



CMHS, Inc.

Comprehensive Mental Health Systems

*Human Resource Policy Manual*

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## **I. INTRODUCTION:**

### **Our Mission**

Comprehensive Mental Health Systems, Inc. is dedicated to helping one another construct lives that are full of dignity, purpose and meaning.

Within the context of its programs, CMHS strives to develop and maintain a diversified interactive community, sharing goals and efforts, aspirations and achievements established through the following actions:

- Believing in the dignity and worth of each individual as a member of the community.
- Taking positive actions to create and nurture a climate of mutual respect and regard.
- Valuing courtesy and consideration in all dealings with others.
- Firmly committing to the on-going process of participating in the development of the knowledge and skills necessary to create exceptional services and supports for all individuals, while recognizing the strengths and abilities of one another.
- Dedicating ourselves to collaborative work, to team efforts to promote personal and social change.
- Recognizing our responsibility to forge strong links to the larger community, and of our willingness to pledge our effort to the advancement of the common good.

### **About Us**

CMHS, Inc. was founded in 1978. Through vision and experience we have become a proud provider of quality therapeutic and rehabilitative services for people with disabilities. Our organization has continued to grow, resulting in a multi-service approach, offering a broad range of community-based services. We have remained consistent in our approach to our mission; dedicated and committed to the individuals we serve. CMHS, Inc. has developed skilled management, clinical and support staff teams in a coordinated effort to provide the highest quality care.

We offer a wide range of services, in various Massachusetts locations, which include, but are not limited to: residential support services, in-home support services, and community recreational services.

CMHS has a contractual, working relationship with Department of Developmental Services and Massachusetts Rehabilitation Commission, and has, historically, developed other contractual relationships that can assist individuals in accomplishing personal goals and outcomes, as well as becoming actively involved in their respective communities.

Our organization's success is the result of the team-oriented practice, collectively assisting individuals in the pursuit of personal growth, achievements and respective accomplishments. On a daily basis, our employees demonstrate the effort and desire to contribute toward the overall health and well being of others. We are devoted to providing an environment that enables individuals to learn new skills, be productive, engage in their respective communities and reach for the greatest amount of independence and self-actualization that each person is capable.

Some support needs have changed over time with new needs arising and new resources emerging. CMHS, Inc. remains committed to the provision of effective, innovative, quality services for the individuals we currently support and to the evolving challenge of developing new services and business opportunities.

### **Welcome and Purpose**

This manual is designed to acquaint you with Comprehensive Mental Health Systems, Inc. and provide you with general information about working conditions, benefits, and policies affecting your employment. Where this manual and the bargaining unit agreement differ, the agreement shall prevail. CMHS reserves the right to modify this policy manual as needed.

The information in this manual applies to all employees of CMHS. Following the policies described in this manual is considered a condition of employment. However, nothing in this manual alters an employee's "at will" status. The contents of this manual shall not constitute nor be construed as a promise of employment or as a contract between the company and any of its employees. The manual is a summary of CMHS policies, which are presented here only as a matter of information. Each employee is responsible for reading, understanding and complying with the provisions of this manual. CMHS' objective is to provide each employee with a work environment that is constructive to both personal and professional growth.

This manual does not intend to cover every conceivable situation; it is merely meant as a guideline, and unless laws prescribe otherwise, common sense shall prevail. Federal, state and/or local laws will take precedence over CMHS policies, where applicable.

## **II. CLIENT CARE AND WORKPLACE CONDUCT**

### **Professional Roles, Boundaries and Interpersonal Skills**

Staff members are expected to maintain a professional role and helping relationship when providing support to the individuals. All staff employed by CMHS are:

- Hired/Chosen/Selected
- Trained
- Paid
- Scheduled
- Supervised
- Regulated
- Provide a service
- Maintain boundaries
- Disciplined
- Protected
- Work within the Mission, policies and procedures of CMHS

Professional Boundaries allow for a safe, productive, and therapeutic connection between employees and individuals: "Friendly but not Friends."

**Boundary** is defined as a social, emotional and physical distance or line of demarcation between a staff person and an individual receiving support. Below are some example guidelines for maintaining effective boundaries:

- Keep personal feelings out of a professional relationship
- Do not act out of emotion
- Build professional social and communicative skills
- Be aware of the effect of your actions and reactions on the individuals you support
- Maintain “personal space” when speaking, working or assisting an individual as indicated and appropriate for the specific individual and situation
- Always use levels of communication (volume, content, amount) that are productive for the individual and situation

Types of Boundary violations include but are not limited to:

- Sexual (physical, verbal/conversational)
- Emotional (attraction or repulsion, favoring one individual over another, being possessive with an individual or only wanting to work with certain individuals)
- Social and communicative (self-disclosure and personal information, name calling, nicknames, endearments, teasing, dress, use of profanity or derogatory language)
- Physical (wrestling, physical play, excessive touching, hugging)
- Accepting or giving money or other gifts from/to individuals or their legal guardians, family members, significant others or friends
- Taking or inviting individuals without prior authorization to your home or other places unrelated to the individual (other worksites, church, extended family homes, etc.)
- Sitting/lying on or sleeping in an individual’s bed or anywhere else while on an awake shift
- Taking or utilizing an individual’s checkbook, credit card(s) or monies

Below are some examples of what **NOT** to do:

- Be overly familiar or informal with the individuals you support
- Gossip about co-workers to the individuals or in their presence
- Share highly personalized information with the individuals
- Flirt and/or have sexualized conversation with the individuals
- Overreact or ignore sexualized behavior or situations
- Confront supported individuals in an angry manner
- Discuss personal information with co-workers (relationships, weekends, etc.) in the company of individuals
- Lose sight of professional role

When supporting the individuals that CMHS serves and working with your teammates, it is imperative that you demonstrate effective interpersonal skills. Examples of ways to do this are described below:

- Be present, mindful and positive
- Be respectful, empathetic and courteous
- Exercise general awareness in regards to yourself and others
- See it from the other persons perspective – clarify understanding
- Be aware of your body language and mindful of your voice and tone
- Pay attention to others – acknowledge accomplishments and difficult situations
- Practice active listening
- Bring people together – work together collaboratively
- Work on common goals
- Resolve conflicts professionally – without the use of profanity or derogatory language
- Communicate clearly and consistently
- Focus on identifying and addressing issues in a productive manner, rather than complaining
- Continue developing assertive communication rather than passive or aggressive style
- Express yourself
- Respect personality differences
- Respond effectively – acknowledge that you have heard the person
- Use factual statements rather than rumors, hearsay or judgments
- Keep a positive attitude

### **Human Rights Overview**

CMHS services and supports are designed to provide meaningful assistance to the individual in acquiring and maintaining those physical, mental, and social skills which enable the individual to cope most effectively with the demands of his or her own person and environment.

CMHS maintains a policy designed to protect the legal rights of the individuals. All services and supports are to be provided in a manner that promotes:

- Human Dignity
- Humane and adequate care and treatment
- Self-determination and freedom of choice to the individual's fullest capability
- The opportunity to live and receive services or supports in the least restrictive and most typical setting
- The opportunity to undergo typical developmental experiences, even though those experiences entail an element of risk; provided that the individual's safety and well-being is not unreasonably jeopardized
- The opportunity to engage in activities and styles of living that encourage and maintain the integration of the individual in the community including:
  1. Social interactions in integrated setting typical of the community, which maximize the individual's contact with other citizens who live and work in that community;
  2. Assisting in maintaining a personal appearance that is appropriate to the individual's chronological age and the practices of the surrounding community and which is consistent with his or her choices and preferences and social cultural background;

3. Activities, routines and patterns of living which are appropriate to the individual's age and the practices of the surrounding community, and which are consistent with his or her interests and capabilities;
4. Communication by staff in a manner appropriate to the individual's age and the practices of the surrounding community;
5. Recreation and leisure time activities appropriate to the individual's age and the practices of the surrounding community and which are consistent with the individual's interests and capabilities;
6. A home with a design that takes into consideration numbers of individuals present, physical comfort, style of decor, opportunities for privacy, external appearance, type of neighborhood where the home is located, and access to the community;
7. Possessions, which are appropriate to the individual's age and the practices of the local community and consistent with the individual's interests;
8. Privacy, including the opportunity wherever possible, to be provided clearly defined private living, sleeping and personal care spaces;
9. Freedom from discomfort, distress, and deprivation, which arises from an unresponsive and inhumane environment.

CMHS also ensures that all individuals have:

- The right to communicate, including access to a telephone, stationery and postage, unrestricted mailing privileges, and opportunities to make and receive confidential phone calls, with assistance when desired and/or necessary
- The right to be protected from private and commercial exploitation including: the right not to be exposed to public view by photograph, film, video tape, interview, internet, social or public web pages or other means unless prior written consent of the individual or guardian is obtained for each occasion of release; and the right not to be identified publicly by name or address without the prior written consent of the individual or guardian.
- The right to freedom from unlawful discrimination based on race, creed, citizenship, national origin, sex, age, religion, physical or mental handicap or degree of handicap;
- The right to religious freedom and practice without compulsion, based on individual preference;
- The right to vote and to training in self-representation in community affairs;
- The right to be visited and to visit others,
- The right to enjoy basic goods and services, without threat of denial or delay, including:
  1. A nutritionally sound diet of wholesome and tasteful food served at appropriate times and in as normal a manner as possible;
  2. Opportunities for daily recreational activity and exercise;
  3. Unrestricted access to drinking water and bathroom facilities
  4. An adequate allowance of neat, clean, appropriate and seasonable clothing that is individually owned;
  5. Opportunities for social contact at home, work or in the community;
  6. Opportunities to keep and use personal possessions
  7. Access to personal storage space.



It is imperative that all employees remember that the individuals CMHS provide supports to have the same rights and responsibilities as any citizen. They have the right to be treated with respect, dignity and common courtesy at all times.

### **Client Safety and Support**

The majority of clients being supported in residential services require twenty-four (24) hour care and supervision. Some clients, however due to increased independence are permitted to have alone time. Alone time is unsupervised time at home or in the community. This alone time must be specified in writing with specific parameters and timeframes identified.

All employees are expected to remain awake and alert during all shifts to ensure the safety and well being of the clients. Employees may sleep on shifts that are specified as asleep by management in writing.

Leaving clients unsupervised at home or in the community and/or sleeping on any awake shift places the clients at serious risk of harm.

### **Mandated Reporter**

All CMHS employees are defined as mandated reporters under various laws regarding the prevention of abuse/ neglect of disabled/elderly persons. If you have reasonable cause to believe that an individual at CMHS has been subject to either abuse or neglect, by a caretaker at the program or at a setting away from the program, you are required to make an immediate report to the appropriate authorities.

Your role as a mandated reporter requires you to report any act or omission that you believe may be in violation of the rights of the individual. The word “may” is emphasized because it is not your role to determine the merit of your concern, but your role is simply to report your concern.

You can satisfy this legal requirement by reporting your concerns to a member of the CMHS administrative staff or by filing a report directly to the appropriate state agency. These include but are not limited to the Department Developmental Services (DDS), MA Rehabilitation Commission (MRC), the Disabled Persons Protection Commission (DPPC) or Department of Elder Affairs.

Contact information for reporting such incidences is available at each worksite and is posted in the Main office.

### **Confidentiality**

Any information concerning the business of CMHS including its clients and their families, purchasing agencies, employees, suppliers and people affiliated with CMHS is confidential and restricted. No information of any kind regarding the identity of the individual clients, location of residences, residential telephone numbers, etc. can be released except under the direction of your supervisor. If you are authorized to release information, be absolutely sure of the identity of the person to whom you are speaking.

The release or disclosure of all or any information, including written, typed, emailed, faxed documents, or verbally communicated information pertaining to the individuals receiving supports requires written authorization (signed release form) from the individual or guardian(s) of that individual, as applicable. The release form should be explicit with respect to the information to be shared or records to be released.

All clients have the right to be protected from private and commercial exploitation including: the right not to be exposed to public view by photograph, film, video tape, interview, internet, social or public web pages or other means unless prior written consent of the individual or guardian is obtained for each release; and the right not to be identified publicly by name or address without the prior written consent of the individual or guardian.

They have the right to freedom from unlawful discrimination based on race, creed, citizenship, national origin, sex, age, religion, physical or mental handicap or degree of handicap.

If you are unclear about whether certain information is subject to this confidentiality, refer to your supervisor or Human Resources. Direct care staff should refrain from discussing non-essential and/or clinically related information about clients who are not their direct responsibility.

Gossip of a personal nature regarding co-workers, discussing the details of overheard conversations regarding the status of other staff members and/or decisions made by supervisory personnel, is both inappropriate and unprofessional. It distracts from cohesive staff performance and causes avoidable problems and misunderstandings. If you have questions regarding any information resulting from hearsay (gossip), you should consult either your supervisor or the Program Director, as appropriate.

No employee will report information or answer any questions regarding CMHS to the news media.

### **Drug-Free Workplace**

CMHS, Inc. is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. This organization encourages employees to voluntarily seek help with drug and alcohol problems.

Any individual who conducts business for the organization, is applying for a position or is conducting business on the organization's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to full-time employees, part-time employees, interns, and consultants.

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, this policy applies during all working hours, whenever conducting business or representing the organization, while on organization property, at company-sponsored events, and while on call.

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, intoxicants or drugs that are illegal under federal law.

Any employee who is convicted of a criminal drug violation in the workplace must notify the organization in writing within five calendar days of the conviction. The organization will take appropriate action within 30 days of notification.

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

If an employee violates the policy, he or she will be subject to appropriate disciplinary action up to and including termination of employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

CMHS recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to be concerned about working in a safe environment and report dangerous behavior to their supervisor.

It is management's responsibility to inform employees of the drug-free workplace policy, observe employee performance, investigate reports of dangerous practices, counsel employees as to expected performance improvement and clearly state consequences of policy violations.

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success.

Massachusetts' law allows for controlled use of medical marijuana. Although employees who legally obtain a medical marijuana registration card from the Massachusetts Department of Public Health are allowed to possess and consume certain quantities of marijuana, doing so is not permitted during working hours, while on the premises of CMHS and/or its residential facilities, while conducting any business for CMHS, while representing CMHS, while at CMHS sponsored events, and/or while on call. Employees must not work or be subject to duty while their ability to perform their job duties is impaired due to use of medical marijuana.

CMHS will seek to make a reasonable accommodation for qualified handicapped employees with a legally recognized Massachusetts medical marijuana registration card, when possible. Employees who obtain a registration card from the Massachusetts Department of Public Health must submit a letter to the Director of Human Resources attaching a copy of their card and requesting a reasonable accommodation. CMHS will then enter into an interactive process with the employee (and where applicable the employee's health care provider) to determine if such an accommodation would be possible or would create an undue hardship for CMHS. This will include a discussion of whether there is an alternative, equally effective medication that the employee could use that is not prohibited by CMHS' Drug-Free Workplace policy.

In considering whether an undue hardship exists, CMHS will consider all surrounding circumstances, including but not limited to 1) whether continued use of medical marijuana would impair the employee's performance or pose an unacceptably significant risk to the public, the employee, or other employees and 2) whether continued use of medical marijuana would violate CMHS' statutory or contractual obligations.

### **Smoke Free Environment**

Our goal is to have a smoke-free environment. Smoking is not permitted at anytime within CMHS worksites or areas, including company vehicles.

Smoking is allowed in designated areas outside. Smokers should be considerate of co-workers, clients and members of the public. Help to maintain a clean entryway by depositing cigarettes in appropriate containers and staying far enough way from doors so that smoke does not blow into the building or residence.

Employees who smoke must observe the same guidelines as non-smokers for the frequency and length of break periods.

### **Workplace Violence Prevention and Crisis Response Plan**

It is CMHS, Inc.'s policy to provide a workplace that is safe and free from all threatening and intimidating conduct. CMHS, Inc. promotes a culture that does not tolerate violence or threats of violence, bullying, or harassment of any form at any location where business is conducted, or site where the human service worker is considered "on duty." This includes private vehicles used for business. Workplace violence incidents are not limited to just those that occur within the workplace but also includes incidents that occur away from work resulting from work.

All employees will be provided Human Service Worker Safety training in compliance with 101 CMR 19.00, Section 19.01-19:07.

Workplace violence includes, but is not limited to physical assault or battery, or both; property damage; and intimidation or threats communicated by any means or other disruptive or aggressive behavior that causes a reasonable person to be in fear of his or her own safety or that of a colleague. Workplace violence can include actions or communications in person, by letter or note, by telephone, by fax, by electronic mail, by text or through social media. Incidents of workplace violence may take place between workers, between workers and clients or customers, workers and acquaintances, partners, or spouses, and workers and the general public.

It will be a violation of this policy for any individual to engage in any conduct, verbal or physical, which intimidates, endangers, or creates the perception of intent to harm persons or property. Examples include but are not limited to:

- Physical assaults or threats of physical assault, whether made in person or by other means.
- Threatening body language and invasion of personal space.
- Verbal conduct that is intimidating and has the purpose or effect of threatening the health or safety of another person.
- Harassment or behavior that demeans, embarrasses, humiliates, alarms or verbally abuses a person and that is known or would be expected to be unwelcome.
- Destroying property of organization or persons who work and are affiliated with the organization.
- Possession of firearms or any other lethal weapon on Company property, in a vehicle being used on Company business, in any Company owned or leased parking facility, or at a work-related function
- Cyber bullying and harassment involving electronic devices and online communication, including but not limited to:
  - Malicious, threatening, public shaming or any other offensive electronic communications such as; jokes about ethnicity, religion, sexual orientation, or any other topic that would make an individual uncomfortable;
  - Sharing embarrassing, offensive, or manipulated images or videos of an individual;
  - Communicating dissatisfaction with a co-worker's performance with other co-workers.
  - This is regardless of whether the device is owned by the organization or the employee.
- Any other conduct or acts which management believes represents an imminent or potential danger to work place safety/security.

Any use of work time or workplace facilities to commit or threaten to commit acts of workplace violence is cause for discipline up to and including termination of employment.

Retaliation is strictly prohibited against anyone who reports an incident of workplace violence.

Incidences of workplace violence should be reported directly to your immediate supervisor during regular business hours. After regular business hours the on-call supervisor should be contacted. The contacted supervisor will take appropriate immediate crisis preventative action to ensure the safety of the parties involved.

The contacted supervisor, in conjunction with the director/manager of the affected program and/or human resources will promptly and thoroughly investigate any reported occurrences or threats of violence and take any necessary disciplinary action. Disciplinary action may include but is not limited to corrective counseling and/or training, appropriate follow up measures, suspension, transfer or termination of employment.

Information indicating where victims and perpetrators of workplace violence can go for help will be provided from human resources upon request.

All reported incidents of workplace violence will be documented in accordance with 101 CMR 19.04(1)(b) and records will be located in the human resource office. All records will be confidential to the extent permitted by law.

Anyone with questions about workplace behavior that fall under this policy may discuss them with their supervisor, manager or human resources.

This policy will be reviewed annually by administration.

### **Respect in the Workplace Policy**

Comprehensive Mental Health Systems, Inc.'s policy is to provide a work environment that is free from harassment. Therefore CMHS, Inc. will not tolerate harassment based on age, race, gender, color, religion, national origin, disability, marital status, covered veteran status, sexual orientation, status with respect to public assistance, and other characteristics protected under state, federal, or local law. Such conduct is prohibited in any form at the workplace, at work-related functions, or outside of work if it affects the workplace.

It is the agency's policy to adhere to all applicable laws and the EEOC guidelines to provide a working environment free from hostility and intimidation, and where problems are swiftly and fairly resolved.

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these

laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client.

Prevention is the best tool to eliminate harassment in the workplace. CMHS commits to take appropriate steps to prevent and correct unlawful harassment. Unwelcome harassing conduct will not be tolerated. CMHS has established a complaint process and will take immediate and appropriate action when an employee complains. CMHS encourages employees to feel free to raise concerns and are confident that those concerns will be addressed.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.

### **Complaint Policy**

Comprehensive Mental Health Systems, Inc. expects all employees to create an atmosphere free of discrimination and respect the rights of their co-workers.

In the event an employee experiences any job-related discrimination or harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, amnesty, veteran-status, or believe they have been treated in an unlawful, discriminatory manner or have been unlawfully harassed, promptly report the incident to a supervisor. If an employee believes it inappropriate to discuss the matter with their supervisor, it should be directly reported to the Director of Human Resources. Once made aware of your complaint, CMHS, Inc. is committed to commence an immediate, thorough investigation of the allegations. Complaints will be kept confidential to the maximum extent as possible.

If, at the completion of an investigation, CMHS, Inc. determines that an employee is guilty of discriminatory or harassing behavior, appropriate disciplinary action will be taken against the offending employee.

CMHS, Inc. prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy, or for assisting in the complaint investigation. However, if, after investigating any complaint of unlawful discrimination, CMHS, Inc. determines that an employee intentionally provided false information regarding the complaint, disciplinary action may be taken against the employee who gave the false information.

### **Discipline and Discharge**

Disciplinary actions may entail verbal, written, final warnings, suspension or termination. CMHS believes that when disciplinary action is imposed, the penalty should be in progressive stages. However, serious violations may warrant imposing appropriate discipline consistent with just cause. Examples of such serious violations where progressive discipline may not be appropriate include:

- Insubordination (refusal of a direct order)
- Theft
- Fraud
- Serious consumer abuse or placing consumers at risk of serious harm
- Violent behavior
- Unauthorized or unlicensed operation of agency vehicles

The above list is general in nature and is not intended to be all-inclusive.

### **Personal Items and Reimbursement**

CMHS will not provide reimbursement for any personal items that are damaged or stolen which are not properly secured. Staff is responsible for securing their respective personal items while working. Specifically, any personal items that are left on counters, tables or anywhere in the clients' residence or at a program site, not properly secured and subsequently damaged or stolen will not be replaced or reimbursed for. Personal items may include but are not limited to electronic devices (cell phones, texting devices, iPods), wallets, pocketbooks, watches, jewelry, etc.

### **Food and Beverage Safety**

Staff will not drink hot or cold beverages while transporting clients in company vans or private vehicles. Clients are not permitted to drink hot or cold beverages while a vehicle in which they are passengers is in motion.



- All hot beverages are to be transported in vehicles with secured containers and covers.
- Employees and the clients are encouraged to use a travel mug with a secured lid when consuming hot beverages in the residence or work site.
- Each program has clients on special diets and following specific nutrition plans. Employees need to secure their own food brought into the workplace to respect the special diet plans and nutritional recommendations for each client. In regard to nutrition, staff will assist all individuals in making good decisions regarding nutrition and food choices following established client-specific nutrition guidelines. If an individual is having difficulty following nutrition guidelines and making health food choices, notify your manager.

### **III. EMPLOYMENT POLICIES AND PROCEDURES:**

#### **Equal Employment Opportunity**

It is CMHS policy to provide equal employment opportunity to all individuals. CMHS is committed to a diverse workforce. CMHS values all employees' talents and support an environment that is inclusive and respectful. CMHS is strongly committed to this policy, and believe in the concept and spirit of the law.

CMHS is committed to assuring that:

- All recruiting, hiring, training, promotion, compensation and other employment related programs are provided fairly to all persons on an equal opportunity basis;
- Employment decisions are based on the principles of equal opportunity. All personnel actions such as compensation, benefits, transfers, training and participation in social and recreational programs are administered without regard to any characteristic protected by state, federal or local law; and
- Employees and applicants will not be subjected to harassment, intimidation, threats, retaliation, coercion or discrimination because they have exercised any right protected by law.

CMHS believes in and practice equal opportunity. The Director of Human Resources serves as our Equal Opportunity Coordinator and has overall responsibility for assuring compliance with this policy. All employees are responsible for supporting the concept of equal opportunity and diversity and assisting our company in meeting its objectives.

#### **Nepotism**

It is the responsibility of every employee and applicant to disclose any potential or existing personal relationship that falls under the definitions provided in this policy to Human Resources. Any failed disclosure will be seen as a violation of this policy.

For the purposes of this policy the term "relative" shall include the following relationships: mother, father, including step-parent; spouse, including life partner or significant other living in the same household; son or daughter, including step-child or grandchild; sister or brother; mother-in-law or father-in-law; brother-in-law or sister-in-law; daughter-in-law or son-in-law; grandmother or grandfather; aunt or uncle; niece or nephew.

Any employee of CMHS with a relationship specified above shall not have any direct administrative or operational authority over the other person (payroll, evaluations, etc.), or

positioned at the same residential site to avoid conflicts of interest that may work to the disadvantage of both the agency and its employees.

### **Up to Date Information**

It is the responsibility of all employees to notify CMHS administration of any changes in personal information, including name, address, telephone number, emergency contact, marital status and number of dependents. Up to date information is necessary to accurately ensure ongoing administration of your benefits, contact you regarding work related issues, and/or contact your family in case of an emergency. Employees may change their information through their Paylocity account or by contacting human resources directly.

### **CORI Policy**

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns. Where Criminal Offender Record Information (CORI) checks are part of a general background check for employment, volunteer work or licensing purposes the following practices and procedures will be followed:

- I. CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, §.172, and only after a CORI Acknowledgement Form has been completed.
- II. All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a “need to know”. CMHS must maintain and keep a current list of each individual authorized to have access to, or view, CORI.
- III. CMHS personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations provided by DCJIS.
- IV. CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.
- V. If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information provided does not exactly match the identification information provided by the applicant, a determination is to be made by an authorized individual based on a comparison of all identifying documents.
- VI. In connection with any decision regarding employment, volunteer opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record prior to questioning the subject about his or her criminal history.
- VII. If a determination is made, based on the information as provided in section V of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:
  - (a) Relevance of the record to the position sought;
  - (b) The nature of the work to be performed;
  - (c) Time since the conviction;

- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant will be notified of the decision and the basis for it in a timely manner.

VIII. If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject will be provided copies of this CORI policy and the CORI. The subject will be provided with an opportunity to dispute the accuracy of the CORI record and be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

IX. All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation.

CMHS will conduct annual CORI checks for all employees in positions that entail the potential for unsupervised contact with program clients. Annual CORI checks are relevant to the duties and qualifications of these types of positions. Employees will be required to complete the appropriate CORI authorization form and submit current valid driver's license to Human Resources in the anniversary month of their hire date. Human Resources will notify those employees affected each month. Findings of criminal records through the CORI investigation will be reviewed and any action taken will be consistent with 101 CMR 15.00.

All employees are required to notify Human Resources of any conviction of a crime and any suspension of a driver's license in a timely manner. Failure to notify Human Resources may adversely affect your continued employment. In all direct care positions, a valid driver's license is a condition of employment. Employees who operate an agency vehicle or transport individuals in their private vehicle with a suspended or revoked license will be terminated.

#### **Disabled Persons Protection Commission Abuser Registry**

Any employer who is licensed by, funded by, or contracts with DDS is required to complete a search of the Disabled Persons Protection Commission (DPPC) Abuser Registry. DDS and employers may only search the DPPC Abuser Registry with a prospective or current care provider's signed consent. DDS or employers cannot hire, utilize the services of, or employ a person who appears on the DPPC Abuser Registry or a person who refuses to consent to a search of their name on the DPPC Abuser Registry.

#### **Fingerprint and Background Checks**

Regulation requires employees in specified programs to be compliant with the completion of the National Background Check (NBC) process with a suitable result. A background check will be conducted annually to access employees' driving records. Ability to drive a vehicle is part of the job description and is a condition of employment.

- **ALL TYPE "A" VIOLATIONS (as defined) WILL RESULT IN TERMINATION OF DRIVING PRIVILEGES FOR EMPLOYEES AND WILL DISQUALIFY ANY POTENTIAL EMPLOYEES.**

- ANY DRIVERS (EMPLOYEES OR APPLICANTS) SHOWING ONE OF THE FOLLOWING WILL BE RESTRICTED FROM DRIVING COMPANY VEHICLES:
  - One (1) or more type “A” Violations in the last 3 years
  - Three (3) or more accidents (regardless of fault) in 3 years
  - Four (4) or more type “B” violations in the last 3 years
  - Any combination of accidents and type “B” violations which equal Four (4) or more in the last 3 years

Type “A” Violations:

- Driving While Intoxicated
- Driving While Under the Influence of Drugs
- Negligent Homicide Involving a Motor Vehicle (gross negligence)
- Operating During a period of Suspension or Revocation
- Using a Motor Vehicle for the commission of a Felony
- Aggravated Assault with a Motor Vehicle
- Operating Motor Vehicle Without the Owners Authority (grand theft)
- Permitting an Unlicensed Person to Drive
- Reckless Driving
- Speed Contest (racing)
- Hit and Run (Bodily Injury or Property Damage)

Type “B” Violations:

- All Moving Violations not listed as type “A” Violations

A background check will be conducted every 5 years to review Sex Offender Registry Information (SORI) records and must have a clear result.

**Vehicle Fleet Safety Policy**

The Vehicle Fleet Safety Policy ensures the safety of those individuals who drive company vehicles. Vehicle accidents are costly to our company, but more importantly, they may result in injury to you or others. It is the driver’s responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage. As such, the Company endorses all applicable state motor vehicle regulations relating to driver responsibility. The Company expects each driver to drive in a safe and courteous manner pursuant to the following safety rules. The attitude you take when behind the wheel is the single most important factor in driving safely. All employees are required to review the Vehicle Fleet Safety Policy annually.

**I-9 Immigration Reform Policy**

CMHS complies with the Immigration Reform and Control Act, employing only those persons who are legally eligible to work in the United States. All employees are asked when hired for employment to provide original documents verifying the right to work in the United States and to sign a verification form required by federal law (NS Form I-9). If an individual cannot verify his/her right to work within three days of hire, CMHS must terminate his/her employment.

### **Employment Termination**

CMHS, Inc. and its employees share a working relationship defined as employment-at-will. Simply stated, employment-at-will means that in the absence of a specific written agreement, you are free to resign at any time, and CMHS, Inc. reserves the right to terminate your employment for any reason (which does not violate any applicable law) with or without prior notice.

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some the circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee.
- Termination - involuntary employment termination initiated by CMHS, Inc.
- Layoff - involuntary employment termination initiated by CMHS, Inc. for non-disciplinary reasons.
- Failure to respond within 3 working days after receipt of notice of recall by registered letter and to report to work within 15 working days after receipt of such notice.
- Is absent from work for any reason, including lay off, for a continuous period equal to his/her seniority, but not to exceed 1 year.
- Failure to return from an approved leave of absence, or an extension of a leave, at the end of such leave or extension.
- Is absent from work for 2 consecutive days without permission, or without properly notifying the Agency, unless prevented by circumstances of a verifiable nature.

If you wish to resign, you are requested to notify Human Resources of your anticipated departure date at least two weeks in advance. Of course, as much notice as possible is appreciated. This notice should be in the form of a written statement. In the case of termination due to resignation, retirement, or permanent reduction in the work force, your accrued vacation balance will be included in your last paycheck. Unused personal/ sick time is not paid upon termination.

Furthermore, any outstanding financial obligations owed to Comprehensive Mental Health Systems, Inc. will also be deducted from your final check.

A health insurance extension of benefits under COBRA regulations is available and is offered via mail to eligible employees. Company keys and any other company property must be returned prior to your last day of work.

### **Probationary Period**

For all employees hired by CMHS, the first 90 days of employment are considered to be a probationary period. During this time, the employee will undergo training and orientation as directed by their supervisor. The probationary period may be further extended for an additional period upon mutual agreement between the agency and the union, provided that the introductory period and any extension thereof shall not exceed a total of six months.

An employee may be discharged during his/her probationary period at the discretion of the employer. Employment is "at will" both during and after the probationary period.

### **Vacancies and Postings**

All bargaining unit position vacancies that CMHS administration determines need to be filled shall be posted on the employer portal of our website for a period of seven consecutive days. A qualified employee will be selected for the position. In filling a vacancy in a bargaining unit position, the employee with the most seniority shall be given preference to fill the vacancy or new position, provided they have the necessary qualifications to perform the job involved. Client input will be considered provided certain criteria are met.

To assist in the continuity of care for the individuals receiving our supports, employees who bid on position vacancies and accept new full-time position responsibilities may not bid on other position vacancies for a period of 90 days. However, those employees who accept new part time position responsibilities may bid on additional shift hours that do not conflict with their schedule and thereby have the opportunity to increase their positioned hours.

### **Phone Usage**

Your attention must be directed to the needs of the individuals you support and your coworkers. We recognize that periodically, personal phone calls must be made or received during work hours. Such calls and text messaging should be held to a minimum so that they do not interfere with the support and services we provide to clients.

In order provide an optimum work environment, employees are expected to have personal cell phones either turned off or on silent mode and safely stored in personal belongings during work hours. Ringing cell phones are a distraction and can interfere with the quality of the services we provide.

### **Company Email Communication**

It is the responsibility of all employees to access their CMHS email account each shift worked. Employees who do not have scheduled hours within a pay period are responsible to access their CMHS email at least once per week.

Alerts regarding job requirements such as driver's license renewal, biannual TB screening, annual CORI checks, upcoming training, benefit eligibility, open enrollment and important communications from supervisors, managers and administration will be sent via the CMHS email system.

Any employee having difficulty accessing their email account should contact their supervisor or human resources for timely assistance.

Employees on an approved leave of absence are requested to check their email once per week for communications from Human Resources regarding their leave status and updates. In addition, a letter will also be mailed first class to the employees' home address.

### **Social Media Policy**

Purpose:

Employees' use of social media can pose risks to a company's confidential and proprietary information, reputation and brands, can expose employers to discrimination and harassment

claims and can jeopardize a company's compliance with business rules and laws. Social Media includes, Texting, Tweeting, Facebook™, Skype™, Snapchat™, among others.

To minimize these business and legal risks, to avoid loss of productivity and distraction from employees' job performance and to ensure that the company's information technology ("IT") resources and communications systems are used appropriately as explained below, CMHS expects its employees to adhere to the following guidelines and rules regarding use of social media.

#### Compliance With Related Policies and Agreements:

All of CMHS's other policies that might apply to use of social media remain in full force and effect, i.e., Sexual and Other Harassment, Violence in the Workplace, Client Confidentiality, HIPPA, & Employee Confidentiality. Employees should always adhere to them when using social media.

Social media should never be used in a way that violates any other CMHS' policies or employee obligations. If your social media activity would violate any of CMHS's policies in another forum, it will also violate them in an online forum.

Employees should also never provide references or recommendations for current or former Team Members on social or professional networking sites, as such references or recommendations can be attributed to CMHS and create legal liability for employees and CMHS.

Employees who violate CMHS' policies will be subject to discipline, up to and including termination of employment.

#### Personal Use of Social Media:

Personal use of social media is never permitted on working time by means of the company's computers, networks and other IT resources and communications systems.

#### No Expectation of Privacy:

All contents of CMHS's IT resources and communications systems are the property of the company. Therefore, employees should have no expectation of privacy whatsoever in any message, files, data, document, facsimile, telephone conversation, social media post, conversation or message, or any other kind of information or communications transmitted to, received or printed from, or stored or recorded on the company's electronic information and communications systems.

You are expressly advised that in order to prevent misuse, CMHS reserves the right to monitor, intercept and review, without further notice, every employee's activity using the CMHS' IT resources and communications systems, including but not limited to social media postings and activities, and you consent to such monitoring by your acknowledgment of this policy and your use of such resources and systems. This might include, without limitation, the monitoring, interception, accessing, recording, disclosing, inspecting, reviewing, retrieving and printing of

transactions, messages, communications, postings, log-ins, recordings and other uses of the systems as well as keystroke capturing and other network monitoring technologies.

The company also may store copies of such data or communications for a period of time after they are created, and may delete such copies from time to time without notice.

Do not use the company's IT resources and communications systems for any matter that you desire to be kept private or confidential from the company.

Respect Intellectual Property and Confidential Information:

CMHS's Disclosure of Confidential Company Information Policy restricts employees' use and disclosure of the company's confidential information. Beyond these mandatory restrictions, you should treat CMHS's confidential information accordingly and not do anything to jeopardize its confidentiality through your use of social media. In addition, you should avoid misappropriating or infringing the intellectual property of other companies and individuals, which can create liability for yourself and for CMHS.

To protect yourself and the company against liability for copyright or trademark infringement, where appropriate, reference sources of particular information you post or upload and cite them accurately. If you have any questions about whether a particular post or upload might violate the copyright or trademark of any person or company, before posting, ask the Director of Human Resources; or in her absence, a member of the senior management team. These individuals are located at CMHS corporate headquarters in North Dartmouth, Massachusetts.

Social Media Business Use Guidelines:

If you are using social media as part of your job duties, pay particular attention to terms relating to:

- Prohibitions or restrictions on the use of the social media site, including prohibitions or restrictions on use for advertising, marketing and promotions or other commercial purposes (for example, *Facebook's Statement of Rights and Responsibilities* (its terms of use) and accompanying *Promotional Guidelines* specify the terms for businesses administering promotions through Facebook).
- Ownership of intellectual property used on, or information collected or generated through use of, the site (for example, any of the company's copyrighted material and trademarks that might be posted on the site, or user information the company collects through the site).
- Requirements for licenses or other permissions allowing use by the site owner and other third parties of the company's trademarks or other intellectual property.
- Privacy rights and responsibilities of the site owner and users.

Note that that CMHS owns all social media accounts used on behalf of CMHS or otherwise for business purposes, including any and all log-in information, passwords and content associated with each account, such as followers and contacts. CMHS owns all such information and content regardless of the employee that opens the account or uses it, and will retain all such information



and content regardless of separation of any employee from employment with CMHS. If your job duties require you to speak on behalf of the company in a social media environment, you must still seek approval for such communication from Director of Human Resources (or his or her designee), who may require you to receive training before you do so and impose certain requirements and restrictions with regard to your activities. Likewise, if you are contacted for comment about CMHS for publication, including in any social media outlet, direct the inquiry to the Director of Human Resources (or his or her designee) and do not respond without written approval.

#### Guidelines for Employees' Responsible Use of Social Media:

The above material covers specific rules, policies and contractual obligations that employees must follow in using social media, whether for personal or business purposes, in consideration of their employment and subject to discipline for violations. The following sections of the policy provide employees with common-sense guidelines and recommendations for using social media responsibly and safely, in the best interests of CMHS. These guidelines reflect the "duty of loyalty" every employee owes its employer, and are intended to add to, not contradict, limit or replace, applicable mandatory rules, policies, legal requirements, legal prohibitions and contractual obligations.

#### Protect the Company's Goodwill and Business Reputation:

You are personally responsible for what you communicate in social media. Remember that what you publish might be available to be read by the masses (including the company itself, future employers and social acquaintances) for a long time. Keep this in mind before you post content.

Make it clear in your social media activity that you are speaking on your own behalf. It is recommended that you also include a disclaimer that your views do not represent those of your employer, such as, "the views in this posting do not represent the views of my employer."

Write in the first person and use your personal e-mail address when communicating via social media. Never post anonymously to social media sites when your post could be attributed to CMHS, its residents, affiliates, business partners, suppliers, vendors or other Team Members. Anonymous posts can be traced back to the original sender's email address. Follow all guidelines in this policy regarding social media postings.

Use good judgment about what you post and remember that anything you say can reflect on CMHS, even if you do include a disclaimer. Always strive to be accurate in your communications about CMHS and remember that your statements have the potential to result in liability for yourself or CMHS. CMHS encourages professionalism and honesty in social media and other communications.

**Respect and Comply With Terms of Use of All Sites You Visit:** Do not expose yourself or CMHS to legal risk by using a social media site in violation of its terms of use. Review the terms of use of all social media sites you visit and ensure your use complies with them.

Respect Others: Do not post anything that CMHS's residents, Team Members, affiliates, business partners, suppliers or vendors would find offensive, including CMHS' residents right to privacy, ethnic slurs, sexist comments, discriminatory comments, insults or obscenity.

#### CONDUCT NOT PROHIBITED BY THIS POLICY:

This policy is not intended to preclude or dissuade employees from engaging in legally protected activities/activities protected by state or federal law, including the National Labor Relations Act such as discussing wages, benefits or terms and conditions of employment, forming, joining or supporting labor unions, bargaining collectively through representatives of their choosing, raising complaints about working conditions for their and their fellow employees' mutual aid or protection or legally required activities.

#### **Dress Code**

Your pride in both yourself and as a representative of our organization is reflected in your appearance and image you create. We feel our business image is important and request that our employees maintain standards of dress and appearance appropriate to the organization as a whole and your individual position responsibilities. Dress, grooming, personal cleanliness and professional behavior standards contribute to the image we present and role model for the individuals we provide supports for. Therefore, while performing duties for our organization employees are expected to dress in attire appropriate to the environment and behave in a professional manner at all times to best represent our agency.

CMHS permits employees to dress in relatively casual attire. However, staff shall not wear the following items:

- Shirts (T shirts, sweatshirts) or other clothing with obscene, violent, vulgar, racist, sexist, or sexually provocative images or text.
- Shirts (t shirts, sweatshirts) or other clothing with text or images advocating illegal, personal or political causes; alcohol or cigarette advertisements; or any other pictorial or written information which may potentially offend or provoke individuals being supported.
- Ripped jeans or other ripped/torn clothing
- High heels, flip flops, or other footwear which may place an employee at risk for injury or impede their ability to support/care for individuals
- Tight fitting or revealing clothing, including but not limited, to, sheer blouses/shirts, short shorts, mini skirts, halter tops, "muscle" shirts, clothing revealing midriff, breasts or other private body areas.

Staff working in programs supporting individuals who exhibit a known history of aggressive, sexually disinhibited, or other high-risk behaviors, which may potentially place staff at risk, may be required to comply with additional restrictions, with respect to their work attire or accessories. Restricted items may include but not be limited to, the following:

- Certain jewelry items (hoop earring, nose rings, etc.)
- Neckties and neck chains
- Open toed shoes/sandals

- Other accessories or clothing items which are judged to constitute a potential risk to the employee

### **Employee Classification**

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

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

**Exempt:** Management, supervisory, professional or administrative employees, whose positions meet FLSA standards, are exempt from overtime pay requirements.

**Non-exempt:** Employees whose positions do not meet FLSA exemption standards are paid overtime. Employees classified as non-exempt generally work in non-supervisory, non-professional or non-administrative capacities. Overtime work, however, is prohibited without authorization from a supervisor.

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

**Full-time:** Employees who are positioned an average of 30 hours or more within a two-week scheduled rotation are considered to be full time.

**Part-time:** Employees who are positioned an average of less than 30 hours within a two-week schedule rotation are considered to be part time employees.

CMHS, Inc. supplements its regular work force with temporary and/or Interim employees to help compensate for workload, employee absences or other situations. Management will determine which positions are considered temporary.

**Interim:** An employee who is called in occasionally to fill in for absent employees. Interim employees must average a minimum of 16 hours of work per month for a quarter to retain active employment status.

**Temporary:** Temporary employees are those engaged to work either part time or full time on CMHS' payroll, but have been hired for a special project or to fill in for an employee on an authorized leave of absence or vacation.

### **Weekend Policy** – 1/16/2024

**Practice:** All employees that work more than two shifts per week, must maintain a weekend shift. Two shifts or less per week, you do not need to maintain a weekend shift.

A weekend shift is two shifts during the weekend, within the two-week rotating schedule.

### **Attendance Policy**

CMHS recognizes the need for a punctual, reliable workforce to best serve our clients. Excessive tardiness and/or absenteeism create a burden for co-workers and fails to contribute to the overall effectiveness of company operations. Employees who are unable to be at work on time or who are unable to work as scheduled must notify their supervisor or Shift coverage, in a timely manner, in advance of their respective tardiness or absence. Excessive tardiness and/or poor attendance will lead to disciplinary action up to and including termination of employment.

For purposes of progressive discipline outlined below, please note the following:

- An absence is defined as failure to work a scheduled shift without a pre-scheduled and approved request for a vacation, personal or sick leave.
- Failure to report to work or contact the On Call Administrator/Supervisor within 30 minutes of the start of your shift is considered an unauthorized absence.
- Failure to notify your supervisor or Shift Coverage two hours prior to the start of your shift of your intended absence or tardiness will be addressed as a performance deficiency. Mitigating factors and work history performance shall be considered.
- Sick leave in excess of three (3) consecutive days may result in the requirement that the employee provide a physician's note to return to work. Excessive absences accompanied with a physician's note may result in a determination that the employee is unable to perform duties and may be addressed in compliance with the Family and Medical Leave Act, Small Necessities Leave Act and in accordance with the Americans with Disabilities Act.
- Physician's notes must be submitted to Human Resources within 7 calendar days.

Progressive Discipline for Excessive Absenteeism is defined as follows:

- 3<sup>rd</sup> absence within a 3-month period will result in an Employee Warning Report and counseling session with your supervisor to review absenteeism policy and future expectations.
- 6<sup>th</sup> absence within a 6-month period will result in a 2<sup>nd</sup> written warning.
- 9<sup>th</sup> absence within a 9-month period will result in a 1-day unpaid suspension.
- Any future absence within the 12-month period will result in termination of employment.

Failure to report to work and failure to notify the On Call Administrator/Supervisor of intended absence is a no call no show. The first occurrence is a warning; the second occurrence is a termination.

A no call no show without contacting supervisor for consecutive shifts will result in immediate termination.

Excessive tardiness will be progressively addressed as a performance deficiency.

### **Personnel Records**

Employee personnel files may include the following: job application, resume, training records, salary history, records of disciplinary action and documents related to employee performance reviews, coaching and mentoring.

Any material related to performance appraisal or discipline placed in a personnel file shall first be viewed by the employee who will then affix his/her signature indicating that he/she has seen the material. In situations where the employee is not accessible, CMHS will send a copy of the written material by registered mail to the employee's home address and to the Union Representative, as appropriate.

Personnel records are maintained on a current basis. Please notify us immediately of any change of name, address, telephone number, marital, dependent or tax status. Personnel records are kept confidential and are not available to any one outside the company unless you have authorized the release, or release is to an authorized governmental agency, funding source or is required by law. To obtain access to your records, contact Human Resources.

### **Performance Evaluations**

CMHS is committed to providing feedback both formal and informal, about performance on the job. Managers are responsible for on-going performance feedback. In addition, your manager has the responsibility to formally discuss and document your performance on a regular basis, generally annually. Your performance appraisal discussion will review your strengths, identify any areas needing improvement, and goals and objectives that need to be achieved. Specific performance problems will be addressed through discussions and/or formal written disciplinary action when necessary.

### **Pay Periods**

Employees of CMHS work various shifts throughout the workweek as we provide services on a twenty-four (24) hour basis. The workweek is considered to be shifts starting Monday morning and ending the following Monday morning. Employees will be paid on a weekly basis.

Employees receive payment through direct deposit or cash card, as indicated by the employee in writing. Employees have a Paylocity account online in order to access their confidential pay stub information. Each employee's weekly pay stub shall clearly list the hours worked and the rate of pay for each hour worked, plus accrued sick leave and vacation leave.

Employee's weekly pay will be available to their designated payment option every Friday. Pay stub information will be posted on Paylocity every Friday.

A computer and printer will be available at the main office for employees to access pay stub information and/or print pay stubs.

Inaccurate pay will be corrected as follows: The employee must complete a pay error form and submit it to the business department by 1:30pm on Friday. The Payroll Specialist will correct the error and issue a corrected paper check after 12:00pm on the next business day. If the pay error form is submitted after 1:30pm on Friday, the Payroll Specialist will correct the error and make the appropriate adjustments to the employee's pay for the next payroll period. If no error is found, the employee will be notified in writing.

In the event a paper check is issued, it will only be released to the individual whose name appears on the check or an individual who the employee has designated and approved through written consent.

### **Time Sheet Procedure**

Time sheets for shifts worked are recorded at each individual work site. All employees are required to accurately record their hours worked each day on the appropriate electronic time

sheet. Employees verify their actual number of hours worked by entering this information onto his/her electronic time sheet. All hours worked will be confirmed by a member of management and authorized electronically.

### **Overtime Pay**

CMHS shall compensate all hourly, non-exempt employees time and one half for all hours worked in excess of 40 hours each week. The workweek is considered to be shifts starting on Monday morning and ending on the following Monday morning.

If an employee would like to work overtime hours, he/she must receive prior authorization from his/her supervisor before working the overtime hours. CMHS will make every effort to distribute overtime and extra straight time shifts equitably and impartially among employees who ordinarily perform such work with priority going to employees who are regularly scheduled positioned staff at the affected site. Employees shall be called as described above for overtime and extra straight time in the following order:

- In-house positioned employees for whom the shift would not be overtime
- Other employees for whom the shift would not be overtime
- In-house positioned employees for whom the shift would be overtime
- Other employees for whom the shift would be overtime

In the event that an extra shift or overtime shift is required due to a no call/ no show or a call out with less than three (3) hours notice than the preceding requirement shall not apply.

### **Limited Shifts and Overtime Policy and Procedure**

A supervisor must approve all overtime. Overtime will only be approved at the discretion of the Program Manager/Residential Director. When an emergency meriting the approval of overtime occurs outside of normal business hours the On Call Administrator must be contacted.

All employees are required to track their hours and disclose if additional shifts beyond their positioned hours place them in overtime or results in a double shift. The scheduling of double shifts should be avoided whenever possible. The scheduling of extended consecutive shifts beyond 18 hours requires a minimum of 6 hours off between shifts. Working beyond 18 consecutive hours requires emergency authorization from the Program Manager.

### **Mandated Hours**

Due to the nature of our business, at times it may be necessary to mandate employees to stay past their scheduled shift. Staff: Client ratios must be maintained in accordance with contractual obligation, site-specific schedule patterns, management directives and safety plans to ensure the safety and well being of the clients. Mandate reason examples include but are not limited to: inclement weather, replacement staff arriving late, calling out or not reporting to shift as scheduled, and client or site emergencies.

The applicable administrator will communicate staffing issues with the site effected once aware. Should your replacement staff not arrive within ten (10) to fifteen (15) minutes after the scheduled shift start time, you must notify the appropriate administrator. Every effort will be made to avoid mandating staff by a finding a voluntary replacement or having supervisors cover.

In the event that bargaining unit non-exempt employees are required involuntarily to work beyond their normal shift they will be paid double time upon notification of being mandated for all such hours worked if they are scheduled to work more than 40 hours in that week.

In the event that bargaining unit non-exempt employees are required involuntarily to work beyond their normal shift they will be paid time and one half upon notification of being mandated for all such hours worked if they are scheduled to work less than 40 hours in that week.

### **Facilities and Hours of Operation**

The Administrative Office is open from 8:30 AM to 4:30 PM, Monday through Friday. Residences operate seven days a week, 365 days a year.

### **Security**

Each CMHS facility contains valuable equipment and other property. It is important, for your protection and the protection of the individuals being supported and your co-workers that you pay close attention to the security of our facilities, including equipment and other property. Notify your supervisor or appropriate authorities if you see anything suspicious, including the presence of strangers on our premises.

### **Inclement Weather**

In order that CMHS maintain its effectiveness, it is essential that all employees make the effort to arrive at their assigned site regularly and punctually and to remain on duty until assigned hours have been completed. Residential staff are required to remain on site for longer than scheduled in order to await the arrival of the next shift or to receive clients from day or employment services. If the office is closed, the on-call system is activated and remains in place until the office reopens.

### **Emergency Action Plan**

**Purpose:** To proactively protect the health and safety of all Comprehensive Mental Health Systems, Inc. employees.

**Practice:** CMHS recognizes that our people drive our business. As our most critical resource, employees are safeguarded through training, provision of appropriate work surroundings, and procedures that foster protection of health and safety. No duty, no matter what its perceived result, is more important than employee health and safety.

### **All Worksites and Offices**

All worksites and offices have specific Emergency Evacuation Plans in place. These are developed to ensure the timely and safe evacuation of all the individuals we support and all employees working at the site. All employees are trained in the Emergency Evacuation Plan for the sites they are assigned.

### **Safety Rules:**

CMHS wants to ensure that our employees remain safe and injury-free when accidents are preventable. We expect employees to refrain from horseplay, careless behavior and negligent

actions. It is CMHS' policy to maintain a safe and secure working environment for all employees and clients.

While working, employees must observe safety precautions for their safety and the safety of others. All work areas must be kept clean and free from clutter and debris. Any hazards or potentially dangerous conditions must be corrected immediately or reported to a supervisor or on call administrator.

If you are involved in an accident, you must comply with the following procedure:

- Report the accident to a supervisor, on call administrator or Human Resources immediately.
- Obtain the necessary medical treatment.
- Fill out an accident report regardless of the severity of the injury
- If you must seek medical treatment, obtain consent to leave the premises from your supervisor or on call administrator

Employees who fail to comply with this procedure are subject to disciplinary consequences.

### **Reporting Injuries, Illnesses or Vehicle Accidents**

**Purpose:** To establish and maintain a comfortable and safe working environment.

**Practice:** We often take safety for granted in a work environment. Though we may not be exposed to the same degree of risk as a manufacturing firm, we should still recognize that safety risks are present and take steps to reduce risk for injury or illness. Safety is everyone's responsibility at CMHS.

**Procedures:** All work-related injuries, illnesses and vehicle accidents should be reported immediately to a manager or on call administrator, even if you are not sure whether it is truly work related. Even small, insignificant injuries, left untreated can result in more serious conditions.

You must complete and submit an Accident/Injury Report to Human Resources within 24 hours of the incident even if you do not seek medical attention. If the injury occurs on a weekend or holiday, the necessary forms are required to be in the Human Resources office on the next business day. The Manager will also be required to investigate the report and complete a supervisor's report. If you see potential hazards that need attention, notify the Program Director, Program Manager or Emergency-On-Call immediately.

### **Workers Compensation**

CMHS provides workers compensation, a type of accident and injury insurance, for those who suffer a job-related injury or illness. Employees returning to work must provide proof of rehabilitation or treatment from a licensed physician and verification that they are able to complete all job-related tasks.



An employee on leave under this section shall continue to receive the employer's contribution to the cost of his/her health and welfare benefits, as applicable, for a period of up to three (3) months. Workers compensation runs concurrent with the Family Medical Leave Act (FMLA). Affected employees will be notified in writing.

#### **IV. BENEFIT INFORMATION**

##### **Employer-Offered Insurance**

CMHS provides group carrier health insurance plans to all employees after 90 days of employment and who are in a position of 30 hours or more. Health insurance coverage is available for both the individual and their families. For each employee positioned to work 30 or more hours choosing to enroll, CMHS shall pay 75% of the insurance premium cost and the employee shall pay 25% of the insurance premium cost. For those employees positioned to work more than 20 hours but less than 30 hours per week who is enrolled in a CMHS health insurance plan as of 6/30/2011, CMHS shall pay 65% of the insurance premium cost and the employee shall pay 35% of the insurance premium cost.

CMHS provides group carrier dental insurance plans to all employees who have completed their probationary period and are in a position of 30 hours or more. Dental insurance is available for both the individual and their families through Guardian Dental. For each employee choosing to enroll, CMHS shall pay 50% of the premium cost and the employee shall pay 50% of the insurance premium cost.

CMHS makes Life insurance with accidental death and dismemberment provision, Short Term Disability insurance and Long-Term Disability insurance available to eligible employees through Colonial Insurance. Each employee choosing to enroll shall pay 100% of the premium costs. The Employer payroll department acts as a vehicle to make the deductions from the employee's weekly pay check and sends the payments to Colonial insurance.

Employees may opt to set up a Personal Retirement Plan. The eligible employee is responsible to set up the 403B plan at an investment firm. The maximum contribution is 15% of the employee's gross weekly wages. There is no Employer contribution with this plan therefore the employee pays 100% toward this type of coverage. The Employer payroll department acts as a vehicle to make the deductions from the employee's weekly pay check and sends the payments to the investment firm.

Eligible employees may opt to participate in the Section 125 Cafeteria Plan for Dependant Care Expense. Enrollment is at the beginning of the fiscal year (July). For inquiries, contact the business department.

Employees who are hired to work variable hours are now tracked over a 12-month period to determine if their average hours worked exceeds the full-time definition of 30 hours per week/130 hours per month. A variable hour employee, whose average hours exceed this amount in the twelve-month period commencing July 1 and ending June 30, will be offered health insurance as of the September 1 enrollment date. Employees who do not wish to enroll in the CMHS health plan are required to sign a waiver of insurance. Those eligible employees who

wish to enroll in the CMHS health plan will need to complete an enrollment form and return it to Human Resources before September 1, and will remain eligible and enrolled in the plan until August 31 of the following year, as long as they remain employed and pay their share of the insurance cost. Variable hour employees will be reassessed each twelve-month period commencing July 1 and ending June 30, to determine ongoing eligibility in the CMHS health plan. This is in accordance with the federal health reform law (ACA).

### **COBRA Benefits**

CMHS complies with the federal law, Consolidated Omnibus Reconciliation Act of 1985, P.L.99272 and later amendments, otherwise known as COBRA. Employees will be notified of their rights in the mail when they become eligible.

### **Holidays**

Observed holidays are as follows:

New Year's Day through midnight

Martin Luther King Day

Presidents Day

Easter Sunday

Memorial Day

Juneteenth

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Christmas Eve (from 2:30pm)

Christmas Day

New Year's Eve (from 2:30pm)

### **Holiday Pay**

Hourly bargaining unit employees who work on a holiday will receive holiday pay in addition to the regular pay for all hours worked. Holiday pay shall be equal to the employee's regular rate of pay for the shift worked. Unless otherwise noted, holiday time follows the calendar day (12:00midnight to 12:00midnight).

Employees who are assigned to the Administrative office or Employment Services Program will be paid their usual salary when those offices are closed for a Holiday observance.

### **Holiday Policy for Administrative Part-Time Employees:**

Only hourly part-time administrative employees (under 30 hours) scheduled to work on the holiday will qualify for holiday pay. Any hourly part-time employees not scheduled to work on holidays will only be paid for hours they work that week. Part-time employees will be paid at a prorated rate based on positioned hours. The payroll department will calculate the appropriate number of hours each hourly part-time employee will receive for holidays (i.e.:  $24 \text{ hours} / 5 = 4.8$  hours).

Salaried employees positioned less than 40 hours will be paid their regular salary.

### **Sick/Personal Time**

#### **Accrual of Sick Time:**

The benefit year is July 1-June 30.

All full-time employees of CMHS (employees who average 30 hours or more per week within a 2-week scheduled rotation) will earn paid sick time at the rate of .0334 per hour for all hours worked. Full-time employees may only accrue 48 hours of paid sick time in a benefit year.

All part-time employees of CMHS (employees who average less than 30 hours per week within a 2-week scheduled rotation) will earn paid sick time at the rate of .0334 per hour for all hours worked. Part-time employees may only accrue 40 hours of paid sick time in a benefit year.

#### **Use of Sick Time**

Accrual of sick time begins on the employee's first date of actual work, but employees may not use such earned sick time until 90 calendar days after their start date. Sick time is provided to allow employees to:

1. care for the employee's own physical or mental illness, injury, or other medical condition that requires home, preventative, or professional care;
2. care for a child, parent, spouse, or parent of a spouse who is suffering from a physical or mental illness, injury, or other medical condition that requires home, preventative or professional care;
3. attend routine medical and dental appointments for themselves or for their child, parent, spouse, or parent of a spouse;
4. address the psychological, physical, or legal effects of domestic violence; or
5. travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken.

Absences utilizing accrued earned sick time for the above listed reasons and within the limitations of the law will not result in disciplinary action.

Employees have the right to use up to a maximum of 40 hours of earned sick time per benefit year, if the employee works sufficient hours to earn the time.

Employees who are absent are required to use their accrued sick/personal time. If an employee has accrued sick/personal time, the employee is mandated to use the amount equal to the number of shift hours they will be absent. If the employee does not have enough accrued time to cover the entire shift, the employee must use their total accrued balance and unpaid time.

Sick time may also be used as personal time.

Employees may not use sick time if the employee is not scheduled to be at work during the period of use. An employee may not accept a specific shift assignment with the intention of calling out sick for all or part of that shift.

Earned sick time may be used for full or partial day absences. The smallest amount of sick time that an employee can take is 1 hour. For uses beyond 1 hour, employees can use sick time in 15-minute increments.

Sick time cannot be used as an excuse to be late for work without an authorized purpose.

For full-time bargaining unit employees, up to 48 hours per year of unused sick time may be carried over into the following benefit year, with the total amount of sick time capped at 96 hours.

For part-time bargaining unit employees, up to 40 hours per year of unused sick time may be carried over into the following benefit year, with the total amount of sick time capped at 96 hours.

For management/administrative employees, up to 40 hours per year of unused sick time may be carried over into the following benefit year, with the total amount of sick time capped at 80 hours.

#### Absence Notification Procedures

If an employee needs to be absent, to be late or to leave work early for the purposes that are described above, the employee must give advance notice to his or her supervisor, except in an emergency.

Notice should be provided through a notification system established by CMHS in a manner that the employee customarily uses to communicate with CMHS for absences or requesting leave.

If the absence is foreseeable (for example, if the employee will be absent to attend a previously scheduled appointment or intends to use personal time), the employee must provide at least 7 days' advance notice, unless the employee learns of the need to use earned sick time within a shorter period of time. If the absence is not foreseeable, the employee must provide notice to his or her supervisor at least 2 hours before the start of the employee's shift. If 2 hours' notice is not reasonable due to an accident or sudden illness, notice must be provided as soon as practicable. If an employee is going to be absent on multiple days, the employee or the employee's surrogate (e.g., spouse, adult family member, or other responsible party) must provide notice of the expected duration of the leave or, if unknown, provide notice of continuing absence on a daily basis, unless the circumstances make such notice unreasonable.

#### Documentation of Use of Sick Time

In order to track the use of sick time for the purposes of the law, when employees enter their request for time off into Paylocity, select Sick from the drop-down menu. A selection of Sick will indicate sick time is being utilized for the purposes defined in the law. Select Personal from the drop-down menu to indicate the use of the accrued time is for other reasons not covered by the law.

CMHS may require an employee to personally verify in writing that he or she has used sick time for an allowable purpose, but the employee shall not be required to explain the nature of the illness or the details of the domestic violence. A doctor's note or other documentation will not be required, except as described below.

CMHS will generally require an employee to submit a doctor's note or other documentation to support the use of sick time if the absence:

1. exceeds 24 consecutively scheduled work hours or 3 consecutive days on which the employee is scheduled to work;
2. occurs within 2 weeks prior to an employee's final scheduled day of work (except in the case of temporary employees); or
3. occurs after 4 unforeseeable and undocumented absences within a 3-month period.

Required documentation must be submitted within 7 days of the absence. Additional time will be allowed for good cause shown.

If an employee fails to timely comply with the sick time law's documentation requirements, the CMHS may recoup the sick time paid from future wages.

#### CMHS Expectations Regarding Attendance

Employees should remember that regular, reliable attendance and timeliness is expected. If an employee commits fraud or abuse by engaging in an activity that is not consistent with allowable purposes for sick time, the employee may be subject to disciplinary action in accordance with the Attendance Policy. If an employee is exhibiting a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday, CMHS may discipline the employee for misuse of earned sick time in accordance with the Attendance Policy, unless the employee provides verification of authorized use.

#### Payout of Sick Time

Sick time is not payable at the end of employment or otherwise.

#### Interaction with Other Types of Leave

If any time off covered under this policy is also covered under the CMHS' FMLA, Parental Leave, or other leave of absence policies, sick time shall run concurrently with such leave. Employees may choose to use earned sick time to receive pay for absences under other leave policies if those absences would otherwise be unpaid.

#### Vacation Time

Comprehensive Mental Health Systems, Inc. believes that employees should have opportunities to enjoy time away from work to help balance their lives. Employees in positions of 20 hours or more shall accrue paid vacation time based on the number of positioned hours annually.

Vacation time may be carried from one year to the next up to a maximum of two hundred and forty (240) hours. Accrual begins at the date of hire, but may not be taken until the introductory period is completed.

#### Accrual Schedule

<u>Length of Service</u>	<u>Maximum Annual Accrual</u>
Up to 5 years	up to 80 hours
5 years or more and less than 7 years	up to 120 hours
7 years or more and less than 10 years	up to 160 hours
10 years or more and less than 15 years	up to 200 hours
15 years or more	up to 240 hours

Vacation requests will be granted taking into account the wishes of the employee and the needs of the Employer. Where there is a conflict in choice of vacation time among bargaining unit employees, seniority shall prevail for vacation requests of 5 consecutive days or more and submitted at least 3 months in advance unless a junior employee has requested and obtained approval for vacation time requiring prepaid reservations or deposit for travel and/or accommodations. Vacation requests of less than 5 consecutive days or requests submitted less than 3 months in advance shall be granted in order of request. Vacation request of more than 2 shifts must be submitted 21 days in advance. Vacation requests of more than 2 shifts shall be responded to within 10 business days after being submitted. Vacation requests of 1 shift or less must be submitted at least 7 days in advance. Vacation requests of 1 shift or less shall be responded to within 3 business days after being submitted. Requests for vacation shall not be unreasonably denied.

The balance of an employee's accrued vacation time shall be paid upon resignation from an eligible position or upon termination of employment, consistent with applicable statutes.

All requests to cash in vacation time by non-exempt bargaining unit employees must be submitted through Paylocity by choosing Vacation Without Leave and indicating the number of hours requested to cash out. Requests will be paid on the pay date following the pay period on which the request was submitted.

**Vacation Time for Management/Administrative Employees:**

Management and Administrative personnel can carry only 200 hours of vacation time on June 30, of each fiscal year. Employees are encouraged to schedule vacation time wisely during the year.

**Bereavement Policy**

Employees are eligible to receive paid leave for bereavement as defined below if they have successfully completed their probationary period and are in a position of 20 hours or more.

For the death in the immediate family, a maximum of 3 days of paid leave will be granted to an employee for the purpose of attending the funeral and, if applicable, providing for matters incident to the death. Bereavement leave shall be paid at the employee's regular rate of pay.

Immediate family is defined as: mother, father, including step-parent; spouse, including life partner or significant other living in the same household; son or daughter, including step-child or grandchild; sister or brother; mother-in-law or father-in-law; brother-in-law or sister-in-law; daughter-in-law or son-in-law; grandmother or grandfather.

In the event of the death of a spouse and/or child 5 days of paid leave shall be granted. In the event of the death of an in-law grandparent 2 days of paid leave shall be granted.

For the death of an aunt or uncle an employee will be allowed to take unpaid leave or use their accrued vacation or sick/personal time.

Additional time off may be granted on a case-by-case basis at the discretion of management.

### **Jury Duty**

While it is the duty of every citizen to serve on a jury when called, CMHS, Inc. recognizes that this often means the loss of income. CMHS, Inc. pays the difference between the jury pay and regular wages for a maximum of three (3) days when you are unable to report to work because of jury service.

The above statement applies provided that you:

- Submit a Request for Paid Leave form along with a copy of your summons to serve on a jury prior to the time that you are scheduled to serve.
- Furnish the business department with evidence of having served on a jury for the time claimed.
- Please note accrued vacation and/or sick time may be utilized for your work time loss due to jury duty until proper documentation is received by the business office confirming time served for jury duty. At that time, vacation and/or sick time accruals will be adjusted appropriately.

Time spent on jury duty will not be counted as hours worked for the purpose of computing overtime pay. Employees whose regular schedule includes days when the jury is not in session (i.e., Saturday, Sunday) will be expected to report to work for their regularly scheduled hours.

If an employee learns that jury duty has been cancelled the employee will be required to contact their supervisor or on call administrator and then will have the option of working their normally scheduled hours. Employees filling in for employees scheduled for jury duty will be notified in advance that such hours may be cancelled on short notice when the jury duty is cancelled.

This benefit cannot be applied to any court appearance other than jury duty unless such appearance is related to your employment.

### **Leaves of Absence**

Requests for all leaves of absences and extensions of leave must be made in writing to Human Resources. The Requests must state the reason for the requested leave, the date the leave shall start and the anticipated date the leave shall end.

An employee on an authorized leave of absence shall notify Human Resources in writing of his/her intention to return to work at least fourteen calendar days prior to the expiration of the leave.

**Employee responsibilities for maintaining benefits while on unpaid personal or medical leave:** If an employee is on an approved unpaid personal or medical leave of absence, the employee may continue insurance coverage provided that the employee pays the full monthly cost for insurance premiums, except as otherwise provided for by law. Employees may access their accrued vacation and/or sick time to pay the full contribution or can opt to submit payment by check or cash (exact amount) every week to Human Resources.

If the employee's premium payment is more than 30 days late, the employee will be given a 15-day written notification that payment has not been received. If payment is not received within the specified timeframe indicated in the notification, the employees' insurance coverage(s) will be cancelled retroactive to the date the unpaid premium was due.

**Personal Leave:** Full and Part time employees with at least 6 months of continuous service shall be eligible for unpaid leaves of absences. All leaves of absence must be requested in writing 30 days in advance (except in cases of emergency). Leaves are approved at the discretion of management. Such leave shall not be unreasonably denied. Personal leave such as for family illness or other personal reasons shall not exceed 6 months. An employee shall accrue seniority while he/she is on an approved leave, but shall not accrue benefits.

**Medical Leave:** This applies to employees not eligible for FMLA or for employees who have exhausted their FMLA. In such cases, an unpaid medical leave of absence may be granted at the discretion of management, renewable to a maximum of 6 months without loss of seniority, but the employee will not accrue benefits for the duration of the leave. A written request for medical leave must be accompanied by a physician's statement attesting to the need for such leave.

**Union Leave:** An unpaid leave of absence for up to one year shall be granted without loss of seniority to an employee if such employee is elected or appointed to a full-time Union position. Only one employee in the bargaining unit at any one time will be granted a leave under this provision.

**Military Leave:** A regular employee who is called to active Military Service shall be given an unpaid leave of absence for such mandatory period of service and will be reinstated in accordance with the Uniformed Services Employment and Re-employment Rights Act (USERRA) in effect on the date of the employee's application for reinstatement, as long as said applicant is filed with USERRA. An employee who is a member of the National or Air Guard, or a reserve component of the Armed Forces, will be granted absence in accordance with USERRA.

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

#### **Leave Entitlements:**

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin



may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose to use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

**Benefits and Protections:**

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

**Eligibility Requirements:**

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave.

The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

**Requesting Leave:**

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

**Employer Responsibilities:**

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA.

If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

**Enforcement:**

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private law suit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

**Employee responsibilities for maintaining benefits while on FMLA and/or PFML:**

An employee on approved FMLA leave must continue to make any normal contribution(s) to the cost of benefit premiums for the duration of their leave. Employees may access their accrued vacation and/or sick time to pay their contributions weekly or can opt to submit payment by check or cash (exact amount) every week to Human Resources.

If the employee's premium payment is more than 30 days late, the employee will be given a 15-day written notification that payment has not been received. If payment is not received within the specified timeframe indicated in the notification, the employees' insurance coverage(s) will be cancelled retroactive to the date the unpaid premium was due.

If coverage lapses because an employee has not made the required premium payments, upon the employee's return to work CMHS must still restore the employee coverage/benefits equivalent to those the employee would have had if leave was not taken and premium payments were not missed, including family or dependent coverage.

**Paid Family Medical Leave:**

Paid Family Medical Leave is a Massachusetts law that applies to all Massachusetts employers regardless of size and provides paid, job protected leave to eligible workers.

Beginning January 1, 2021, Eligible employees in Massachusetts may be entitled to:

12 weeks of paid family leave benefit year for the birth, adoption, or foster care placement of a child, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty or has been notified of an impending call to active duty in the Armed Forces.

20 weeks of paid family leave in a benefit year if they have a serious health condition that incapacitates them from work.

12 weeks of paid leave in a benefit year to care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious health condition relating to the member's military service.

Beginning July 1, 2021, eligible employees may be entitled to:

12 weeks of paid family leave in a benefit year to care for a family member with a serious health condition.

26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.

Employees will file claims for leave benefits directly with the Massachusetts Department of Family and Medical Leave (DFML). Forms and claim instructions will be available on the DFML website.

DFML and FMLA will run concurrent when applicable.

### **Parental Leave**

Pursuant to M.G.L. c. 149, sec. 105D, full-time employees (male, female, gender neutral) are entitled to eight weeks of unpaid parental leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption.

The following conditions apply:

- 1) The employee must be employed by CMHS for at least 3 consecutive months as a full-time employee.
- 2) The employee must provide two weeks' notice of their expected departure date and their intention to return to the job, but notice as soon as practicable is permitted if the delay is for reasons beyond the employee's control.

If two employees give birth to or adopt the same child, the two employees are entitled to an aggregate of eight weeks of unpaid parental leave.

During parental leave, CMHS will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work.

During parental leave, employees may choose to use accrued sick time and/or accrued vacation time.

At the end of the paternal leave (not exceeding 8 weeks), the employee will be reinstated to the same status, pay, length of service credit and seniority as the position the employee held prior to the leave. When parental leave is taken for a reason specified in both M.G.L. c. 149 sec. 105D and FMLA, the parental leave will be counted simultaneously against the employee's entitlement under both laws.

**Small Necessities Leave Act:**

Eligible employees must have been employed for 12 months at the time the leave is to begin and the employee must have worked for at least 1,250 hours during the 12-month period prior to the beginning of the leave. Eligible employees are permitted to take a total of 24 hours of unpaid leave during any 12-month period. These 24 hours are in addition to the 12 weeks already allowed under the Federal Family Medical Leave Act (FMLA).

Purposes for which this leave may be taken are as follows:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school.
- To accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations.
- To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

Leave for these purposes is unpaid, however, the employee may choose to substitute accrued sick or vacation time for leave provided under this Act.

If the need for leave is foreseeable, the employee must request the leave no later than 7 days in advance. If the leave is not foreseeable, the employee must notify CMHS as soon as is practicable. CMHS may require written certification for such leave.

