policies apply to all employees with the exceptions noted at the appropriate places herein.

CHAPTER IV. POSITIONS AND PAY

A. Compensation Policy and/or Objective

1. South Plains Community Action Association, Inc. (SPCAA) believes that the strength of the organization is in its people. SPCAA is committed to providing a fair pay structure to the employees. SPCAA believes that it is in the best interest of SPCAA and employees to fairly compensate them for the value of services provided. It is SPCAA's intention to use a compensation system that will determine the current market value of a position based on the skills, knowledge, and behaviors required of a fully competent incumbent. The system used will be objective and non-discriminatory in theory, application, and practice. This will be accomplished by using a combination of compensation philosophies – external competitiveness, internal equity, and employee characteristics and contributions.
2. SPCAA's compensation system (grades & steps) shall be recommended by the Personnel Committee and approved by the Board of Directors. The Personnel Committee will design the agency's compensation system proposal based on the following criteria:
 - Price positions to market by using local, national, and industry specific survey data.
 - The market data will include human services organizations, non-profit organizations, and other similar institutions, and will include survey data for more specialized positions and will address significant market differences due to geographical location.
 - Evaluate *external equity*: The relative marketplace job worth of every agency job directly comparable to similar jobs in other organizations, factored for general economic variances, and adjusted to reflect the local economic marketplace.
 - Evaluate *internal equity*: The relative worth of each job in the agency when comparing the required level of job competencies, formal training and experience, responsibility, and accountability of one job to another, and arranging all jobs in a formal job grading structure.
 - Professional support and consultation may be used to evaluate the system and provide on-going assistance in the administration of the program if necessary.
 - Be flexible enough to ensure that SPCAA is able to recruit and retain a highly qualified workforce, while providing the structure necessary to effectively manage the overall program.

3. The Board of Directors of SPCAA is responsible to review recommendations made by the Personnel Committee and will give final approval for the compensation system (Grades & Steps) to be used by the agency.
4. On an annual basis the Board of Directors will review, and approve as appropriate, any changes to the system as recommended by the Personnel Committee.
5. The Board shall set the position level, pay range, and specific components of the total compensation package for the Executive Director.
6. The Executive Director is responsible and accountable to the Board of Directors. In that capacity, the Executive Director is charged with ensuring that SPCAA is staffed with highly qualified, fully competent employees, and that all programs are administered within appropriate guidelines and within the approved budget.
7. The Executive Director shall ensure that salary ranges are reviewed at least annually and that all individual jobs are market priced at least once every two years, and that pay equity adjustments are administered in an efficient, fair, and equitable manner. However, all salaries are derived from the procurement and administration of federal, state, or local grant and governmental contracts and subject to the availability of individual program funds from those sources.
8. The Human Resources Director is charged with the responsibility to ensure that the total compensation program is managed for consistency and equity.

B. Pay

1. No employee shall be paid at a rate lower than the federal minimum wage. SPCAA complies with the Fair Labor Standards Act.
2. Salary increases for merit, Cost of Living Adjustment (COLA), or for normal growth may be granted based on a written evaluation of merit or other pre-established criteria and availability of funds.
3. Salary ranges will be established for each classification. These ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class in providing employee incentive for growth and improved performance and in rewarding employees for meritorious service.
4. When an employee is promoted, demoted, or transferred, their rate of pay in the new position shall be in accordance with the following:
 - An employee who is promoted shall be paid the hiring rate for the new class or a higher rate in the new pay range. In no event may an employee receive one or more increases in a single 12-month period of more than 20% of their previous salary without the written approval of the Executive Director.
 - An employee who is demoted shall be paid at a rate in the pay range, which is, in the judgment of the Executive Director, most appropriate under the circumstances of the demotion.

- An employee who is transferred from one job to another job at the same pay range may continue to be paid at the same rate.

C. Overtime

All employees are subject to the provisions of the Fair Labor Standards Act (FLSA), as amended. All timekeeping records are to reflect the actual hours worked, rounded to the quarter of an hour. It is anticipated that on occasion an employee may have to work overtime. Supervisors must approve overtime in advance of the time worked. Failure to receive prior approval could lead to disciplinary measures up to and including termination.

Approved paid absences, including, but not limited to, annual leave, discretionary leave, holiday leave, FMLA, military leave, jury and witness duty, unpaid leave, and voting time off, are not counted as time worked for the purposes of computing overtime.

CHAPTER V. PAYROLL

A. Pay Periods

Pay periods will be at 2-week intervals. To allow time for the preparation of the payroll, checks will be mailed on the fifth day after the end of each pay period. Each program will establish deadlines for timesheets to be submitted to supervisors for approval. However, all programs must have approved timesheets submitted to the SPCAA Payroll Department in Levelland no later than 8:30 a.m. Tuesday morning after the end of each pay period.

It is the responsibility of each employee to accurately complete the payroll record and document actual hours worked for each pay period. Altering, falsifying, or tampering with time records or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

B. Deductions

The employer will deduct from each employee's paycheck those amounts required by law for social security, Medicare, and income taxes plus those amounts authorized by the employee for fringe benefit plans as determined by the Board of Directors.

If employees are on leave, they are still responsible for employee paid deductions. Arrangements must be made in advance as to how deductions will be covered by the employee during their absence.

C. Time Keeping System

SPCAA's goal is to implement a time clock system in every location SPCAA has employees. All staff may be required to have handprints and/or thumbprints placed into the time keeping system in order to utilize the system. This system will allow for electronic submission of time and attendance and will expedite and automate payroll procedures.

D. Policy on Exempt Employee Pay

In accordance with the Fair Labor Standards Act regulations, exempt employees who are required to be paid on a salary basis may not have their pay reduced for variations in the quantity or quality of work performed. Employees who feel their pay has been improperly reduced should report this immediately following the procedures specified below.

1. Provisions Mandated by the Salary Basis Rules

- a. Exempt employees normally must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform NO work at all for the organization.
- b. Deductions from pay cannot be made as a result of absences due to the circumstances listed below. Such improper pay deductions are therefore specifically prohibited by South Plains Community Action Association, Inc. (SPCAA), regardless of the circumstances. Managers or supervisors violating this policy will be subject to investigation of their pay practices and appropriate corrective action in accordance with normal procedures.
 - Jury duty
 - Attendance as a witness
 - Temporary military leave
 - Absences caused by the employer
 - Absences caused by the operating requirements of the business
 - Partial day amounts other than those specifically discussed below
- c. The few exceptions to the requirement to pay exempt employees on a salary basis are listed below. In these cases deductions may be permissible as long as they are consistent with other agency policies and practices.
 - Absences of one or more full days for personal reasons other than sickness or disability, and the employee has no Annual or Discretionary Leave available.
 - Absences of one or more full days due to sickness or disability will be charged to the employee's available Annual or Discretionary Leave.
 - Absences of one or more full days due to sickness or disability when the employee is not yet eligible for Annual or Discretionary Leave, or Disability pay or has exhausted the paid leave benefits it provides.
 - Fees received by the employee for jury or witness duty or military leave may be applied to offset the pay otherwise due to the employee for the week. No deductions can be made for failure to work for these reasons, however.
 - Penalties imposed by infractions of safety rules of major significance.
 - Unpaid disciplinary suspensions of one or more full days in accordance with SPCAA's disciplinary policy.
 - Deductions for the first and last week of employment, when only part of the week is worked by the employee, as long as this practice is consistently applied to all exempt employees in the same circumstances.

- Deductions for unpaid leave taken in accordance with a legitimate absence under the Family and Medical Leave Act.

2. Complaint Procedure

- a. Employees who believe their pay has been improperly reduced should contact Andy Cates, Human Resources Director or her successor immediately to request an investigation.

Andy Cates
Human Resources Director
P.O. Box 610
Levelland, Texas 79336
(806) 894-6104 x215
(806) 781-0912 Cell
E-mail: andy.cates@spcaa.org

- b. The employee will be asked to specify in writing, using the guidance above, the circumstances of the pay deduction and whether it has occurred on other occasions.
- c. SPCAA will review pay records and interview the supervisor or manager, as well as the payroll representatives handling the employee's pay, to determine if the allegation is correct.
- d. If the deduction was in fact improper, the company will reimburse the employee as promptly as possible (but in no case longer than two pay periods from the identification of the problem).
- e. The individual(s) responsible for the error will be investigated further to determine if this was an isolated incident or a pattern of conduct that requires further action on the part of the agency. If warranted, the responsible person(s) will be held accountable for the error(s) made consistent with the agencies disciplinary policy.
- f. The resolution of the situation will be documented (including confirmation on the part of the employee that the situation has been resolved) and placed with the employee's pay records.
- g. Following the identification of such a problem, SPCAA will establish a practice to regularly audit employee pay records to ensure no further issues arise.

CHAPTER VI. EMPLOYEE BENEFITS

A. **Benefit Participation**

Employee benefits, unless prescribed by law, are available to active, full-time employees. For this purpose, active, full-time employees are those projected to work a minimum of 2,000 hours per year on a continuous basis inclusive of applicable paid leave and those on a Notice of Salary Agreements.

The 401(k) retirement plan is open to all full-time, part-time, notice of salary, and temporary employees who have completed six months of service. It is the responsibility of the employee to request participation in writing in any and all employee benefit programs unless the specific benefit is prescribed by law (e.g. Social Security). Each employee has the further responsibility to ascertain their own coverage or participation in the various benefits available. Forms to request participation are available from Human Resources and will be furnished for the convenience of employees.

B. **Benefit Administration**

SPCAA's benefits programs are administered by the Human Resources Department.

C. **Employee Leave Benefits**

1. **Discretionary Leave**

December 1st of each year, full-time employees will receive 40 hours of discretionary leave for the calendar year for short-term illnesses of the employee or their dependents and/or personal business. Discretionary leave for Notice of Salary employees will be outlined in the individual's Notice of Salary Agreement. Discretionary leave is subject to the following:

- All discretionary leave must be approved by the supervisor
- Discretionary leave should be requested in advance when circumstances permit
- Discretionary leave may be used in one-hour increments
- The discretionary leave benefits are defined within a calendar year. No carry forward, carry back or accumulation of unused leave days is allowed
- After November 30th, active employees will be paid for any unused discretionary leave
- For employees hired after December 31st of each year, the amount of discretionary leave received will be based on a prorated schedule
- Upon separation (initiated by the employee or the employer), an employee will not be paid for unused discretionary leave

2. Annual Leave

Full-time employees shall accumulate paid annual leave at the following rates for each month of service. Annual leave is credited on the first day of each month.

<u>Years of Service</u>	<u>Annual Leave Accrual per Month</u>	<u>Annual Leave Carried Over</u>
<u>0 to 5 years</u>	<u>8 hours per month</u>	<u>96 Hours</u>
<u>6-10 years</u>	<u>10 hours per month</u>	<u>104 Hours</u>
<u>11-15 years</u>	<u>12 hours per month</u>	<u>112 Hours</u>
<u>16-25 years</u>	<u>14 hours per month</u>	<u>120 Hours</u>
<u>26 years and over</u>	<u>16 hours per month</u>	<u>128 Hours</u>

All annual leave is subject to the following:

- Accrued annual leave above the maximum hours that can be carried over must be taken upon request of the employee's supervisor
- No more than the assigned hours may be carried from one calendar year to the next year
- Annual leave may be used in one-hour increments
- Annual leave may be used for discretionary leave if needed
- Upon work separation (resignation or termination), an employee who has completed six months of service will be paid for the unused portion of their accrued annual leave, not to exceed 96 hours. Discretionary Leave will not be paid out upon work separation of any kind.
- Annual leave will be scheduled so as to allow minimum interference with the employee's work requirements. The Division Director and/or supervisor will determine choice of annual leave based on the wishes of the employee, their length of service, the requirements of the work force, and Notice of Salary requirements. Accrued annual leave may be scheduled by the immediate supervisor at the most convenient time for the organizational requirements of the employee's services.
- A person who terminates their employment on or after the first of the month shall receive annual leave credit for a full month of service.
- Annual leave is earned from the starting employment date, but may not be used until an employee has completed six months of service with SPCAA.
- Annual leave is calculated by total years of service in the agency (i.e. a person who works for the agency, leaves and returns, will have the prior time of service calculated for total years of service.)
- Notice of Salary employees will have some or all annual leave designated in the Notice of Salary. All provisions will be outlined in the Notice of Salary Agreement.

3. Holidays

Full-time employees shall be entitled to (eleven) holidays annually with pay. The holiday schedule for Notice of Salary employees will be outlined in the Notice of Salary Agreement.

A. Designated SPCAA holidays are:

- New Year's Day
- Martin Luther King Jr. Day
- Friday before Easter
- Memorial Day

- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday following Thanksgiving
- Christmas Eve
- Christmas Day

Employees, who for religious or cultural reasons, wish to substitute another federal or state holiday for one of the above holidays may do so by submitting their request in writing, identifying the SPCAA holiday to be omitted and the substituted holiday, to their supervisor at the beginning of the calendar year or upon their initial employment and annually thereafter. If the agency is not open and staff is not conducting business on the holiday to be omitted, then discretionary leave, annual leave, or unpaid leave may be used.

- B.** When a holiday falls on a scheduled non-working day of an employee, either the prior or subsequent day to the non-working day shall be designated as a holiday. Holidays occurring on Saturday shall be observed on the Friday preceding. Holidays occurring on Sunday shall be observed on the Monday following. At the discretion of the Division Director, an alternate day may be used by that division (or job responsibility within a division) for the holiday. Individuals may not trade one holiday for another except as stated in section A above.
- C.** Employees who are required to work on a designated holiday shall be paid for the holiday plus their regular rate of pay for actual time worked. Time off may be substituted for actual time worked on a holiday.
- D.** Holidays must be observed as they occur. They may not be accumulated or used as termination pay.
- E.** In order to receive pay for a designated holiday, an employee must be in a work or paid leave status either the scheduled workday immediately preceding or immediately following the holiday. Employees must not have been absent without leave (AWOL) either the scheduled workday before or after.
- F.** Employees are immediately eligible for paid holidays upon employment.

4. Family and Medical Leave Policy (FMLA)

FMLA is available to employees who have completed 12 months service and worked at least 1250 hours in that 12-month period. This policy covers all extended leaves due to illness, injury, or family leave under the Family and Medical Leave Act (FMLA), including any such leaves granted by SPCAA.

This policy covers all extended illness and injuries beyond the duration of three (3) working days. The twelve-month period begins on the first day of the employee's FMLA leave. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Conditions for which cosmetic treatments are administered

(such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Substance abuse is covered when the employee is seeking treatment, and not just impaired by substance abuse. To be eligible for FMLA, the employee must have a condition that makes them unable to perform essential job functions.

Any eligible employee will be granted up to twelve (12) unpaid workweeks of leave during any rolling twelve (12) month period (not calendar year) for the following reasons:

1. Because of the birth of a son or daughter and the decision to provide care for that infant;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. In order to care for the spouse, son, daughter or parent of an employee who has a serious health condition; or
4. Because of a serious health condition that makes the employee unable to perform the essential functions of their job.
5. to permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
6. employee to take FMLA leave for "any qualifying exigency (as the Secretary [of Labor] shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation

In any case where the necessity for FMLA, as provided for under items 1 and 2 above, is foreseeable, and based on an expected birth or child placement, the employee shall provide SPCAA Human Resources with not less than thirty (30) days notice, before the date leave commences, of their intention to take leave under the FMLA. Where the birth date or placement requires the leave to begin in less than thirty (30) days, the employee will inform SPCAA Human Resources, in writing, as soon as possible.

If a planned medical treatment or operation under items 3 and 4 necessitate FMLA, the employee will make a reasonable effort to schedule the treatment so that it is not unduly disruptive to SPCAA operations. Such scheduling is subject to the approval of the appropriate employee's health care provider, or the health care provider of the son, daughter, spouse, or parent of the employee. The employee will also provide SPCAA with not less than thirty (30) days notice prior to the beginning of the leave. If medical treatment must begin in less than thirty (30) days, the employee is responsible for notifying the SPCAA Human Resources as soon as possible.

Employees requesting FMLA for a serious health condition under items 3 and 4 must provide SPCAA Human Resources with written and prompt medical certification that includes the following information:

- a) The date on which the serious health condition started;

- b) The probable duration of the condition; and
- c) The appropriate medical facts within the knowledge of the health care provider regarding the serious health condition.

If an employee must take FMLA to care for a family member, the employee must submit a medical certification to SPCAA Human Resources about why an eligible employee is needed to care for a son, daughter, spouse, or parent. If the request falls under item 3 above, an estimate of the time needed for the care of that family member will be required.

To take FMLA because the employee is unable to perform the functions of their job, a medical statement is required which addresses items (a) through (c) outlined above.

If the employee is applying for intermittent FMLA, or FMLA on a reduced leave schedule for planned medical treatment, the dates and duration of the treatment, as well as a statement about the medical necessity, including items (a) through (c) above must be submitted, in writing, to Human Resources. The same information is required to support an intermittent leave to care for a son, daughter, spouse, or parent with a serious health condition.

In the case of employee illness or injury, before being permitted to return from FMLA, employees are required to present to Human Resources a note from their physician indicating that they are capable of returning to work.

Where two spouses work for SPCAA, they will be allowed a total of twelve (12) weeks between them to take FMLA for the birth of a child, the placement of a child for adoption or foster care, or to care for a son, daughter, spouse, or parent with a serious health condition.

The taking of FMLA does not trigger a qualifying event under COBRA. Thus, health care benefits will be paid during this leave according to SPCAA's policy. If the employee does not return to work at the end of the leave, all benefits provided by SPCAA will cease. Employees who do not return from FMLA will be required to reimburse SPCAA for all benefits paid by SPCAA during the FMLA period.

Leave time will not accrue while an employee is on FMLA. No holiday pay will be given.

The employee on FMLA is responsible for and must arrange for employee paid deductions to continue during the FMLA leave period. All accumulated annual leave and discretionary leave runs concurrently with the FMLA leave and may be used to pay employee deductions.

For employees who are injured on the job and will be out more than three (3) days, FMLA will run concurrently with Risk Management leave. All rules for FMLA apply.

An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits, and working conditions.

Definitions applicable to FMLA policy above.

- A spouse means a husband or wife as defined or recognized under state law.
- A parent is either the biological parent or the person who acted as the parent when the employee was a child.
- A son or daughter is either biological, adopted, under foster care, a stepchild, a legal ward, or any child that the employee is assuming parenting responsibility. The child must be under age 19 or can be over age 18 if a mental or physical handicap is present.
- A period of incapacity, means the inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.
- Treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.
- A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:
 - (1) Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
 - (2) A serious health condition involving continuing treatment by a health care provider, including any one or more of the following:
 - a) A period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - b) Any period of incapacity due to pregnancy, or for prenatal care.
 - c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
 - d) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must

be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

- e) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

5. **Medical Leave of Absence**

In case of employee illness or injury, medical leaves of absence without pay for up to six (6) workweeks may be requested by full-time employees. All accumulated paid leave including earned annual leave and discretionary days, runs concurrently with the medical leave of absence. This policy applies only to employees with less than one (1) year continuous service. No intermittent leave will be permitted.

If an employee expects to be absent for more than three (3) consecutive work days as a result of an illness, injury, or disability, they must submit a written request for medical leave to Human Resources as far in advance of the anticipated leave date as possible. If the employee's absence is due to an emergency, the employee or a member of the employee's immediate family must inform the supervisor or Human Resources as soon as possible; this should be followed up with a written leave request to Human Resources, normally submitted within three (3) days of the beginning of the leave. All medical leave requests must be accompanied by appropriate medical certification from the employee's physician, indicating the condition necessitating the leave request and the projected date of return to work. The Executive Director has final approval/disapproval of all medical leave of absence requests.

If the employee's leave request is granted, they are required to provide Human Resources with additional physician's statements at least once every thirty (30) days, or more frequently if requested, attesting to the employee's continued disability and inability to work. The employee may also be required to provide SPCAA Human Resources (or authorized representative) access to medical records or to submit to an examination at any time by a physician designated by SPCAA at its discretion.

Before being permitted to return from medical leave, employees are required to present to Human Resources a note from their physician indicating that they are capable of returning to work.

Reinstatement cannot be guaranteed to any employee returning from medical leave. Employees are notified by SPCAA regarding any such right to reinstatement prior to the commencement of their leave. SPCAA endeavors, however, to place employees returning from leave in their former positions or positions for which they qualify comparable in status and pay, subject to budgetary restrictions, SPCAA's need to fill vacancies, and the ability of SPCAA to find qualified temporary replacements.

No leave time will be accrued while the employee is on medical leave. No holiday pay will be given. All other SPCAA benefits paid by SPCAA continue during medical leave at the expense of SPCAA, provided that hours of service are not accrued under the retirement plan. If the employee does not return to work at the end of the leave of absence, they will terminate from SPCAA and all benefits provided by SPCAA will cease. At that time, they may assume the medical insurance premiums based on COBRA and take over the premium payments for additional benefits.

Employees who do not return from Medical Leave will be required to reimburse SPCAA for all benefits paid by SPCAA during the Medical Leave period.

The employee on medical leave is responsible for and must arrange for employee paid deductions to continue during the medical leave period. Accrued annual leave or discretionary leave may be used for this purpose.

6. Bereavement Leave

Upon application, a full-time employee may be granted additional paid leave of up to three (3) days per calendar year for bereavement due to the loss of a near relative (husband, wife, son, daughter, father, mother, grandparent, brother, sister, son-in-law, daughter-in-law, grandchild, brother-in-law, sister-in-law, mother-in-law, father-in-law, aunt, uncle, or cousin.

7. Unpaid Leave (Personal leave)

A. Policy

In an effort to recognize the need of employees who require time off for personal reasons, in addition to annual and discretionary leave, SPCAA may consider personal unpaid leave for a maximum of 10 days in any 12-month period for a full-time employee working twelve months per year. An employee on Notice of Salary may be considered for unpaid leave (personal leave) for a maximum of 8 days in any 12 month period. An employee must exhaust all accumulated leave (annual and discretionary) before going on unpaid leave.

B. Eligibility

All full-time employees employed by SPCAA for a minimum of 90 days may be eligible to apply for an unpaid leave. Unless it is an emergency situation, all requests for unpaid leave must be made 30 days prior to the commencement of the leave. Job performance, absenteeism, and departmental requirements will all be taken into consideration before a request is approved. Requests for unpaid leave may be denied or granted for any reason or no reason and are within the sole discretion of SPCAA. Approvals of the immediate supervisor and Division Director are required.

C. Responsibility

Requesting Unpaid Leave

EMPLOYEE

- An eligible employee should submit a request in writing to their immediate supervisor
- The employee should be aware that not all requests for unpaid leaves are granted

- Arrangements for salary deductions during a period of unpaid leave normally by payroll deduction must be made by the employee through the Human Resources Department

SUPERVISOR

- The immediate supervisor will review the request, taking workload, scheduling, and departmental requirements into consideration
- The supervisor will review the request with the Division Director and obtain the final decision
- The supervisor will return a decision to the employee as soon as possible after receipt of the written request

NOTE: If annual work hours fall below 2000 (or hours as stated in the Notice of Salary), SPCAA paid benefits (eligibility for health and dental insurance, paid holidays, annual leave, etc.) could be affected.

8. Suspension with Pay and Administrative Leave

An employee may be suspended with pay or placed on administrative leave during an investigation of misconduct by an employee or at any time the Board of Directors or Executive Director determine that SPCAA's best interest will be served by the suspension or administrative leave. All employee benefits will still accrue during the period an employee is suspended or placed on administrative leave.

9. Military Leave

SPCAA will grant full-time employees military leave of absence without pay for attending military reserve duty or for any period of active military service as dictated by Uniformed Services Employment and Re-employment Rights Act, USERRA, 38 U.S.C. § 4312.

Employees may take a military leave of absence from employment, including intermittent leaves, for a total of 5 years, excluding yearly training. Reemployment rights extend to persons who have been absent from a position of employment because of "service in the uniformed services." "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service, including:

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

In order to have reemployment rights following a period of service in the uniformed services, a military member must meet five eligibility criteria (discussed separately below):

- Must have given written or verbal notice to the employer prior to leaving the job for military training or service except when precluded by military necessity.
- The period of service must not have exceeded five years.
- Must have been released from service under "honorable conditions."
- Must have reported back to your civilian employer in a timely manner or have submitted a timely application for reemployment.

If the above criteria are met, the employee will be promptly reinstated, which is determined on a case-by-case basis in the following order of priority:

1. In the job the employee would have held had the person remained continuously employed so long as the person is qualified for the job or can become qualified after reasonable efforts by the employer to qualify the person; or
2. If the employee cannot become qualified for the position in (1), then in the employee's pre-service position so long as the person is qualified for the job or could become qualified after reasonable efforts by the employer to qualify the person; or
3. If the employee can't become qualified for the position either in (1) or (2), then in any other position of lesser status and pay that the employee is qualified to perform, with full seniority.

The escalator position will apply to employees, who in their absence, would have reasonably attained had they remained employed.

For leave over 30 days, all benefits will cease, but employee may obtain COBRA benefits for health coverage. Upon reinstatement of employment with SPCAA, no waiting period will be required for enrollment into the group health plan.

No leave time will be accrued while the employee is on military leave.

For purpose of employee pension contribution benefits, upon return, the length of leave will be credited as service under the plan for purposes of determining the vesting of the person's accrued benefits. With respect to employee's contribution to the retirement plan, credit will be given for the time of military service only to the extent that the employee makes payments to the retirement plan. With respect to such contributions, however, the employee may extend the payments to bring themselves current by a time that equals three times the duration of military service not to exceed five years.

The employee on military leave is responsible for and must arrange for employee paid deductions to continue during the military leave period. Accrued annual leave or discretionary leave may be used for this purpose.

10. Jury and Witness Leave

Upon application, a full-time employee may be granted administrative leave (leave of absence with pay) if their absence is in response to a jury summons, subpoena, or direction by proper authority to appear as a witness for the Federal government, the State government or political subdivision thereof, or in their official capacity as an employee. Such pay shall be their regular compensation. Documentation of the actual hours served in jury duty will be required. This documentation should be requested by the employee at the end of jury duty service and submitted with the time record at the end of the pay period to be eligible for Jury/Witness Leave pay.

11. Voting

Any employee who is a registered voter may, on the day of election or during an early voting period, be absent with pay for the purpose of voting for a period not to exceed two hours. Time allowed shall be at the discretion of the supervisor.

12. Extended Medical Leave of Absence

In extraordinary circumstances, an employee may qualify for an unpaid extended medical leave of absence following a completion of the Medical Leave of Absence or FMLA. Granting of this unpaid leave will be at the discretion of the Division Director and the Executive Director on a case-by-case basis.

During this leave, the agency will continue to provide its portion of the health insurance benefits. All other agency benefits, including those that operate on an accrual basis (vacation, sick leave, holiday leave, etc.) will not continue to accrue during the leave of absence. Any benefits that are currently paid by the employee through payroll deduction will continue to be the responsibility of the employee. The employee will remit the required amounts to the agency if they wish to continue the benefits; if the employee wishes to suspend those benefits, a written notice should be given. The leave may be given up to a maximum of one hundred eighty (180) work days. If the employee has not returned to work at the end of this leave, all benefits will cease and the employee's employment with the agency will terminate.

Employees who do not return from Extended Medical Leave of Absence will be required to reimburse SPCAA for all benefits paid by SPCAA during the Extended Medical Leave of Absence period.

D. Other Benefits

1. **Social Security:** A deduction for Social Security, as prescribed by the Social Security Administration, will be withheld from each employee's pay check and this amount will then be matched with the same amount by SPCAA, which is then paid to the Social Security Administration on behalf of the employee.
2. **Medical and Dental Insurance:** Medical and dental insurance plans will be made available to full-time employees and their dependents as prescribed by the Board of Directors. Employees will have the option as to how they participate in the medical and dental insurance plan. Any applicable premiums will be made through payroll deduction. SPCAA will bear the expense of administration of this insurance coverage. New employees are eligible at the beginning of the month after a 3-month waiting period. Enrollment is offered once per year on April 1st.
3. **Disability Insurance:** Effective upon hire date, full-time employees will be provided group disability income coverage which will form the basis through which compensation, as defined in the contract with the underwriter, will be continued for the employee during periods of approved short-term disability or approved long-term disability.

In addition to the provisions of the Group Disability Income Coverage, during a 12-month period, which runs concurrently with the employee's FMLA or medical leave of absence eligibility period, one elimination period will be bridged (i.e. salary = 40 hours will be paid) for an employee qualifying for Group Disability Coverage as defined in the contract with the underwriter.

4. **On-the-Job Accident/Injury Insurance:** All employees are covered for work-related accidents and injuries. The Risk and Safety Officer coordinates the administration of this insurance plan. SPCAA is a non-subscriber to Workers Compensation Insurance. See Chapter XVIII for on-the-job injury information.
5. **Other Insurance Options:** Employees may choose additional coverage from various insurance plans such as supplemental medical life Insurance. These insurance plans are employee paid policies and are offered through payroll deduction. The types and providers of plans offered are subject to change at any time with or without notice. These policies are individual policies and can be continued at the employee's cost after employment with SPCAA ends. Employees may contact the individual carrier for more information. Enrollment is offered once per year on April 1st.
6. **Retirement Planning:** To assist employees in retirement planning, SPCAA provides a retirement supplement to Social Security in the form of a 401(k) plan. SPCAA shall match an employee's personal contribution into the 401(k) plan of up to six (6) percent of the employee's annual wages. The employees may select from a number of plan options and contributions will be made through payroll deduction subject to the funding products available in the plan and legal parameters. Enrollment or plan changes may be made semi-annually (April 1st and October 1st). To participate in the retirement supplement program, an employee must have completed six months active, full-time employment prior to the beginning of the enrollment quarter.
7. **Flexible Spending Account:** A Flexible Spending Account (FSA) is offered through payroll deduction for employees to utilize pre-tax dollars to pay for out-of-pocket (not covered by insurance) medical, childcare, and elderly care expenses. A debit card system is used for the convenience of the employee. New employees are eligible at the beginning of the month after a 3-month waiting period. Enrollment is offered once per year on April 1st.
8. **COBRA:** Under the Consolidated Omnibus Budget Reconciliation Act of 1985, better known as COBRA, a terminating employee is entitled to continue participating in SPCAA's group health plan, dental plan, and/or the Flexible Spending Accounts (FSA) for a prescribed period of time, usually 18 months. (In certain circumstances, such an employee's divorce or death, the length of coverage period may be longer for qualified dependents.) A notice will be sent to each employee after termination offering the opportunity to enroll for continued coverage.

CHAPTER VII. WORK SCHEDULE

A. **Workweek**

The normal work schedule shall be determined by the requirements of the job. The workweek shall begin at 12:00 a.m. Saturday and end at 11:59 p.m. Friday. Each workweek stands alone for totaling work hours. A normal workweek shall consist of forty hours and is established by the supervisor. Time and attendance records will be kept based on actual hours worked as prescribed by SPCAA. The normal workweek may be modified to meet the needs of a specific program as required.

B. Time and Attendance

All employees shall keep time and attendance records on the prescribed SPCAA form or time clock. This record shall be kept as indicated on a "clock time" basis, which is actual check-in and check-out times for morning, afternoon, evening, lunch and break time. These records shall be posted in a convenient place in each workstation easily accessible to the employee's immediate supervisor. The time and attendance sheet or time clock record will be submitted each pay period to the employee's supervisor for approval. The record is then forwarded to the SPCAA payroll department. Time worked will be rounded to the nearest quarter of an hour. The approved timesheets or time clock records must be received in the SPCAA Payroll Department no later than 8:30 a.m. Tuesday following the end of the pay period.

C. Scheduling

The Division Director or direct supervisor will determine the reporting time and leaving time for the employees of each program so as to achieve maximum effectiveness of the program.

D. Break Time for Nursing Mothers

SPCAA will provide a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has the need to express the milk; and a place, other than a bathroom, that is shielded from view and free from the intrusion from coworkers and the public, which may be used by an employee to express breast milk. The employee shall notify their director or supervisor the intent to use break time when needed. SPCAA is not required to compensate employees receiving the reasonable break time.

CHAPTER VIII. ORIENTATION, TRAINING, AND CAREER DEVELOPMENT

A. Orientation

All new, full-time employees (including Notice of Salary employees) are required to attend the orientation program sponsored by the Human Resources Department. Orientation is held every other Monday (the first Monday following the beginning of a pay period) or on Tuesday when the preceding Monday is a holiday. Orientations are held at 411 Austin Street, Levelland, Texas.

New full-time employees are required to begin work on an orientation Monday and spend their first day of employment in orientation. Only the Human Resources Director or Executive Director is authorized to issue alternate procedures.

The Human Resources Department will accomplish only general orientation and will convey information in the following areas:

- History, structure, mission, and goals of South Plains Community Action.
- Community Action Code of Ethics.
- SPCAA's service area and organizational chart.
- Personnel Policies

- Harassment Prevention Training
- Information regarding the benefit programs at SPCAA
- Travel Policies
- Telephone Codes and Telephone Awareness
- Completion of employee paperwork (i.e. I-9, W-4, Direct Deposit) and opportunity to enroll in eligible benefit programs
- Safety Practices and Procedures
- Occupational Injury Benefit Program
- Injury Prevention and Reporting

In addition, SPCAA's goal is to implement an automated time keeping system in every location SPCAA has employees.

Photos of each staff will be placed into the Human Resources database. Uses for photos will include, but are not limited to identification of staff in emergency situations or identification badges.

The employing program should conduct further job orientation. The employing program is responsible for all orientation for part-time and temporary employees.

B. Training

In-service training of employees shall be provided. Such training may be delegated to another agency or person by the Division Director, Human Resources Director, or Executive Director if, in their opinion, the best interests of the program and the employee are served thereby. Periodically safety training will be included at all in-service activities.

The Executive Director may permit or direct the attendance of employees at meetings, conferences, or seminars intended to improve skills or knowledge at reasonable times with reasonable frequency.

The Division Director may release an employee from their regular duties during the workday to attend classes in a recognized institution of learning if, in the opinion of the Director, such classes contribute to the purposes of the organization, programs, or to the attainment of the objectives of the Board of Directors and/or to the career development of the employee. Workload, scheduling, and other demands of SPCAA will be taken into consideration prior to approving the release of employees to attend training.

Volunteers will be provided training opportunities as appropriate.

C. Staff Performance Evaluations

Staff performance evaluations provide a review and evaluation of an individual's performance. Written performance appraisals are prepared annually and maintained in Human Resources in the employees personnel file.

At the discretion of the Division/Program Director, additional performance appraisals may be done to acknowledge exemplary performance or to identify performance deficiencies. A performance

improvement plan may be developed to provide employees with constructive feedback, and facilitate discussions between an employee and his or her supervisor regarding performance related issues, and outline specific areas for performance improvement.

CHAPTER IX. EMPLOYEE CONDUCT

A. Employee Ethics

SPCAA expects all employees to conduct themselves in a professional manner during their employment.

This includes practicing good attendance habits. All employees should regard coming to work on time, working their shift as scheduled, and leaving at the scheduled time as essential functions of their jobs, i.e., good attendance habits form an integral part of every employee's job description. Among other things, "good attendance habits" mean the following:

- appearing for work no sooner than 5 minutes prior to the start of the shift and no later than the start of the shift;
- being at your work station ready for work by the start of the shift; remaining at your work station unless the needs of the job require being elsewhere, except during authorized breaks (including restroom breaks);
- taking only the time normally allowed for breaks;
- remaining at work during your entire shift, unless excused by a supervisor;
- not leaving work until the scheduled end of your shift, unless excused by a supervisor;
- leaving promptly at the end of your shift, unless you have been given advance permission from your supervisor to work past that point; and
- calling in and personally notifying your supervisor or another member of management if you are going to be either absent or tardy, unless a verifiable emergency makes it impossible for you to do so (see "Notice of Absence or Tardiness" below for details).

B. Standards of Conduct

Head Start, Early Head Start and associated partner agencies must ensure that all staff, consultants, and volunteers abide by the program's standards of conduct. These standards must specify that (Head Start Performance Standards)- 1304.52 (h)(1),(i),(ii),(iii),(iv):

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

**Any violation of agency policy or violation of licensing policy in regards to "unsupervised children" is considered work misconduct and grounds for immediate termination. **

C. Notice of Absence or Tardiness

Under some circumstances, absence or tardiness on an employee's part may be excused, but only if proper notice is given of such a problem before the start of their shift. SPCAA needs advance notice of attendance problems so that other arrangements can be made to cover the absence, if necessary. "Proper notice" means that an employee calls prior to the start of a shift

and personally notifies their supervisor or another approved member of management about the problem, unless a verifiable emergency makes it impossible to do so. It is not sufficient to call in and leave a message with a coworker or someone else that is not in a supervisory position. Failure to give proper notice of attendance problems in advance as explained in this policy will not be tolerated. If an employee is absent without notice for three days in a row, they will be considered as having abandoned their job, and SPCAA will process a work separation as a voluntary resignation on the part of the employee.

D. Outside Employment

Full-time employment by SPCAA generally shall constitute the sole employment of any employee. However, it is recognized that personal situations do occur which make it necessary for employees to seek supplementary employment. Because of the possibility of conflicts of interest, employees are not allowed to work for any other organization or engage in business for themselves without the express written permission of the Executive Director. Employees will not be allowed to work at other jobs if:

- Such employment would interfere with the efficient performance of the employee's duties for SPCAA;
- Such employment would involve a conflict with the employee's duties with SPCAA;
- Such employment would involve the performance of duties which the employee should perform as part of their employment with SPCAA;
- Such employment would occur during the employee's regular or assigned working hours with SPCAA unless the employee, during the entire day on which such employment occurs, is on annual leave, discretionary leave, or other approved leave.

All requests for permission to engage in outside employment must be in writing and will state:

- The type of work to be engaged in, including explanation of the tasks to be performed;
- The hiring organization;
- The hours at work.

E. Political Activity

Employees may not, at any time:

- Use their authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office.
- Directly or indirectly coerce, attempt to coerce, command, or advise other employees to pay, lend or contribute anything of value to a political party, committee, agency, organization or person for a political purpose.

During duty hours, employees of SPCAA may not:

- Solicit or handle political contributions;
- Engage in activity at the polls such as soliciting votes, transporting or helping to get out the voters on election;
- Make political speeches on behalf of a party or any of its candidates, or
- Distribute campaign literature and material or engage in partisan political activity.

However, employees may engage in political activity in their non-duty hours and off SPCAA premises. Employment, promotions, demotions, salary increases or other such employment-related activity in SPCAA will not be made as a reward or penalty for political activity of any kind.

F. Gifts, Money, Gratuities

Employees may not accept or seek gifts, money, or gratuities from persons receiving benefits or services from SPCAA or performing services under contract or otherwise in a position to benefit from such action. The exception is if the item is unsolicited and of nominal value. Nominal value is generally defined as less than \$25 in value.

G. Confidentiality

All information regarding client or employee is held as strictly confidential information. No employee shall disclose at any time, either directly or indirectly, any information regarding SPCAA employees or clients, including participation in a program or related information which is necessary for the employee to perform their job. A violation of the confidentiality requirement is prohibited by Texas Human Resources Code Section 12.003 and is subject to civil and criminal penalties under Tex. Penal Code § 12.21. Further, this confidentiality requirement continues after the term of employment.

Employees shall handle all records, reports and other documents containing employee or client information in such a way that information will not be revealed. Employees shall not maintain any permanent record that contains confidential information in their personal files.

Any breach of confidentiality shall be considered a serious allegation and will not be tolerated.

In order to preserve the confidentiality of privileged and/or sensitive information, email correspondences should not contain patient records, Social Security numbers, client/participant information, or any personal and/or confidential information. Correspondence containing sensitive information should include the following disclaimer at the end of the email:

Confidentiality Notice: This message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

H. Workplace Violence

1. Policy

SPCAA and its funding agencies have a zero tolerance policy concerning threats of violence in the workplace and are committed to maintaining a workplace free of threats of violence. A threat of violence is defined as any act of physical aggression or any statement that could be perceived as intent to cause harm to an employee or any other person connected with the workplace or to the agency itself.

All threats of violence will be taken seriously and investigated accordingly. Such statements or behaviors amongst employees undermine SPCAA's mission, employee morale, and productivity; and will not be tolerated.

Threats of violence in the workplace may violate various state and federal laws, and may subject the violator to criminal or civil liability for any such unlawful conduct.

SPCAA and its funding agency has the right to enter and inspect all property and reserves the right to enter or inspect any employee work area including, but not limited to desks, filing cabinets, telephones, and computers, with or without notice.

SPCAA and its funding agency management may monitor phone conversations and voice and E-mail messages. Any conversation or message by management that constitutes a threat of violence in the workplace can be used as the basis for taking immediate action.

SPCAA refuses to tolerate violence in the workplace and will apply workplace violence policies consistently and fairly to all employees. Violations of this policy will not be tolerated.

Non-employee violators of this policy are subject to expulsion from an SPCAA facility and the denial of services. In addition, SPCAA may report violators to the appropriate authorities for criminal or civil action.

SPCAA prohibits retaliation of any kind against employees who in good faith report threats of violence in the workplace or cooperate in the investigation of any such complaint. It is the responsibility of each employee to be aware of the details of this policy.

2. WORKPLACE VIOLENCE REPORTING AND INVESTIGATING GUIDELINES

The primary goal of investigating and reporting threats of violence in the workplace is to resolve such incidents without the occurrence of violence. Each case will be assessed individually and responded to accordingly.

Prompt and accurate reporting of workplace violence, whether or not the incident results in physical injury, is essential to any workplace violence prevention policy. Workplace violence includes violence by co-workers, strangers, customers/clients and personal relationships. Staff who have restraining orders against individuals must report that restraining order to Human Resources as soon as it is obtained so that appropriate actions can be taken to protect the safety of the employee, co-workers, and other individuals in the workplace.

An employee who witnesses, or to whom a threat of violence in the workplace is reported, is responsible for taking prompt appropriate action, which will depend on the circumstances of each case. The Executive Director is empowered to suspend employees immediately upon being confronted with any incident involving a risk of immediate harm to any individual or to the agency itself.

Appropriate actions for emergency situations may dictate the immediate intervention of outside authorities such as the police or medical professionals before proceeding with internal policy guidelines outlined below.

- Employees who become aware of threats of violence in the workplace should report such threats to their immediate supervisor, Human Resources, or another member in their management chain.
- For all cases involving threats of violence in the workplace, the supervisor to whom the threat is reported is responsible for notifying the Executive Director. These management personnel will then assess an appropriate plan of action considering the circumstances of each case.
- After the assessment of the appropriate plan of action, the Executive Director will appoint an appropriate designee to investigate the alleged threat of violence in the workplace.
- The appointed designee will contact the employee reporting the alleged threat. The level of risk should immediately be established to determine whether the threat is critical or life threatening, and to determine what immediate steps, if any, should be taken to ensure that safety is maintained. Facts should be gathered to assess the seriousness and validity of the threat, as well as the credibility of the employee making the report. This process may include interviewing employees and other witnesses who may have knowledge of the alleged threat.
- The Executive Director may authorize the suspension of an employee who allegedly made a threat of violence in the workplace pending the outcome of the investigation.
- A written statement outlining the facts of the situation is requested from the employee reporting the threat of violence.
- If appropriate, the appointed designee should next meet with the individual who allegedly made the threat of violence in the workplace. Facts are gathered concerning the allegation. A written statement is requested from the employee.
- After meeting with the involved employees, the appointed designee should immediately provide feedback to the Executive Director regarding the findings of the meeting. After reviewing the findings of the appointed designee, the Executive Director will determine if further internal investigation is needed and if it is concerning present and future working conditions. SPCAA reserves the right to share investigation results with authorities as needed.
- If the situation is considered to be resolved, the designee will then notify all parties involved of the disposition of the investigation. The Human Resources Director, Division Director, or Executive Director notifies the complainant and alleged violator of the conclusion of the investigation.

I. Fraud, Waste and Abuse Alert

1. POLICY

This policy applies to any fraud or suspected fraud involving employees, officers, or directors, as well as members, vendors, consultants, contractors, funding sources, and/or any other parties with a business relationship with SPCAA. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship with SPCAA.

All staff are responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or

her injury.

2. Actions Constituting Fraud

The terms fraud, defalcation, misappropriation, and other irregularities refer to, but are not limited to the following:

- Any dishonest or fraudulent act.
- Forgery or alteration of any document or account belonging to SPCAA.
- Forgery or alteration of a check, bank draft, or any other financial document.
- Misappropriation of funds, securities, supplies, equipment, or other assets of SPCAA.
- Impropriety in the handling or reporting of money or financial transactions.
- Disclosing confidential and proprietary information to outside parties.
- Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to SPCAA. Exception: meals and gifts less than a nominal value. Nominal value is generally defined as less than \$25 in value.
- Misrepresentation of self, such as e-mail signatures or access to another employee's password.
- Destruction, removal or inappropriate use of SPCAA's, Client's, co-worker's, or vendor's property, including, but not limited to records, furniture, fixtures, and equipment.
- Misrepresentation of client information when providing services to individuals.
- Any similar or related irregularity.
- Enrolling pregnant women and children who have not been documented as eligible to participate in the program.

3. HOW TO REPORT SUSPECTED FRAUD, WASTE, AND ABUSE CONCERNING SPCAA EMPLOYEES AND/OR CLIENTS

South Plains Community Action Association, Inc. (SPCAA) is committed to providing quality services to eligible clients in full compliance with the rules and regulations applicable to each SPCAA Program as outlined by the individual program's federal/state funding agency. SPCAA will demonstrate a "zero tolerance" of Fraud, Waste and/or Abuse of federal or state program dollars entrusted to SPCAA. SPCAA employees are expected to comply fully with all rules/regulations related to their program and to promptly report suspected Fraud, Waste, and/or Abuse by SPCAA employees, clients, contractors, or vendors to their supervisor, Human Resources or any SPCAA Manager. Employees who participate in activities which create Fraud, Waste, and/or Abuse of Federal or State contract dollars/services, OR who have personal knowledge of such activities by other employees or clients and fail to report the situation to their supervisor or SPCAA Administration, will not be tolerated. SPCAA employees who report such misconduct in "good faith" will not be subject to retaliation or retribution.

SPCAA will conduct an internal investigation of each complaint based on the facts provided in the initial complaint. SPCAA may compile complaints to determine trends and areas for targeting program integrity activities or may address complaints individually as SPCAA Administration deems appropriate. SPCAA will make appropriate referrals to the funding agency's Office of the Inspector General – Fraud Investigation Division and/or law

enforcement as necessary.

SPCAA will strive to maintain the confidentiality of an employee's identity. However, there may be a point where the individual's identity may become known or may have to be revealed in order to complete the investigation or to cooperate with law enforcement of Office of Inspector General investigations.

**To report suspected Fraud, Waste, or Abuse
via the SPCAA Compliance Officer contact:**

Andy Gates or his successor
SPCAA Compliance Officer
806-894-6104 ext. 215
806-781-0912 Cell
E-mail: compliance@spcaa.org

J. INFORMATION SYSTEMS

1. INTRODUCTION

SPCAA provides technologies and communication systems, hereafter known as Information Technologies (I.T.) resources that are intended for business use. Use is encouraged and intended to make work activities and communication more efficient and effective. All use of such resources shall be in an honest, ethical, and legal manner that conforms to applicable license agreements, contracts, and policies regarding their intended use. To ensure that all employees are responsible, the following guidelines have been established for the use of I.T. resources. Any improper use of I.T. resources is not acceptable and will not be permitted.

I.T. resources include any and all hardware, software, and data used to create, store, process, and communicate information electronically as well as services to keep these resources current and operational. Examples include, but are not limited to, host computers, file servers, desktop computers, laptop computers, printers, portable storage devices, Personal Digital Assistant (PDA), fax machines, phones, cell phones, on-line services, E-mail systems, bulletin board systems, and all software, hardware, or computing device that is owned, licensed, or operated by SPCAA.

A user is any individual who uses SPCAA's I.T. resources.

SPCAA reserves the right to access and monitor all I.T. resources. All employees are put on notice that system security features, such as passwords and message delete functions, do not take away the ability to archive any message, at any time, for future viewing by Management.

2. ETHICS AND USER RESPONSIBILITIES

Users are responsible for managing their use of I.T. resources and are accountable for their actions relating to information technology security. Security includes measures to protect electronic communication resources from unauthorized access, protect from introduction of viruses, prevent computer hacking, and to preserve resource availability and integrity.

General Principles

Users must abide by the following list of standards that have been established, including, but not limited to the following:

- Report any weaknesses in SPCAA computer security, any incidents of possible misuse, or violation of these policies to the appropriate I.T. management.
- Access only information that is the employee's, that is publicly available, or to which the employee has been given authorized access. "Authorization" means assigning individuals the permission to read, write, and/or modify system objects or execute transactions based on their identity. Users may use only the I.T. resources they are authorized to use and only for the purposes specified when their accounts were issued or when permission to use the resources was granted.
- For security reasons, protect your USER ID, password, and system from unauthorized use. Users who share their access with another individual shall be responsible--and will be held accountable--for **ALL** usage of their accounts.
- Use only legal versions of copyrighted software in compliance with vendor license requirements.
- Prohibit any attempt to circumvent or subvert systems, networks, or resources of the Internet, that destroy the integrity of computer-based information, or that access controlled information and/or systems without authorization.
- Prohibit the installation of software/hardware for personal use on SPCAA systems.
- Prohibit sexually explicit material in any form on SPCAA systems. See "Explicit Materials" section below for more detailed guidelines.
- Prohibit the unreasonable interference with the fair use of I.T. resources by another. Examples of unreasonable interference include playing games or listening or viewing streaming audio/video for recreation, and intentionally running a program that attempts to violate the operational integrity of the SPCAA network.
- Prohibit using SPCAA's systems or networks for personal or commercial gain, such as, selling access to your USER ID or to SPCAA systems or networks, performing work for profit with SPCAA resources in a manner not authorized by the agency, marketing/advertising, and/or personal business transactions with commercial organizations.
- Prohibit systems usage for political purposes, such as using electronic mail to circulate advertising for political candidates or lobbying of public officials.
- Prohibit using mail or messaging services to harass or intimidate another person, for example, by broadcasting unsolicited messages, or by repeatedly sending unwanted mail.
- Prohibit relaying any messages with derogatory or inflammatory remarks about an individual's race, age, sex, color, national origin, religion, disability, political affiliation or belief or status as a disabled veteran or veteran of the Vietnam Era or any other consideration made unlawful by federal or state laws.
- Prohibit the use of abusive, profane, or offensive language.
- Prohibit systems use for any type religious activity or cause.
- Prohibit use for any other purpose that is illegal, against company policy, or contrary to SPCAA's best interest.

- Prohibit sending email messages under an assumed name or obscuring the origin of an email message sent or received.
- Prohibit accessing, distributing, or publishing through the use of Company equipment, trade secrets, or proprietary information of SPCAA without proper authorization.
- Prohibit the intentional introduction of a virus to any I.T. resource. A virus is a program or piece of computer code that is installed or executed onto any computing device without the knowledge of the owner and runs against the owner's wishes. Most computer viruses will disrupt or alter the normal operation of the infected computer. Some computer viruses are destructive, permanently damaging data files or programs on a computer.

The above lists are by no means exhaustive, but attempt to provide a framework for activities that fall into the category of unacceptable use.

3. SEXUALLY EXPLICIT MATERIALS

Users shall not view, retrieve, transmit, distribute, print, or save any electronic files that may be deemed sexually explicit on SPCAA I.T. resources. This includes both visual and textual sexually explicit material. It is also illegal to use sexually explicit material to intimidate, persecute, or otherwise harass another individual. This is considered sexual harassment. For more detailed guidelines on sexual harassment, refer to Chapter X, Anti-Harassment Policy.

Do not open any emails that are believed to contain obscenity or pornography. If obscenity and/or pornography are received through email, there will be no disciplinary proceedings if the mail is deleted immediately. If the offending email originates from a SPCAA or affiliated e-mail address, report the receipt of said material to the Human Resources Director and/or the Executive Director immediately. Reporting of such a violation will be held in the strictest confidence to the extent possible. Employees are also prohibited from viewing sexually explicit online sites and must log off immediately if an unintentional site is opened.

Misuse of SPCAA's I.T. resources is a violation of the policies contained herein and will not be tolerated.

4. COPYRIGHT

Unauthorized duplication of copyrighted information and software packages is a direct infringement of the Federal copyright law.

It is illegal to make, use, or pass along unauthorized copies of software, graphics, music, or any other creative art or intellectual property for multimedia projects or any other use.

Copying, adapting, and/or electronically transmitting computer software is strictly forbidden except:

- Where a new copy or adaptation is created as an essential step in the utilization of the computer program or in conjunction with a specific piece of machinery, and that it is used in no other manner.
- Where a new copy and adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.
- Where appropriate, written consent (from the holder of such copyright) is obtained.

- Where the software is in the public domain and appropriate documentation can be supplied.
- As with CD's and DVD's, computer programs may not be rented, leased, or loaned for direct or indirect commercial advantage.
- Lawful transfer of possession of a legally licensed computer program may be exempt, provided there are no existing copies left on the original machine.
- SPCAA prohibits the unauthorized copying or electronic transmission of computer software, computer data, and software manuals, unless appropriate written consent is obtained from the vendor and/or copyright holder.

5. **CONFIDENTIALITY**

In order to preserve the confidentiality of privileged and/or sensitive information, email correspondences should not contain patient records, Social Security numbers, client/participant information, or any personal and/or confidential information. Correspondences containing sensitive information should include the following disclaimer at the end of the email:

Confidentiality Notice: This message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Refer to Item G in this section for more information on confidentiality.

6. **EMPLOYEE CONDUCT/VIOLATIONS**

The use of SPCAA I.T. resources may be temporarily or even permanently revoked at any time for abusive conduct. Such conduct includes placing unlawful information on a system, copyright violations, using abusive or otherwise objectionable language in either public or private messages, sending messages that are likely to result in the loss of recipients' work or systems, sending "chain letters"¹, or "broadcast"² messages to lists or individuals, or any use that would cause congestion of the networks or otherwise interfere with the work of others.

Use of peer-to-peer³ programs on SPCAA computers and/or network for downloading and/or uploading of illegal copies of copyrighted media is strictly prohibited. All employees

¹ Chain letters – letters or e-mails directing the recipient to send out multiple copies so that its circulation increases exponentially.

² Broadcast messages – messages that are simultaneously sent out to multiple recipients.

³ On the Internet, peer-to-peer (referred to as P2P) is a type of transient Internet network that allows a group of computer users with the same networking program to connect with each other and directly access files from one another's hard drives. [Napster](#) and [Gnutella](#) are examples of this kind of peer-to-peer software that is prohibited by SPCAA. In P2P activities, the user must first download and execute a peer-to-peer networking program. After launching the program, the user enters the IP address of another computer belonging to the network. (Typically, the Web page where the user got the download will list several IP addresses as places to begin). Once the computer finds another network member on-line, it will connect to that user's connection (who has gotten their IP address from another user's connection and so on). Major producers of content, including record companies, have shown their concern about what they consider illegal sharing of copyrighted content by suing some P2P users.

should remove these applications immediately from SPCAA computers. Employees who use their personally owned computers to connect to the SPCAA network must disable all peer-to-peer applications and services before connecting to the network. Any computers/users using peer-to-peer applications on the SPCAA network are subject to removal from the network until the application is removed or disabled.

SPCAA reserves the right to monitor all I.T. resources activities and content. Violations of this policy will not be tolerated. All employees will be required to sign a form acknowledging their understanding of this policy. SPCAA also reserves the right to advise appropriate legal officials of any illegal violations.

7. **SOCIAL MEDIA**

Employees are prohibited from posting any financial, confidential, sensitive, or proprietary information about SPCAA, clients, participants, customers, or partners on any social media outlet. Employees are prohibited from using agency assigned emails for personal social networking. Any personal information disclosed on a social media site must not appear to have originated nor be endorsed by SPCAA, clients, participants, customers, or partners. If coworkers or work affiliates have access to employee's personal social media sites, you should treat all communication as a professional network. If you choose to disclose your affiliation with SPCAA in online communications, or if an outside party could reasonably identify your employment with SPCAA, you must refrain from hostile or harassing communications, and any offensive or controversial behavior; and you must treat all communications as professional and ensure your views are not affiliated, or derived from SPCAA. Never identify an employee, client, participant, customer, or partner in an online posting; and never post any audio, video, or pictures of employees that depict business related activities without prior written consent of the Executive Director.

K. **Employment References**

Employees are not allowed to give employment references, complete employment verification forms, write letters of reference or any such employment related action for current or previous SPCAA employees. All employment verifications will be referred to and conducted by Human Resources personnel.

L. **Conflict of Interest**

SPCAA prohibits employees from using their position for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

Employees in a position to deliver services to eligible individuals will avoid the real or perception of any conflict of interest when the eligible individual is a relative, close friend, or other person of interest. The Division Director must be made aware of the relationship of the person receiving services through SPCAA and will give guidance to the employee on how to handle any actions to be taken. In areas where multiple case managers exist, the case will be managed by another employee.

M. **Phone Policy**

While at work, employees are to exercise discretion in using company phones or personal cellular phones. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. Employees should therefore limit the placing or receiving of personal calls during working hours. Employees are asked to make sure that friends and family members know to limit calls during business hours. Division Directors may set policies for use of personal cell phones to fit the needs of the individual program. Agency 1-800 numbers are specifically for business use and should not be given to friends and family for personal use.

N. Media Relations

Employees are prohibited from communication with the media on behalf of SPCAA without direct approval from management. Individuals designated to speak on behalf of SPCAA are the Executive Director or, in their absence, any Division Director. Division Directors are authorized to communicate programmatic information when appropriate. Media communications will be coordinated with the Executive Director if at all possible. If the employee's Division Director is unavailable, then the Executive Director or another Division Director must be contacted.

O. Reporting of Child Abuse and Neglect

Suspected abuse or neglect must be reported within 48 hours as required by the Texas Family Code (261.101(a); 261.103(a):

"If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has cause to believe that the child has been abused as defined by Section 261.001, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report."

"A professional is defined as an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and others having direct contact with children and youth."

Each SPCAA Division has the responsibility for development of a policy that fulfills the requirements of their program.

Head Start and Early Head Start Procedure:

1. Suspected abuse will be reported by the staff member directly to Child Protective Services using one of the following:
 - a. Child Abuse Hotline: 1-800-252-5400
 - b. Secure Internet Website: <https://www.txabusehotline.org>
(The "s" must be included in the web address. Directions for reporting are included on the website.)
2. If the suspected abuse is determined to be an emergency situation, the staff member will call 911.

3. Any report of child abuse or neglect must be made in compliance with confidentiality requirements. The individual reporting is protected from civil or criminal liability as long as the report is made in "good faith" (The person making the report took reasonable steps to learn facts which were readily available and at hand.) and "without malice" (The person did not intend to injure or violate the rights of another person.).
4. Information about any report made may be shared with other staff on a "need to know" basis. The staff member making the report is not required to provide information to anyone within the agency at any point in time.
5. The staff member making the report may provide information to Family Support staff in order to facilitate the provision of added support services for the involved family.
6. The affected staff member may request support from the Program Coordinator and/or Program Director.
7. The staff member may contact Child Protective Services staff directly if there is a question about whether or not a report needs to be made. SPEHS staff that are working with children referred by Child Protective Services and are part of the Child Welfare Services Initiative may contact the specific caseworker associated with the CPS case. If staff is not able to connect with the caseworker within a reasonable amount of time, the report must be made directly to CPS using the procedure described above.
8. Training on child abuse/neglect identification and reporting will be provided annually (during Pre-Service Training) and on an as-needed basis for all staff.

CHAPTER X. ANTI-HARASSMENT POLICY

A. Policy

A fundamental policy of SPCAA is that the workplace is for work. SPCAA's goal is to provide a workplace free from tensions involving matters that do not relate to SPCAA business. In particular, an atmosphere of tension created by non-work related conduct, including ethnic, racial, sexual or religious remarks, animosity, unwelcome sexual advances or requests for sexual favors or other such conduct does not belong in the workplace.

Harassment of employees or of applicants by other employees of the same or opposite sex is prohibited. Harassment includes, without limitation, verbal harassment (epithets, derogatory statements, vulgar language, slurs), physical harassment (assault, detainment, physical interference with normal work or involvement), visual harassment (posters, cartoons, drawings), and innuendo.

Employees are protected from harassment based on race, sex, religion, age, color, national origin, disability, or status as a disabled veteran or veteran of the Vietnam Era.

Sexual harassment is a violation of state and federal law. It includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact and other verbal or physical conduct, or visual forms of harassment of a sexual nature when submission to such conduct is either explicitly or implicitly made a term or condition of employment or is used as the basis for employment decisions or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

An employee cannot be forced to submit to such conduct as a basis for any employment decision and the Agency will do its best to keep itself free of any conduct that creates an intimidating, hostile, or offensive work environment for employees.

B. What To Do If An Employee Feels this Policy Has Been Violated

All SPCAA employees are responsible for ensuring that harassment is avoided. If an employee feels that they have experienced or witnessed harassment, they are to immediately notify their supervisor, Human Resources, or any other member of Agency management. SPCAA forbids retaliation against anyone for reporting harassment, assisting in making a harassment complaint, or cooperating in a harassment investigation. If an employee feels they have been retaliated against, they are to notify the Human Resources Director, Division Director, Executive Director, or supervisor.

SPCAA's Human Resources Department will investigate all complaints of harassment thoroughly and promptly. To the fullest extent practicable, SPCAA will keep complaints and the terms of their resolution confidential. If an investigation confirms that a violation of this policy has occurred, SPCAA will take appropriate, corrective action including discipline up to and including immediate termination of employment. A non-employee who subjects an employee to harassment in the workplace will be informed of SPCAA's policy and appropriate action will be taken. In all cases, SPCAA will make follow-up inquiries to ensure that the harassment has not resumed.

An employee who remains unsatisfied after an investigation may seek review from the Executive Director. The Executive Director may direct or conduct an independent investigation, including witness interview and statements concerning the complaint. Additionally, the Executive Director may take further remedial or disciplinary action as is appropriate. If the complaint is against the Executive Director, an employee may complain to the Director of Human Resources or Chairman of the SPCAA Board of Directors. Then, the Human Resources Director, and/or Chairman of the Board of Directors will follow the above procedures.

SPCAA understands that these matters can be extremely sensitive, and so far as possible, will keep all employee complaints and all communications, such as interview and witness statements, in confidence.

The Agency will not tolerate retaliation against any employee who complains of harassment or provides information in connection with any such complaint.

CHAPTER XI. TERMINATION OF EMPLOYMENT

A. Termination

Employees should understand that in consideration of employment, they agree to conform to the rules and regulations of the Agency. SPCAA is an "at-will" employer. Employment may be terminated with or without cause, with or without notice, at the option of either the employee or SPCAA. The employee should understand that no management representative has any authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the foregoing, except for the Executive Director. Any such agreement between the Executive Director and the employee must be in writing.

B. Resignation

Any employee wishing to leave SPCAA in good standing shall file, with their supervisor, a written resignation, stating the date the resignation will become effective and the reason for leaving AND the employee must schedule and complete an exit interview with the Human Resources

Department. Those employees giving two weeks advance notice of resignation AND completing an exit interview are entitled to payment of their accrued annual leave.

The exit interview will determine reasons for separation, as well as opinions and recommendations for improving management policies and practices. The exit interview should take place during normal working hours during the employee's last week of work. The employee must schedule the exit interview with the Human Resources Department. Where an exit interview cannot be scheduled, the Human Resources Department may mail an exit interview form to the former employee for completion or conduct a telephone interview.

At the time of the exit interview, the employee will be expected to provide the Human Resources representative with a notice from their Division Director or Supervisor indicating that all agency/Division property, such as keys, uniforms, identification card, files, computers, office files, cell phones, etc. have been returned.

The Human Resources representative will provide information concerning extended benefits, and employment verification. The record completed during the exit interview will be retained in the administrative files of the Human Resources Division but will not be included in the employee's personnel file.

An employee not meeting the above requirements will not be eligible for rehire by SPCAA.

A verbal resignation is an official resignation, but does not constitute a "written" resignation for the purpose of leaving in good standing.

C. Lay-Offs

When a position must be discontinued or abolished because of a change in duties, reorganization, lack of work, or lack of funds, the supervisor will submit a written report to the Human Resources Director as to the employees to be laid off. The order of layoff of employees will be determined on the basis of relative suitability for the jobs that remain, performance evaluations, and length of continuous service. Laid off employees are encouraged to apply for open positions that meet their skills. The Executive Director has final approval for all lay-offs.

D. Death

Separation shall be effective as of the date of death. All compensation and accrued annual leave pay shall be paid to the estate of the employee, except for such sums as may be paid directly to the surviving spouse.

E. Disciplinary Measures

- Counseling;
- Written or oral reprimand;
- Suspension with pay;
- Suspension without pay (discretionary or annual leave may not be applied during that time);
- Termination

F. Authorized Leave

Employees must report for work at the expiration of an authorized leave or request an extension of such leave. If the employee does not return to work at the expiration of an authorized leave, the employee may be terminated at that time.

G. Unauthorized Leave

An employee who is absent from duty without approval shall receive no pay for the duration of the absence and may be subject to termination. An unauthorized absence for three days in a row will be considered job abandonment and SPCAA will process work termination paperwork.

CHAPTER XII. EMPLOYEE-MANAGEMENT RELATIONS

A. Suggestions

All employees are encouraged to make suggestions in writing for the improvement of the program or the more efficient operation of SPCAA. Such suggestions shall be given to the immediate supervisor who will add their comment and transmit both to the Executive Director. Appropriate recognition will be given to employees who make meritorious suggestions.

B. Grievance Procedure

It is the policy of SPCAA to respond promptly to any complaints or grievances that may arise. The following steps constitute the grievance procedure:

1. **Level I.** The grievance must be discussed with the immediate supervisor by the aggrieved employee within ten (10) calendar days after the employee first knew or should have known of the event or series of events causing the complaint.
2. **Level II.** If the outcome of the conference at Level I is not to the employee's satisfaction, the employee must submit a grievance in writing on a form provided by SPCAA to meet with the Division Director within seven (7) calendar days, if different from the immediate supervisor or, if not, to the Executive Director which will proceed under Level III. The meeting shall be held within seven (7) calendar days or at a mutually agreed time, after the Division Director/supervisor receives the request to discuss the complaint.

The Division Director, if applicable, will then investigate the matter fully and render a decision as soon as practicable.

3. **Level III.** If the outcome of the conference at Level II is not to the employee's satisfaction, the employee may appeal to the Executive Director in writing within seven (7) calendar days. The Executive Director will then investigate the matter fully and render a decision as soon as practicable. The decision of the Executive Director is final and non-appealable. However, as to Division/Program Directors or employees directly under the supervision of the Executive Director, the decision as to all disciplinary measures, except termination, will be final and non-appealable.

In the case of termination of employment of a Program/Division director (excluding Head Start Program Director as set out below) or an employee directly under the supervision of the Executive Director, the decision of the Executive Director regarding termination may be appealed to the Board of Directors. This appeal must be provided to the Board of Directors within seven (7) calendar days. The Board Chairman will designate the length of presentation of the parties and time of hearing. The employee will have the right to determine whether the grievance is held in open or closed session pursuant to the Texas Open Meetings Act. There will be no cross examination of witnesses, only a presentation by the employee and the Executive Director. The Board will determine only whether the decision of the Executive Director was not arbitrary or capricious.

In the case of termination of the Head Start Program Director, the Executive Director must get the approval of the Head Start Policy Council prior to terminating the Head Start Program Director. If approval is given, the Head Start Program Director has the right to appeal to the Board of Directors under Level III. If the Policy Council does not give approval of the termination, the Executive Director may have the Board of Directors hear the Director's reasons for termination and the Policy Council's reasons for not terminating. The Board of Directors' decision on the termination will be final and non-appealable.

C. No Retaliation

SPCAA shall not discriminate against any employee or other person who reports a violation of the terms any contract or any other law or regulation to any appropriate agency or law enforcement authority if the report is made in "good faith".

CHAPTER XIII. PERSONNEL RECORDS

A. Records Kept

The Human Resources Division has custodial responsibilities for all Personnel records. Personnel records include the original application of the employee; all original hiring documents; job descriptions; evaluations; documentation of pay raises, promotions, disciplinary actions, layoffs; training records; performance appraisals, and other relevant information.

Photos will be taken of each employee. These photos will be placed into the Human Resources database. Uses for photos will include, but are not limited to, identification of staff in emergency situations or identification badges.

B. Availability

Employees are allowed to review the contents of their personnel file. To review their file, an employee should make an appointment with Human Resources at (806) 894-6104.

C. Confidentiality of Employee Records

NOTICE OF PRIVACY PRACTICES: THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT AN EMPLOYEE MAY BE USED AND DISCLOSED AND HOW AN SPCAA EMPLOYEE CAN GET ACCESS TO THIS INFORMATION. If you have any questions about this Notice please contact the SPCAA privacy official: Andy Cates, or his successor, by calling 806-894-6104.

EFFECTIVE DATE

This Notice of Privacy Practices became effective on April 14, 2004.

SPCAA's RESPONSIBILITIES

SPCAA is required by law to maintain the privacy of Protected Health Information (PHI) and to provide health plan enrollees with notice of the legal duties and privacy practices with respect to Protected Health Information (PHI). This Notice of Privacy Practices describes how SPCAA may use and disclose an employee's Protected Health Information (PHI) to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law. It also describes an employee's rights to access and control their Protected Health Information (PHI). "Protected Health Information" (PHI) is information about an individual, including demographic information, that may identify them and that relates to their past, present or future physical or mental health or condition and related health care services.

SPCAA is required to abide by the terms of this Notice of Privacy Practices. The agency may change the terms of this notice at any time. The new notice will be effective for all PHI that SPCAA maintains at this time. If SPCAA makes a material change to this Notice, the employee will be mailed a revised Notice to the address that is on record for the employee.

Primary Uses and Disclosures of Protected Health Information (PHI)

The following is a description of how SPCAA is most likely to use and/or disclose PHI.

- **Treatment, Payment, and Health Care Operations**
SPCAA has the right to use and disclose an employee's PHI for all activities that are included within the definitions of "treatment," "payment" and "health care operations" as set out in the HIPAA Privacy Rule (45 CFR parts 160 and 164).
- **Treatment**
SPCAA may use and disclose an employee's PHI for treatment purposes, such as coordinating or managing health care and related services by one or more of an employee's health care providers.
- **Payment**
SPCAA will use or disclose an employee's PHI to pay claims for services provided and to obtain stop-loss reimbursements or to otherwise fulfill SPCAA's responsibilities for coverage and providing benefits. For example, SPCAA may disclose an employee's PHI when a provider requests information regarding their

eligibility for coverage under the company health plan, or SPCAA needs that information to determine if a treatment that an employee received was medically necessary. Other payment purposes include, but are not limited to, pre-authorizations, utilization, review activities, coordination of benefits, and subrogation.

- **Health Care Operations**

SPCAA will use or disclose an employee's PHI to support company business functions. These functions include, but are not limited to: quality assessment and improvement, reviewing provider and vendor performance, licensing, stop-loss underwriting, business planning, and business development. For example, SPCAA may use or disclose PHI: (1) to provide employees with information about one of SPCAA's disease management programs; (2) to respond to a customer service inquiry from an employee; or (3) in connection with fraud and abuse detection and compliance programs. Health care operations may also include, but are not limited to, case management, legal reviews, handling appeals and grievances, plan or claims audits, and other general administrative activities.

- **Business Associates**

SPCAA may contract with individuals and entities (Business Associates) to perform various functions on the company's behalf or to provide certain types of services. To perform these functions or to provide the services, Business Associates may receive, create, maintain, use, or disclose PHI, but only after SPCAA requires the Business Associates to agree in writing to contract terms designed to appropriately safeguard employee information. For example, SPCAA may disclose PHI to a Business Associate to administer claims or to provide service support, utilization management, subrogation, or pharmacy benefit management. Examples of business associates would be SPCAA's Third Party Administrator, which will be handling many of the functions in connection with the operation of the Group Health Plan. In the event a Business Associate is a "health care component" as designated by SPCAA's governing body, no written agreement regarding the safeguarding of information is required by law, and SPCAA will not enter into such an agreement with those health care components.

- **Other Covered Entities**

SPCAA may use or disclose employee PHI to assist health care providers in connection with their treatment or payment activities, or to assist other covered entities in connection with payment activities and certain health care operations. For example, SPCAA may disclose employee PHI to a health care provider when needed by the provider to render treatment to an employee, and SPCAA may disclose PHI to another covered entity to conduct health care operations in the areas of quality assurance and improvement activities, or accreditation, certification, licensing or credentialing. This also means that SPCAA may disclose or share PHI with other insurance carriers in order to coordinate benefits if the employee or the employee's family members have coverage through another carrier.

- **Plan Sponsor**

SPCAA may disclose an employee's PHI to the plan sponsor of the Health Plan for purposes of plan administration or pursuant to an authorization request signed by the employee.

Other Possible Uses and Disclosures of Protected Health Information (PHI)

The following is a description of other possible ways in which SPCAA may, and is permitted to, use and/or disclose an employee's PHI.

- **Required by Law**
SPCAA may use or disclose an employee's PHI to the extent that the use or disclosure is required by law. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. If required by law, employees will be notified of any such uses or disclosures.

- **Public Health Activities**
SPCAA may disclose employee's PHI for public health activities and purposes to a public health authority that is permitted by law to collect or receive the information. The disclosure will be made for the purpose of controlling disease, injury, or disability. SPCAA may also disclose employee PHI, if directed by the public health authority, to a foreign government agency that is collaborating with the public health authority.

- **Health Oversight Activities**
SPCAA may disclose employee PHI to a health oversight agency for activities authorized by law, such as: audits; investigations; inspections; licensure or disciplinary actions; or civil, administrative, or criminal proceedings or actions. Oversight agencies seeking this information include government agencies that oversee: (1) the health care system; (2) government benefit programs; (3) other government regulatory programs; and (4) compliance with civil rights laws.

- **Abuse or Neglect**
SPCAA may disclose employee PHI to a public health authority or other government authority that is authorized by law to receive reports of child abuse or neglect. In addition, if SPCAA believes that an employee has been a victim of abuse, neglect, or domestic violence, SPCAA may disclose PHI to the governmental entity or agency authorized to receive such information. In this case, the disclosure will be made consistent with the requirements of applicable federal and state laws.

- **Legal Proceedings**
SPCAA may disclose employee PHI: (1) in the course of any judicial or administrative proceeding; (2) in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized); and (3) in response to a subpoena, a discovery request, or other lawful process, once SPCAA has met all administrative requirements of the HIPAA Privacy Rule. For example, SPCAA may disclose PHI in response to a subpoena for such information, but only after SPCAA first meets certain conditions required by the HIPAA Privacy Rule.

- **Law Enforcement**
Under certain conditions, SPCAA also may disclose PHI to law enforcement officials. For example, some of the reasons for such a disclosure may include, but not be limited to: (1) it is required by law or some other legal process; (2) it is necessary to locate or identify a suspect, fugitive, material witness, or missing person; and (3) it is necessary to provide evidence of a crime that occurred on SPCAA premises.

- **Coroners, Medical Examiners, Funeral Directors, and Organ Donation**
SPCAA may disclose PHI to a coroner or medical examiner for purposes of identifying a deceased person, determining a cause of death, or for the coroner or medical examiner to perform other duties authorized by law. SPCAA also may disclose, as authorized by law, information to funeral directors so that they may carry out their duties. Further, SPCAA may disclose PHI to organizations that handle organ, eye, or tissue donation, and transplantation.
- **Research**
SPCAA may disclose employee PHI to researchers when an institutional review board or privacy board has: (1) reviewed the research proposal and established protocols to ensure the privacy of the information; and (2) approved the research.
- **To Prevent a Serious Threat to Health or Safety**
Consistent with applicable federal and state laws, SPCAA may disclose employee PHI if SPCAA believes that the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. SPCAA also may disclose PHI if it is necessary for law enforcement authorities to identify or apprehend an individual.
- **Military Activity and National Security, Protective Services**
Under certain conditions, SPCAA may disclose employee PHI if the employee is, or was, Armed Forces personnel for activities deemed necessary by appropriate military command authorities. If an employee is a member of foreign military service, SPCAA may disclose, in certain circumstances, information to the foreign military authority. SPCAA also may disclose PHI to authorized federal officials for conducting national security and intelligence activities, and for protection of the President, other authorized persons, or heads of state.
- **Inmates**
If the employee is an inmate of a correctional institution, SPCAA may disclose PHI to the correctional institution or to a law enforcement official for: (1) the institution to provide health care to the employee; (2) health and safety and the health and safety of others; or (3) the safety and security of the correctional institution.
- **Workers' Compensation**
SPCAA may disclose PHI to comply with Workers' Compensation laws and other similar programs that provide benefits for work-related injuries or illnesses.
- **Others Involved in and Employee's Health Care**
Using the company's best judgment, SPCAA may make PHI known to a family member, other relative, close personal friend or other personal representative that the employee may identify. Such a use will be based on how involved the person is in the employee's care, or payment that relates to an employee's care. SPCAA may release information to parents or guardians, if allowed by law. SPCAA also may disclose information to an entity assisting in a disaster relief effort so that the family can be notified about the employee's condition, status, and location.

If the employee is not present or able to agree to these disclosures of PHI, then, using the company's professional judgment, SPCAA may determine whether the disclosure is in the employee's best interest.

Required Disclosures of Employee's Protected Health Information (PHI)

The following is a description of disclosures that SPCAA is required by law to make.

- **Disclosures to the Secretary of the U.S. Department of Health and Human Services**

SPCAA is required to disclose PHI to the Secretary of the U.S. Department of Health and Human Services when the Secretary is investigating or determining SPCAA's compliance with the HIPAA Privacy Rule.

- **Disclosures to an Employee**

SPCAA is required to disclose to an employee most of your PHI in a "designated record set" when they request access to this information. Generally, a "designated record set" contains medical and billing records, as well as other records that are used to make decisions about an employee's health care benefits. SPCAA also is required to provide, upon an employee's request, an accounting of most disclosures of that employee's PHI that are for reasons other than treatment, payment, and health care operations and are not disclosed through a signed authorization.

SPCAA will disclose PHI to an individual who has been designated by the employee as a personal representative and who has qualified for such designation in accordance with relevant Texas law. However, before SPCAA will disclose PHI to such a person, an employee must submit a written notice of his/her designation, along with the documentation that supports his/her qualification (such as a power of attorney).

Even if an employee designates a personal representative, the HIPAA Privacy Rule permits SPCAA to elect not to treat the person as a personal representative if SPCAA has a reasonable belief that: (1) the employee may have been, or may be, subjected to domestic violence, abuse, or neglect by such person; (2) treating such person as a personal representative could endanger the employee; or (3) SPCAA determines, in the exercise of the company's professional judgment, that it is not in the employee's best interest to treat the person as a personal representative.

Other Uses and Disclosures of Employee Protected Health Information

Other uses and disclosures of employee PHI that is not described above will be made only with the employee's written authorization. If the employee provides SPCAA with such an authorization, the employee may revoke the authorization in writing, and this revocation will be effective for future uses and disclosures of PHI. However, the revocation will not be effective for information that SPCAA already has used or disclosed, relying on the authorization.

EMPLOYEE RIGHTS

The following is a description of employee rights with respect to PHI.

Following is a statement of employee rights with respect to protected health information and a brief description of how an employee may exercise these rights.

- **Employees have the right to request a restriction of their protected health information.**

This means employees may ask SPCAA not to use or disclose any part of their PHI for the purposes of treatment, payment, or healthcare operations. An employee may also request that any part of their PHI not be disclosed to family members or friends who may be involved in the employee's care or for notification purposes as described in this Notice of Privacy Practices. The employee's request must state the specific restriction requested and to whom they want the restriction to apply.

SPCAA is not required to agree to a restriction that an employee may request. If SPCAA believes it is in the employee's best interest to permit use and disclosure of their PHI, that information will not be restricted. If SPCAA agrees to the requested restriction, SPCAA may not use or disclose employee PHI in violation of that restriction unless it is needed to provide emergency treatment. With this in mind, please discuss any restrictions requested with your health care provider. An employee may request a restriction by completing a "Restriction of use and Disclosures Request Form," which an employee may obtain from the SPCAA Privacy Official.

- **Employees have the right to request to receive confidential communications from SPCAA by alternative means or at an alternative location.**

SPCAA will accommodate reasonable requests, but only if the employee states that disclosure of all or part of the communications in a manner inconsistent with the employee's instructions would put the employee in danger. SPCAA may also condition this accommodation by asking the employee for information as to how payment will be handled or specification of an alternative address or other method of contact. SPCAA will not request an explanation from the employee as to the basis for the request. Please make this request in writing to the SPCAA Privacy Official.

- **Employees have the right to inspect/copy their Protected Health Information (PHI).**

This means an employee may inspect and obtain a copy of protected health information about them that is contained in a designated record set for as long as SPCAA maintains the protected health information. A "designated record set" contains medical and billing records and any other records that SPCAA uses for making decisions about the employee.

Under federal law, however, the employee may not inspect or copy the following records: psychotherapy notes; information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding; and PHI that is subject to any law that prohibits access to PHI. Depending on the circumstances, a decision to deny access may be reviewable. Please contact the SPCAA Privacy Official if there are any questions about access to employee medical records.

- **Employees may have the right to have SPCAA amend their Protected Health Information (PHI).**

This means an employee may request an amendment of PHI about them in a designated record set for as long as SPCAA maintains this information. Requests for amendment must be in writing and must provide a reason to support each requested amendment. In certain cases, SPCAA may deny the employee's request for an amendment. If SPCAA denies the request for amendment, an employee will have the right to file a statement of disagreement with SPCAA and SPCAA may prepare a rebuttal to the employee's statement and will provide the employee with a copy of any such rebuttal. Please contact the SPCAA Privacy Official with any questions about amending the employee's PHI.

- **Employees have the right to receive an accounting of certain disclosures SPCAA has made, if any, of the employee's Protected Health Information (PHI).**

This right applies to disclosures for purposes other than treatment, payment or healthcare operations as described in this Notice of Privacy Practices. It excludes disclosures SPCAA may have made to an employee, family members, or friends involved in the employee's care, for notification purposes, and for other purposes, as permitted by law. Employees have the right to receive specific information regarding

these disclosures that occurred after April 14, 2004 and during the six years prior to the request. The employee may request a shorter timeframe. The right to receive this information is subject to certain exceptions, restrictions and limitations.

- **Employees have the right to obtain a paper copy of this notice from SPCAA.** Upon request, any employee may request a paper copy of this notice from Human Resources, even if you have agreed to accept this notice electronically.

COMPLAINTS

An employee may complain to SPCAA or to the Secretary of Health and Human Services if they believe their privacy rights have been violated by SPCAA. An employee may file a complaint with SPCAA by notifying the person named below of the complaint. SPCAA will not retaliate against the employee for filing a complaint.

For further information about the complaint process, or to file a complaint, contact:

Andy Cates (or his successor)
SPCAA Human Resources Department
P.O. Box 610
Levelland, Texas 79336
Phone: (806) 894-6104
Fax: (806) 894-6591

For further information about filing a complaint with the Secretary of Health and Human Services, or to file a complaint, contact:

U.S. Department of Health and Human Services, Office for Civil Rights
Medical Privacy, Complaint Division
200 Independence Avenue, SW
HHH Building, Room 509H
Washington, D.C. 20201
Phone: 866-627-7748
TTY: 886-788-4989

CHAPTER XIV. TRAVEL POLICY

A. GENERAL

The Travel Policies are established and recognized by the Board of Directors of South Plains Community Action Association, Inc. (SPCAA), for all personnel who travel on official agency business. These policies are not all-inclusive and represent a guide for travel. Specific questions regarding these policies by agency personnel should be directed to the immediate supervisor.

As a government contractor, SPCAA is required to provide uniform guidance to all employees who travel in an official capacity on agency business. These policies are established in accordance with Federal Travel Regulations (GSA EPMR A-40 Federal Travel Regulations) for out-of-state travel, State of Texas Travel Regulations (Uniform Grants Management) for in state travel or the guidelines of various grantors as appropriate. Regulations cited herein will be used to resolve all questions regarding agency travel.

B. LOCAL TRAVEL

1. General

Travel on official SPCAA business within the geographic service delivery area will be conducted with the best interest of the program and the organization in mind. Prior approval from the employee's supervisor for local travel is mandatory. All SPCAA employees may be required to submit to random drug testing when operating motor vehicles on behalf of the agency or in the event of an accident. SPCAA employees who operate any motor vehicle must have and maintain a driving record that meets the requirements of the agency motor vehicle insurance carrier. Employees who are unable to maintain this record may be subject to reassignment or termination. Employees driving personal vehicles for agency use may be required to submit proof of personal liability auto insurance.

2. Agency Owned Vehicles

Employees who are required to maintain agency vehicles and who use them as a means of travel to and from the workplace may be subject to certain Internal Revenue Service (IRS) rules and certain taxes associated with these rules. All employees whose jobs fall under these conditions will be given a full orientation and some employees may be entitled to additional compensation for these services.

Employees who are assigned agency owned vehicles are responsible for all aspects of maintenance, upkeep, and serviceability of the vehicle. Prior consultation with the appropriate supervisor for major vehicle expense (\$75.00 or more) is required. Employees will report any vehicle malfunctions immediately to their appropriate supervisor. Employees who are assigned agency owned vehicles are responsible for the following routine maintenance:

Lubrication, oil, filter change

Air cleaner, transmission filter (every 25,000 miles)

Tire pressure

Radiator anti-freeze/coolant levels

Annual inspection, and

Other maintenance items that may be designated by their supervisor

Before operating an SPCAA vehicle, staff must check to see that proper agency insurance documents are available in the vehicle and that insurance documents show current dated coverage.

The use of agency vehicles transporting clients, volunteers, family members, and/or other non-employees will be allowed only with the approval of the Division Director. Employees will maintain travel logs as prescribed by the appropriate supervisor.

OMB Circular A-122, Attachment B, Paragraph 8(h) states "That portion of the cost of organization-furnished automobiles that relates to personal use by employees (including transportation to and from work) is unallowable as fringe benefit or indirect costs regardless of whether the cost is reported as taxable income to the employees. These costs are allowable as direct costs to sponsored award when necessary for the performance of the sponsored award and approved by the awarding agencies." Employees who utilize agency vehicles for personal use are

required to obtain written authorization from the Division Director that personal use of agency vehicles is approved by the funding agency for the respective grant/contract.

3. Use of Personal Vehicles for Agency Business

All SPCAA employees required to drive their personal vehicles on behalf of agency business within a division program and are paid reimbursement or receive an auto allowance are required to meet the following criteria.

- Meet the current requirements of SPCAA's auto insurance policy.
- Posses and provide copies (as requested) of state approved drivers permit and proof of personal liability auto insurance, with minimum limits as required by state law.
- These documents should be forwarded to the SPCAA Risk Management office files and updated accordingly as renewal dates of coverage occur.

Employees who use their personal vehicle on official agency business must have prior approval from their immediate supervisor. The standard Personal Travel Expenses form will be maintained by the employee and reimbursement will be made according to the mileage driven. Actual odometer readings will be used to calculate reimbursement mileage or the employee may use the State of Texas Comptroller's website, <http://www.window.state.tx.us/comptrol/texastra.html> to obtain state approved map mile estimates. With approval from Supervisor, Internet tools such as Map Quest may be used. Mileage reimbursement rates will be determined by the supervisor in accordance with the allowable rate of the appropriate contract/grant. If a rate is not established in the contract/grant, the Division Director, with the advice and consent of the Executive Director, shall set a mileage reimbursement rate not to exceed the current maximum IRS rate.

C. OUT OF AREA TRAVEL

1. General

Employees required to travel on official agency business out of the area, or within the geographic service area for one or more nights, are required to use an SPCAA Out of County Travel Expense Statement form. Travel advances will be made on this form and upon return of proper documentation and reconciliation of travel expenses will be completed. Prior approval is required for travel advances and supervisors must review and approve travel reconciliations. This form is available at the SPCAA employee website: www.spcaa.org (go to "contact us", then "SPCAA employees only"). Hard copies may be requested from the employee's supervisor.

All travel funds will be advanced to an individual only. Each employee is responsible for all aspects of their travel including procurement of airfare, hotel accommodations, taxi and other arrangements necessary for official travel. Employees who travel should be aware that a personal credit card is generally required by hotels/motels at the time of check in as a security deposit, even if the room charge is ultimately paid in cash. SPCAA does not provide credit cards to its employees.

The guidelines which follow are extracted from GSA Bulletin FPMRA-40 and State

of Texas UGMS. They are not all inclusive. They are included to accommodate agency personnel traveling out of the area on routine business. Exceptions to the information contained herein are found in the above referenced GSA Bulletin/State of Texas UGMS.

2. Travel Advances and Reconciliation

Personnel may request a travel advance for out of town travel. The request must be submitted to Accounts Payable at least one week in advance of the travel. Exceptions will be made when a trip cannot be anticipated in advance. A check will be issued to the employee to cover their travel expenses as detailed in the request.

Upon return, employees must reconcile the travel on the Out-of-County Travel Expense Statement. Underpayment of travel expenses made on the initial request will be paid to the employee on the next regular accounts payable cycle. Employees receiving overpayment of travel expenses will pay the difference by check, cash, or money order. Each SPCAA program will be responsible for maintaining a log on employee travel. In addition the assigned program staff will insure that:

- Proper travel authorization is attached to the request,
- Proper receipts are included for travel indicated,
- Money orders, checks, or cash are secured from employees for overpayment of travel or proper disbursement is made to employees for underpayment of travel, and
- Division/Program Directors are notified in cases where employees fail to reconcile travel.

If a travel advance has been received, the employee must reconcile travel expenses within 10 working days once the travel is completed. Reconciliations are to be completed to finalize the trip expenses. The reconciliation will show if the employee is owed funds, the employee had an overpayment of expenses, if the trip was not taken, or if travel estimates matched travel expenses. The reconciliation must be received within the 10-day period.

An employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent (reasonable) person would exercise if traveling on personal business expending personal funds. Excess costs, circuitous routes, delays or luxury accommodations and services unnecessary or unjustified in the performance of official business are not acceptable under this policy. Employees will be personally responsible for excess costs and any additional expenses incurred for personal preference or convenience.

3. Transportation Expenses

Transportation expenses include the following:

- Commercial bus, air, rail;
- Local transportation including taxi;
- Costs for commercial rental cars (with justification, prior approval);
- Other public forms of conveyances;
- Mileage for privately owned vehicles and
- Parking fees.

Employees will utilize airfare and other forms of public transportation only to the extent that it is the most prudent and economical means of travel. Reservations will be made on the basis of commercial rates, excursion rates or economy rates with all public transportation carriers. In cases where employees request other means of transportation, the agency will only be responsible for providing transportation funds based upon the most economical rate available from public carriers.

4. **Taxi Fares, Rental Cars**

Employees will be allowed a reasonable reimbursement for taxi fares. The use of rental cars must be justified and be approved by the Division/Program Director.

5. **Per Diem**

Per diem rates will be determined by the Division Director in accordance with the allowable rate of the appropriate contract/grant. The per diem rate for official agency travel within the continental United States shall not exceed maximum per diem rates established by the US General Services Administration. The standard CONUS (Continental United States) rate applies to all destinations not specifically listed.

The per diem allowance is defined as a daily payment instead of actual expenses, meals and related incidental expenses. The per diem allowance is distinguished from transportation expenses and other miscellaneous travel expenses. The fuel per diem allowance will be paid according to the appropriate travel regulations. Departure time will be used to calculate per diem time, with twenty-four (24) hours as one day. No per diem will be paid for travel of hours less than 12 hours.

The US General Services Administration (GSA) website can be used for determination of per diem rates. The website address is: <http://gsa.gov> (go to "policies" then to "travel" to get per diem rates) or the employee may request a hard copy of the document from their supervisor.

6. **Lodging Reimbursement**

Employees may receive reimbursement of the actual cost of lodging in the amount not to exceed the General Services Administration (GSA) guidelines. Amounts may be specified by the Division Director in accordance with the program's contract/grant requirements. Higher amounts will be allowed in cases where conference accommodations are arranged in designated or overflow hotel sites. As a 501 C(3) organization, SPCAA is exempt from Texas sales tax only. All other hotel taxes apply to SPCAA.

7. **Agency Receipt Requirements**

Agency personnel are required to submit the following receipts with travel reconciliation:

- Air fare
- Bus fare
- Rental car (including fuel purchase)
- Hotel/Motel

- Taxi
- Parking (Airport, Hotel, other)
- Conference registration
- Other receipts necessary to substantiate costs incurred and allowable in this policy

**Chapter XV.
Americans With Disabilities Act (ADA) and Amendment Act (ADAAA)**

A. Disability

SPCAA shall not discriminate, as set out above, against a qualified individual with a disability because of the individual's disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. Discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability, unless SPCAA can demonstrate that the accommodation would impose an undue hardship on the operation of SPCAA.

SPCAA shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association.

B. Compliance Coordinator - ADA

SPCAA designates the Human Resource Manager to coordinate its efforts to comply with and carry out its responsibilities under Title II, Subtitle A, of the Americans with Disabilities Act and its implementing regulations, including any investigation of any complaint communicated to it alleging SPCAA's noncompliance or actions prohibited by those provisions. SPCAA shall make available to all interested individuals the name, office address, and telephone number of the SPCAA Human Resource Manager so designated.

C. Notice under ADA

SPCAA shall make available to all applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act and its applicability to SPCAA's programs, services, and activities. The information shall be posted in such manner as SPCAA's Board of Directors find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

SPCAA shall post notices in an accessible format to applicants, employees, and members describing the applicable provisions of Title I of the ADA.

D. Definitions Related to Individuals with Disabilities

The following are definitions related to individuals with disabilities:

- The term “disability” means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the individual’s major life activities, a record of having such an impairment, or being regarded as having such an impairment.
- “Regarded as having an impairment” is met if the individual establishes that he or she has been subjected to an action prohibited under the ADA or ADAAA because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity. This does not apply to impairments that are transitory and minor. A “transitory impairment” is an impairment with an actual or expected duration of six months or less.
- “Substantially limits.” An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorating effects of mitigating measures.
- “Major life activities” include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. It also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
- The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires. Consideration shall be given to SPCAA’s judgment as to what functions of a job are essential, and if a written description has been prepared before advertising or interviewing applicants for the job, this description shall be considered evidence of the job’s essential functions.

E. Reasonable Accommodation

The term “reasonable accommodation” may include (1) making existing facilities used by employees readily accessible to and usable by individuals with disabilities and (2) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities. However, a reasonable accommodation is not required for those “regarded as” disabled.

F. Undue Hardship

The term “undue hardship” means an action requiring significant difficulty or expense, when considered in light of factors related to the nature and cost of the accommodation needed, overall financial resources of the affected facility and SPCAA and other factors set out in law.

G. Exceptions to Definitions

1. Drug and Alcohol Abuse:

The term “qualified individual with a disability” does not include any employee or applicant who is currently engaging in the illegal use of drugs, when SPCAA acts on the basis of such use. Nor does it include any individual who is an alcoholic whose current use of alcohol prevents the employee from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

2. Direct Threat to Health or Safety:

As a qualification standard, SPCAA may require that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace. Although the term “physical and mental impairment” includes such contagious diseases as HIV disease (whether symptomatic or asymptomatic) and tuberculosis, an individual who by reason of such disease or infection would pose a direct threat to the health or safety of others that cannot be eliminated or reduced by reasonable accommodation or who is unable to perform the duties of the job shall not be considered a “qualified individual.”

The determination that an individual poses a “direct threat” shall be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the job. The assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include:

1. The duration of the risk.
2. The nature and severity of the potential harm.
3. The likelihood that the potential harm will occur.
4. The imminence of the potential harm.

CHAPTER XVI. DRUG AND ALCOHOL POLICY

A. Policy Statement

South Plains Community Action Association, Inc. (“SPCAA”) has a vital interest in maintaining safe, healthful, and efficient working conditions for its employees. Being under the influence of a drug or alcohol on the job may pose serious safety and health risks not only to the user but to all those who work with the user. The possession, use, or sale of an illegal drug or alcohol in the workplace may also pose unacceptable risks for safe, healthful, and efficient operations.

SPCAA recognizes that its own future is dependent upon the physical and psychological health of its employees. Accordingly, it is the right, obligation and intent of SPCAA to maintain a safe, healthful, and efficient working environment for all of its employees and to protect SPCAA's property, equipment, and operations.

With these basic objectives in mind, SPCAA has established the following policy with regard to use, possession or sale of alcohol or drugs.

B. Pre-Employment Screening

SPCAA may maintain pre-employment screening practices designed to prevent hiring individuals who use illegal drugs or individuals whose use of legal drugs or alcohol indicates a potential for impaired or unsafe job performance.

C. On-the-Job Use, Possession, or Sale of Drugs or Alcohol

1. Alcohol

Being under the influence⁴ of alcohol by any employee while in an SPCAA facility is prohibited to the extent that such use or influence may affect the safety of co-workers or members of the public, the employee's job performance, or the safe and/or efficient operation of the SPCAA facility. Except as permitted by Management, consumption of alcohol in an SPCAA facility is prohibited. The presence in any detectable amount of alcohol in an employee while performing SPCAA business or while in an SPCAA facility is prohibited.

2. Legal Drugs⁵

Except as provided below, the use of or being under the influence of any legally obtained drug by any employee while performing SPCAA business or while in an SPCAA facility is prohibited to the extent such use or influence may affect the safety of co-workers or members of the public, the employee's job performance, or the safe or efficient operation of the SPCAA facility. An employee may continue to work, even though under the influence of a legal drug, if Management has determined, after consulting with the Executive Director, that the employee does not pose a threat to their own safety or the safety of co-workers and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action determined by Management.

3. Illegal Drugs⁶

⁴ "Under the influence" means, for the purposes of this policy, that the employee is affected by a drug or alcohol or the combination of a drug and alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion, a scientifically valid test, or, in some cases such as alcohol, by a layperson's opinion.

⁵ "Legal Drug" includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

⁶ "Illegal Drug" means: any drug (a) which is not legally obtainable or (b) which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes. It also includes marijuana and inhalants.

The manufacture, distribution, dispensing, sale, purchase, transfer, or possession of an illegal drug (including excessive quantities of prescription or over-the-counter drugs) by any employee is prohibited. The presence in any detectable amount of any illegal drug in an employee while performing SPCAA business or while in/on an SPCAA facility/premises is prohibited.

D. Disciplinary Action

Violation of this policy can result in disciplinary action, up to and including termination, even for a first offense.

E. Facility Work Rules

Nothing in this policy precludes Management of any particular SPCAA facility from establishing work rules that apply to that facility. Except as provided below, such work rules cannot be less stringent than this policy. Management will modify this policy in accord with such restrictions.

F. Searches

SPCAA may conduct unannounced searches for illegal drugs or alcohol in SPCAA facilities or vehicles. Employees are expected to cooperate in the conducting of such searches.

Searches of employees and their personal property may be conducted when there is reasonable suspicion to believe that the employee(s) are in violation of this policy. Searches of employees and their personal property may otherwise be conducted when circumstances or workplace conditions justify them.

An employee's consent to a search is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, including termination, even for a first refusal.

Searches of SPCAA facilities and property can be conducted at any time and do not have to be based on reasonable suspicion.

G. Drug and Alcohol Screening

SPCAA may require a blood test, urinalysis, or other drug/alcohol screening of those persons suspected of using or being under the influence of a drug or alcohol or where circumstances or workplace conditions justify it. An employee's consent to submit to such a test is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, including termination, for a first refusal or any subsequent refusal. Any employee who suffers an on-the-job injury that requires medical attention may be required to submit to drug and alcohol screening.

1. Intoxicating Beverages

No employee shall:

- Consume an intoxicating beverage, regardless of alcohol content, or be under the influence of an intoxicating beverage, within four hours before going on duty or operating an SPCAA vehicle; or

- Consume an intoxicating beverage, regardless of alcoholic content, or be under the influence of an intoxicating beverage, while on duty, or operating, or in a physical control of an SPCAA vehicle.

2. Alcohol Testing

Employees will be subject to alcohol testing, in the form of periodic testing, random testing, reasonable cause testing, and post-accident testing. Random testing will conform to the ratios required by the United States Department of Transportation. Any employee who is involved in a reportable accident as described by the United States Department of Transportation must submit to an alcohol test not more than eight (8) hours after the accident. The refusal to submit to the alcohol testing will result in a driver not being qualified to drive and possible disciplinary action, including termination.

H. Employee's Reporting Requirements - Legal Drugs

For certain job positions, an employee's use of a legal drug can pose a significant risk to the safety of the employee or others. Employees, who feel or have been informed that the use of a legal drug may present a safety risk, are to report such drug use to the Division Director to determine job-related consequences. Supervisors who are aware of such a situation are to instruct the employee to report to the Division Director.

I. Participation in Treatment Programs

An employee may decide to seek assistance from local drug and alcohol abuse education and treatment programs. The employee may use available discretionary leave or annual leave to attend these programs. When the employee is seeking treatment, and not just impaired by substance usage, leave under Family Medical Leave Act (FMLA) or medical leave may also be available. See section VI. Employee Benefits for more details on leave benefits.

Accordingly, the purposes and practices of this Section are not in conflict with the Drug and Alcohol Use Policy and are distinctly separate in their applications.

CHAPTER XVII. HIV/AIDS POLICY

This policy is consistent with current information from public health authorities, such as the Centers for Disease Control and prevention (CDC) of the United States Public Health Service, and with state and federal laws and regulations.

A. Guidelines

SPCAA has adopted the following guidelines to help reduce employees' fears and misconceptions about HIV/AIDS and help to:

- provide current and accurate scientific evidence that people with HIV infection do not pose a risk of transmitting the virus to co-workers through ordinary workplace contact; provide workers with current information about HIV risk reduction for employees and their families;

- avoid conflict between the infected employee and the employer regarding discrimination or other employment issues;
- prevent work disruption and rejection of the infected employee by co-workers;
- inform employees that they have rights regarding work continuation, confidentiality of medical and insurance records, and general health and safety;
- provide specific and on-going education and equipment to employees who are at risk of exposure to HIV, and to assure that appropriate infection control procedures are used;
- reduce the financial impact, legal implications, and other possible effects of HIV/AIDS in the workplace.

B. Authority

It is the intent of SPCAA to comply fully with the provisions found in:

Vernon's Texas Code Annotated, Health & Safety Code (HSC), 85.010, "Educational Course for employees and clients of Health Care Facilities"; 85.111, "Education of State Employees"; 85.112, "Workplace Guidelines"; and 85.113, "Workplace Guidelines for State Contractors". SPCAA will comply with the TDH guidelines 85.012, "Model Workplace Guidelines", as required by HSC and HIV Policy No. 020.006 as minimum standards.

Section 504 of the Rehabilitation Act of 1973, as amended, the Texas Commission of Human Rights Act of 1983, which recognizes AIDS as a medical disability or handicap and prohibits discrimination based on AIDS, and Section 5.3 of Senate Bill 959 concerning the development of and implementation of workplace guidelines.

C. Discrimination

It is SPCAA policy to hire or to continue to employ individuals who have HIV/AIDS as long as they are able to perform the essential functions and meet the normal standards of performance for their job. Use of person's HIV status to decide employment status, service delivery, or to deny services to HIV infected individuals is not acceptable. Employees who believe that they have been discriminated against because of HIV or AIDS should contact Human Resources to discuss the matter, or initiate actions through the SPCAA grievance procedure. Other options may be available.

SPCAA complies with the ADA protections of all people with disabilities against discrimination in job application procedures, hiring, discharge, promotions, compensation, job training, and other terms or conditions of employment.

D. DESIRE AND ABILITY TO WORK

Procedures may be adapted to provide reasonable accommodation so that people with disabilities may remain employed and productive for as long as possible. All employees, however, are expected to perform the essential functions of their job with or without reasonable accommodations.

E. PERFORMANCE STANDARD

While the ADA does protect disabled employees from employment discrimination, all employees, those with and without disabilities, have the same performance and conduct standards regarding hiring, promotion, transfer, and dismissal.

F. REASONABLE ACCOMMODATION

The ADA requires employers to provide reasonable accommodations for employees with disabilities. The following options may be considered for people with HIV/AIDS:

- possible assignment or reassignment of job duties,
- working at home,
- leaves of absence, and
- flexible work schedules.

G. CONFIDENTIALITY AND PRIVACY

An employee's health condition is private and confidential. An employee with AIDS or HIV infection is under no obligation to disclose his or her condition to a manager or any other employee of SPCAA. Managers are expected to take careful precautions to protect the confidentiality of information regarding any employee's health condition, including an employee with AIDS or HIV infection. Any medical information relating to the ability to be available for or to perform duties will be kept in a medial file, in the Human Resources Department. See SPCAA's complete Notice of Privacy Practices in Section XIII of this policy.

H. CO-WORKER CONCERNS

SPCAA acknowledges the concerns that co-workers may have about an HIV infected employee. It is the intent of SPCAA not to endanger any employee or place any employee in any high risk or harmful working environment. It will be the responsibility of management and supervisory staff to monitor current and accurate scientific evidence that people with HIV infection do not pose a risk of transmitting the virus to co-workers through ordinary workplace contact.

"Employees do not have the right to refuse to work with someone who has a disability". In the event that a healthy employee refuses to work with a person with HIV/AIDS who is medically fit to work, the healthy employee can be transferred upon presentation of a signed statement from their private physician, documenting "medical need" to be transferred. Conflicts shall be handled in a confidential manner through a grievance or dispute resolution process. Individuals having the virus or the disease shall not be harassed, threatened, or intimidated, directly or indirectly, by any other employee or management personnel.

I. EMPLOYEE EDUCATION

Employees will receive education about methods of transmission and prevention of HIV infection and related conditions. Educational material and training may be offered and provided through any of the following methods:

- new employee orientation;
- safety training;
- pamphlet distribution;

- blood borne pathogens training (for those high risk categories);
- universal precautions training (for those in high risk categories); and/or
- literature search upon request.

J. ASSISTANCE

An employee who wants assistance concerning a disability or life-threatening illness should contact the Human Resources office. This agency offers the following resources to help employees and managers deal with these issues:

- education and information concerning HIV/AIDS;
- confidential referral to supportive services for employees and dependents affected by life-threatening illnesses; and
- benefits consultation to help employees effectively manage health, leave, and other benefits.

CHAPTER XVIII. MISCELLANEOUS

A. Executive Director

The Executive Director shall be hired by the Board of Directors and shall serve at their pleasure.

B. On-the-Job Injuries

All on-the-job injuries are to immediately be reported to the appropriate supervisor and the Risk Management Officer. It is each injured employee's responsibility to see that an incident report is completed within twenty-four hours of the injury occurrence. If job-related injuries are reported later than the same day on which they occurred, SPCAA may elect not to render any voluntary payment on any resulting medical claim(s). The injured employee is to sign the incident report attesting to its completeness and accuracy. These reports should be returned to the supervisor for completion and signature and then forwarded to the Risk Management Office. SPCAA is a non-subscriber to worker's compensation insurance.

Any employee who suffers an on-the-job injury that involves medical attention may be required to submit to drug and alcohol screening.

For employees who are injured on the job and will be out more than three (3) days, FMLA will run concurrently with Risk Management leave. All rules for FMLA apply. See Section VI. Employee Benefits.

C. Emergencies

The supervisor may excuse an employee from duty for the normal workday or portion thereof with pay in emergency situations. Examples of emergencies would be extreme weather conditions or disasters such as fire or flood or other natural phenomena, which prevents employees from working or reporting to work. Because of the large geographic area that comprises the SPCAA service area, each employee's supervisor will determine when such emergencies exist on a case-by-case, or community-by-community basis based on local circumstances and program

requirements. The Supervisor will then notify their Division Director of the supervisor's actions. The Division Director shall apprise SPCAA Administration of the emergency and action.

D. Smoking

SPCAA maintains a smoke and tobacco-free environment. No smoking or other use of tobacco products (including, but not limited to, cigarettes, pipes, cigars, snuff, or chewing tobacco) is permitted in any part of the building, grounds, or in vehicles owned, leased, or rented by the Agency.

E. Weapons Policy

It is the policy of South Plains Community Action Association, Inc. that all firearms or dangerous weapons of any type, concealed or unconcealed, are prohibited on the company's business premises, including parking areas and vehicles, regardless of whether the person is licensed to carry the weapon or not. This policy applies to all persons entering company premises, with the exception of authorized security personnel and law enforcement officers. Further, company employees, including contract and temporary employees, are prohibited from carrying firearms or dangerous weapons of any type outside the company's business premises while acting within the course of their employment, regardless of whether the person is licensed to carry the weapon.

Failure to abide by the terms of this policy will not be tolerated and may lead to disciplinary actions including termination. Further, carrying a weapon onto South Plains Community Action Association, Inc. premises, including parking areas and vehicles in violation of this policy will be considered an act of criminal trespass, and will be grounds for immediate removal from the premises, and may result in prosecution.

F. Solicitation and Distribution

Because distraction on the job leads to unsafe working conditions, poor work performance and inefficiency, SPCAA has established the following rules:

- During periods of the workday when an employee is engaged in or required to be performing work tasks, employees may not engage in solicitation of other employees or distribution of literature for any purpose.
- During periods in another employee's workday when they are engaged in or required to be performing their work tasks, the employee may not solicit the other employee for any purpose.
- Distribution of literature or products of any kind may not be made in the work areas of the premises at any time.
- Persons not employed by SPCAA are not permitted to solicit or distribute literature or products on Agency premises.
- Solicitations during working time for specific company-approved non-profit organizations will be permitted with prior approval of the Executive Director to assist charities with broad community support.

Solicitations include, but are not limited to, the following:

- Fund raising for organizations, clubs or associations
- Charitable contributions
- Memberships
- Sale of products and services

Employees who are involved in the sale of consumer home products, services, or craft items are prohibited from displaying or selling such items on company premises. All materials that are posted on Agency bulletin boards, at any SPCAA location, are limited to required federal, state or city regulatory posters and notices, Agency advertising materials, notices of Agency-sponsored employee activities, services and policies, or Agency-related information. All other materials, including personal notices, are prohibited, unless prior approval has been given by the Executive Director.

G. Unauthorized Purchases

All purchases shall follow the SPCAA Procurement Policies and/or the procurement policies of the applicable funding agency. All purchases and/or financial obligations must have prior authorization from the Division Director or the Executive Director. Employees who incur unauthorized expenses in the name of the agency may have the cost of the unauthorized expense deducted from their paychecks. Division Directors may also be held financially responsible when authorized purchases/expenses exceed program revenue, resulting in a deficit at the end of the fund year.

H. Dress and appearance

All employees are expected to appear in a manner that will reflect favorably upon themselves as well as SPCAA. Employees are expected to be suitably attired and groomed during working hours or when representing SPCAA. Personal appearance should be a matter of concern for each employee. It is essential that each employee dress in a safe manner, appropriate to job duties and work environment. If employee's supervisor feels the employee's attire and/or grooming is out of place, the employee may be asked to leave the workplace until properly attired and/or groomed. Each Division may establish dress code standards for their division.

Vea El Otro Lado Para La Traducción En Espanol

ACKNOWLEDGMENT

DATE: Current
FROM: The Executive Director, South Plains Community Action Association, Inc.
SUBJECT: Non-Subscription Notice to Employees
TO: All Newly Hired Employees

This is to advise employees that South Plains Community Action Association, Inc., does not have Worker's Compensation Insurance coverage to protect employees from damages because of work-related illnesses or injury. However, employees may have rights under the common law of Texas.

Although SPCAA does not subscribe to Worker's Compensation Insurance, it is the policy of SPCAA to provide for the needs resulting from work-related illnesses or injury in a manner in which SPCAA deems to be responsible. Should employees have questions, they should feel free to contact their supervisor or the Risk Management Office.

Signature

Date

Witness

Date

See Reverse Side for English Text

Fecha: Corriente
Departamento de: El Director Ejecutivo, South Plains Community Action Association, Inc.
Asunto: Aviso de No-Suscripción A Los Obreros
Para: Todos los Obreros Recientemente Empleados

Este memorandum es aviso oficial de que la compañía por la que trabaja, South Plains Community Action Association, Inc., no está cubierta por seguro de compensación al trabajador para su protección contra daños causados por enfermedad o lesiones relacionados a su empleo. Sin embargo, usted puede tener derechos bajo los derechos comunes de Texas.

Aunque la compañía no esté cubierta por seguro de compensación, es la póliza de la compañía de proveer por las necesidades que resulten de enfermedades o de lesiones relacionadas con su trabajo de la manera en que esta empresa crea ser propia. Si usted tiene preguntas tocante este aviso, favor servirse ponerse en contacto con su jefe o con el administrador de riesgos.

Su Firma

Fecha

Testigo

Fecha

INFORMATION TECHNOLOGY (I.T.) RESOURCES USER AGREEMENT

Employee Acknowledgment and Agreement:

I have received the Information Technology (I.T.) Policy as contained in the SPCAA Personnel Policies. I understand that I.T. resources include, but are not limited to, host computers, file servers, stand alone computers, laptops, printers, fax machines, phones, cell phones, on-line services, E-mail systems, bulletin board systems, and all software that is owned, licensed, or operated by SPCAA. This includes all I.T. resources owned, leased, or controlled by SPCAA. I understand their acceptable use and I recognize t these systems may be randomly monitored by SPCAA.

I hereby agree to follow all of the policies and procedures that are set forth in SPCAA's Information Technologies (I.T.) Policies and agree to abide by the procedures set up therein for the duration of my employment with SPCAA. Further, I understand that SPCAA's Information Technologies Policy can be amended or modified at any time and my continued employment will be my acceptance of such changes.

Employee's Signature

Date

Employee's Printed Name

**SOUTH PLAINS COMMUNITY ACTION ASSOCIATION, INC.
Confidentiality Statement**

I hereby state that I shall hold as strictly confidential all information regarding clients and staff to which I have access as an employee of South Plains Community Action Association, Inc. ("SPCAA").

I assert that I shall not disclose now nor at any time in the future, either directly or indirectly, any information regarding SPCAA employees or clients (children or families), including their participation in the program or related information to which I must have access in order to carry out my duties, to any person except as required to perform my job. A violation of the confidentiality requirement is prohibited by Texas Human Resources Code Section 12.003 and is subject to civil and criminal penalties. Tex. Penal Code §12.21. Further, this confidentiality requirement continues after the term of employment.

I agree to handle all records, reports, and other documents containing employee or client information in such a way that, while the work is in process, it shall not be inadvertently revealed to any other person. This includes, but is not limited to, the process of contacting clients by phone as well as the complete destruction of any rough drafts of reports or other similar material. I shall not maintain for my personal files any permanent record that contains confidential information.

I have received training related to this issue and understand the concepts related to it. I have had the opportunity to ask questions and to have them satisfactorily answered. I understand that I may ask questions regarding confidentiality of my supervisor at any time in the future should it be necessary.

I realize and acknowledge that any breach of confidentiality on my part shall be considered a serious allegation and will not be tolerated. Further, I realize and acknowledge that any breach of confidentiality on my part may result in legal action.

The terms of this confidentiality statement shall be effective immediately and shall apply to all work performed by me in the process of carrying out my job duties.

Employee Signature

Date

Employee Printed Name

**VOLUNTARY SUBMISSION FOR PHYSICAL EXAMINATION
OF DRUG/ALCOHOL TESTING
AND THE RELEASE OF FINDINGS AND INFORMATION**

I, _____, voluntarily agree, at any time requested by SPCAA, to take a physical examination which may include blood, breath, saliva and/or urine analysis by a physician, medical center, hospital, or medically qualified personnel. Furthermore, I authorize the release of these tests and examination results to South Plains Community Action Association, Inc. or any of its representatives. By this authorization, I do hereby release any physician, medical personnel, hospital, medical center, clinic, and South Plains Community Action Association, Inc. or any of its representatives from any and all liabilities arising from the release or use of the information derived from or contained in my physical examination and test results.

Employee Signature

Employee Printed Name

Date

WITNESS

**SPCAA PERSONNEL POLICIES
ACKNOWLEDGMENT OF RECEIPT**

I hereby acknowledge that I have received and read my Personnel Policy Manual describing South Plains Community Action Association Inc. policies for employees. I understand that the handbook does not create a contract and that it may be changed at anytime. I understand that my employment is at will. Either SPCAA or I can terminate my employment at any time with or without cause and with or without notice. I understand that my employment is for no fixed or definite time.

Employee Signature

Date

Employee Printed Name

