



PERSONNEL POLICY MANUAL

Revised 10/2010

MISSION STATEMENT

MercyFirst, a sponsored ministry of the Sisters of Mercy, inspires hope and promotes healing for children and families by providing quality human services and educational opportunities while advocating for social change .

OUR CORE VALUES

Being Faithful to our Mission, we are empowered by our Core Values:

Hospitality ~ We provide a welcoming, open, safe, and sensitive environment for those we serve and with whom we work.

Compassion ~ We empathize with the suffering of others and actively work to alleviate it as if it were our own.

Respect ~ We value every individual's God given right to be treated with respect and dignity; and accept the responsibility to treat others in the same way.

Integrity ~ We embody wholeness and unity through honesty in our words and actions.

Justice ~ We act with fairness and mercy in our relationships; and advocate for positive change in our society.

Excellence ~ We strive to use our knowledge, skills, and talents to carry out our responsibilities to the best of our ability.

STATEMENT OF IDENTITY

What does it mean that MercyFirst is a “Sisters of Mercy” Ministry? Who are its sponsors?

The Sisters of Mercy is an international organization of women religious founded in late 19th century Ireland by a wealthy heiress named Catherine McAuley. They are women who commit their lives to serving God's people - especially those who are poor and who for one reason or another find themselves on the margins of society. In order to help people to overcome the obstacles that keep them from living full and dignified lives, the Sisters founded social service agencies, orphanages, schools, hospitals, colleges, affordable housing developments, emergency shelters, retirement centers and women's centers in forty-four countries throughout the world. In every enterprise, time and culture, the Sisters were blessed by the discovery of collaborators, women and men – gifted, competent and generous - people without whom many of these works would never have achieved their purpose. Together, our efforts have accomplished “mercy” “first.” These efforts attempt to answer the immediate needs of people and are marked by a culture of care and professional excellence in relation to service given, right relationship with both co-workers and the outside professional community. These values of care, excellence and right relationship with others are central to the identity of a Sisters of Mercy Ministry, so each generation of clients, staff, and boards can engage them in ways that sustain our Mercy character.

In addition to meeting the direct needs of people today, the Sisters of Mercy seek ways to change the social and political situations that prevent people from living full and dignified lives. They take action in a variety of ways; educating and encouraging colleagues to analyze and study the social systems that cause human suffering; witnessing for justice, advocating politically on behalf of people who are oppressed, and participating in socially responsible investing of financial resources.

Sisters of Mercy partner with lay women and men of diverse cultures and religious backgrounds who serve as staff, administrators, trustees and benefactors in Mercy sponsored and co-sponsored facilities. MercyFirst is one such sponsored ministry. It is entrusted to the governance of a Board of Directors to keep alive the vision and gift of Mercy that brought this great work for children and families into existence.

As MercyFirst moves forward and undertakes the new challenges set before it, it does so in the confidence that the same spirit that enabled others to envision this work will continue to guide, direct and encourage it to meet the challenges of a new time. It is hoped that the Board of Directors and Administration will carry forward in every aspect of this work for children and families a strong sense of Mercy identity that will continue to animate and inspire staff, clients, and benefactors as we build bridges for young people to prosper in a preferred future.

PHILOSOPHY OF TREATMENT

MercyFirst is committed to the Sanctuary Model® for its philosophy of treatment and organizational management. Sanctuary® is a trauma-informed method in which safety, recovery, healing, and growth occur for both clients and staff.

7 Commitments of the Sanctuary Model®

Non-Violence – providing a safe environment for clients and staff encompassing physical, psychological, social, and moral safety.

Emotional Intelligence - learning connections between one's own emotions, cognitive awareness, and behavior in relation to clients and co-workers; to recognize the contagious nature of emotion within a group; and to enable all of us to help improve emotional management in traumatized clients and in ourselves.

Social Learning – promoting better decision making and critical judgment in staff and clients through group learning experiences.

Democracy – empowering all clients and staff to participate in tolerant, thoughtful, non-authoritarian processes for the purposes of shared creative problem-solving and to minimize the abusive use of power.

Open Communication – utilizing non-violent, direct communication to resolve staff to staff as well as staff to client conflicts.

Social Responsibility - we are all responsible for our collective successes and failures.

Growth and Change – enhancing each client and each staff's creativity and imagination to envision a better future.

In addition to the 7 commitments, Sanctuary® utilizes S.E.L.F. to provide structure for a therapeutic approach for trauma recovery. S.E.L.F. stands for:

Safety - attaining safety in self, relationships, environment, and beliefs;

Emotional management - identifying levels of affect and modulating affect in response to memories, persons, and events;

Loss - feeling grief, dealing with personal losses, and confronting resistance to change, and

Future - trying out new roles, ways of relating and behaving as a “survivor” to ensure personal safety and help others.

It is MercyFirst's expectation that all staff understands and abides by the principles of Sanctuary.

PROVISION STATEMENT

Responsibility for the establishment of personnel policies for MercyFirst rests with the Board of Trustees. The President/Chief Executive Officer is responsible to implement these policies.

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

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

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

PREFACE

MercyFirst is an independent, not-for-profit, child welfare agency licensed and certified by the State of New York. MercyFirst is a sponsored ministry of the Sisters of Mercy of the Mid-Atlantic Region but is governed by a Board of Trustees and administered by the President/CEO.

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

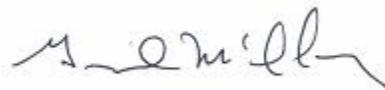
It is with these considerations in mind that these Personnel Policies have been prepared. If staff is to fulfill the high expectations flowing from the nature of the commitment, then the proper climate for successful working relationships must be provided. In this way, on all levels of involvement -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

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

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

Kevin J. Shine

Kevin J. Shine
President, Board of Directors



Gerard McCaffery
President/CEO

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SECTION 1 - POLICIES

101.00 EQUAL EMPLOYMENT OPPORTUNITY

MercyFirst is an equal opportunity employer and is committed to making all personnel decisions without regard to age, race, creed, religion, color, sex/gender, national origin, disability, marital status, citizenship, pregnancy, gender identity, sexual orientation, veteran status, domestic violence victim status, genetic predisposition, or any other status protected by law.

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

101.01 POLICY STATEMENT FOR DISABLED EMPLOYEES

MercyFirst is committed to complying with all provisions of the laws applicable to disabled employees. It is the Agency's policy to be non-discriminatory with any qualified employee with regard to any term, condition, or privilege of employment because of such individual's disability so long as the employee can perform the essential functions of the job with or without reasonable accommodation. Consistent with this policy of nondiscrimination, MercyFirst will provide reasonable accommodation to a qualified individual with a disability, as defined by law, provided that such accommodation does not constitute an undue hardship on the Agency.

101.02 CODE OF ETHICS

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

101.03 PHILOSOPHY ON CONTINUOUS QUALITY IMPROVEMENT

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

- Assessing clients' and community needs through close contact with referral sources, families and other sources.
- Identifying and selecting opportunities for improvement through data collection, analysis and interpretation.
- Enhancement of programming, services and skills through regular supervision, ongoing training and performance evaluation.

- Active participation in community efforts to meet the needs of our clients through advocacy and information sharing.
- Implementation of quality improvement processes and training.

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

101.04

A WORD ABOUT UNIONS

Every member of the Management Team is committed to the agency's philosophy of fair and impartial treatment of our employees at all times. Employees are always free to speak to their Supervisor or any member of the Management Team, raise questions and get answers to anything that may be on their minds. Every employee is treated as an individual and as an important participant in the operation of our agency. MercyFirst is committed to maintaining this open and mutually respectful relationship.

We strongly believe that individual consideration in employee-supervisory relationships provides the best climate for our maximum development, teamwork and the attainment of our goals. The agency fully accepts our responsibility to work within our budget to provide you with good working conditions, competitive wages and benefits, fair treatment and the personal respect which is rightfully yours. All this is a part of the agency's responsibility to you as an employee with MercyFirst and does need not be secured through the intervention of any union. We believe that union dues, initiation fees, fines, assessments and the other costs imposed by unions upon their members are unnecessary burdens. Threats of strikes and workplace conflict are divisive and unnecessary ways to resolve differences.

It is our objective to provide you with the opportunity to raise whatever issues you have and to discuss your suggestions and comments directly so we can understand each other better and work together to best meet the needs of the children in our care and their families. We will continue to listen and to do our best to give you responsible replies.

101.05 SEXUAL AND OTHER UNLAWFUL HARASSMENT

I. SEXUAL HARASSMENT

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

Definition of Sexual Harassment:

1. Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; -OR
 - B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, such as promotion, transfer, or termination; -OR
 - C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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

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

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

Use of demeaning or offensive words when referring to a particular sex, sexual preference, or *gender identity*;

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

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

B. Physical:

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

II. OTHER FORMS OF UNLAWFUL AND/OR UNACCEPTABLE HARASSMENT

Just as sexual harassment is strictly prohibited, so is harassment on the basis of age, race, creed, religion, color, national origin, disability or medical condition, marital status, citizenship, pregnancy, sexual orientation, gender identity, veteran status, sex/gender, domestic violence victim status, genetic predisposition, or any other status protected by law. Supporting both employment laws and the Commitments of Sanctuary®, the Agency is committed to providing a safe work environment free from all forms of unlawful harassment or intimidation.

Definition of Prohibited Harassment:

1. Verbal or physical conduct constitutes prohibited harassment when:

A. It is based on an applicant or employee's of age, race, creed, religion, color, national origin, disability or medical condition, marital status, citizenship, pregnancy, sexual orientation, gender identity, veteran status, sex/gender, domestic violence victim status, genetic predisposition, or any other status protected by law; - AND

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

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

Abusive language related to an employee's age, race, creed, religion, color, national origin, disability or medical condition, marital status, ancestry, citizenship, pregnancy, familial status, sexual orientation, gender

identity, veteran status, sex/gender, domestic violence victim status, genetic predisposition, or any other status protected by law, including innuendoes, slurs, suggestive, derogatory or insulting comments or sounds, threats, and jokes based on the employee's protected status.

Use of demeaning or offensive words or bullying techniques when referring to an employee's age, race, creed, religion, color, national origin, disability or medical condition, marital status, ancestry, citizenship, pregnancy, familial status, sexual orientation, gender identity, veteran status, sex/gender, domestic violence victim status, genetic predisposition, or any other status protected by law.

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

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

III. PROCEDURES

1. Any person who feels that he or she has been the victim of sexual or other harassment or bullying, or has witnessed such activity, must immediately report the incident to Sr. Vice President of Human Resources or the Senior Staff of your program/department. If you feel uncomfortable speaking to one of these individuals or if you feel your complaint has not been adequately addressed, please speak to the President/CEO.
2. All complaints will be investigated in a timely manner.
3. Confidentiality will be maintained to the maximum extent possible, consistent with the Agency's obligation to conduct a thorough investigation. All individuals who become involved in the investigation are required and directed to treat the matter confidentially.
4. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a focus upon the nature of the behavior, the pattern of such conduct, if any, and the context in which the incident(s) occurred.

5. Individuals who believe they have been unjustly accused of with sexual or other unlawful harassment will be afforded every opportunity to offer and present information in their defense.
6. Anyone who participates in this procedure may do so without fear of retaliation. Retaliation against anyone, because he or she has filed a harassment complaint in good faith, is grounds for disciplinary action.
7. An individual who is found to have violated this policy will be subject to appropriate disciplinary action, up to and including termination.

IV. GENERAL PRINCIPLES

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

101.06 WORKPLACE VIOLENCE AND BULLYING PREVENTION

Safety is one aspect of non-violence and one of the 7 commitments of the Sanctuary Model. To ensure a safe workplace, reduce the risk of violence and bullying, all employees must review and understand all provisions of this workplace violence and bullying policy.

A. PROHIBITED CONDUCT

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

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

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

B. REPORTING PROCEDURES

Any potentially violent, bullying, and/or other dangerous situations must be reported immediately to any management employee or Human Resources. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis.

C. RISK REDUCTION MEASURES

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

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

D. ENFORCEMENT

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

101.07 EMPLOYEE MANDATE ON THE REPORTING OF ABUSE AND MALTREATMENT ALLEGATIONS

The Mission and Philosophy of MercyFirst stresses the importance we place on respect for the individual and our commitment to protect children from abuse and maltreatment. Mindful of our responsibility to protect all children

from abuse and maltreatment we will report all cases of suspected abuse or maltreatment, unless otherwise indicated and substantiated it has been previously reported.

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

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

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

- I. In keeping with our mission and NY State Social Service Law it is required of all MercyFirst employees that if any of the following occur:
 - a child alleges to anyone that he/she has been abused, or in any way maltreated at any time in their life (regardless of their age at the time) with/without detail
 - a staff person reads in a report/progress note, a statement of alleged abuse or maltreatment in a child’s record (other than documentation from the referral source)
 - child displays signs of abuse or maltreatment
 - physical signs i.e. scars, bruises, malnourished
 - psychological signs
 - reports actions taken against him/her which appear to be abusive
 - child makes an allegation or expresses concerns for siblings/other children about actions being taken against them which raise your suspicion of abuse or maltreatment of those children
- A. The staff person will:
 1. Notify their supervisor immediately.
 2. An immediate case review will occur.
 - **Reports which are historical in nature:** the case record review must determine if all legal obligations have been met (i.e. via contacting: author of report, referral source, or previous program). This determination must be made within 48 hours.
 - **For reports of new/recent incidents (these would generally be reports of allegations of incidents since you have been involved in the case):** the

case record review will be utilized to get historical information which relates to this allegation or for demographic details (i.e. names, address), if available, and could be utilized in the report to the central registry. This report must be made within 48 hours

II. If **legal obligations have not been met** (if it can't be substantiated that the allegation was previously reported to the central registry), the staff person will then be directed to report these allegations to the Central Registry.

- Case will be reviewed with Program Director
- Report will be made to the Central Registry
- Notify the AOD of the call and outcome (i.e. accepted, caller id #)
- The staff person will then note it in their report, progress notes etc., that all legal obligations have been met, by who and when.

III. If **legal obligations have been met** the staff person will then note this in their report, progress notes etc., that all legal obligations have been met, by who and when.

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

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

Against a Staff Member

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

- I. Notify the AOD (Administrator on Duty) immediately at extension 1199, by locating them on radio or through the Switchboard Operator.
- II. The staff who is the subject of the allegation will be immediately told to report to the Administration building to avoid contamination of the interview process. If the staff person is not on duty, they will be contacted by HR, the AOD, or Risk Management. They will have 24 hours from the point of notification to report to the agency to give a statement. If the staff person does not respond, they may face disciplinary action.
- III. The AOD will register the allegation in the AOD log book.
- IV. The AOD will contact the Chief Operating Officer, the program's Senior Vice President, and the supervisor of Risk Management. Sr. VP will notify other staff as deemed necessary.

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

- A. All statements
- B. Any evidence – i.e. pictures
- C. A copy of the medical report

NOTIFICATION OF STAFF:

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

LIST OF MANDATED REPORTERS

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

101.08 INVESTIGATIONS

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

SECTION 2 - HIRING POLICIES

102.00 INTERNAL JOB POSTING

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

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

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

To help foster open communication about possible promotions and job transfers, supervisors are required to approve the internal job application before it is sent to Human Resources for processing.

102.01 EMPLOYMENT OF RELATIVES AND/OR SIGNIFICANT OTHERS

In general, any applicant who is related to a current employee, foster parent, client, or Board member must disclose this information before a job offer is made. Conflicts of interest must be avoided.

MercyFirst respects the right of all individuals to develop and engage in personal relationships of their own choice. Romantic or intimate relationships between co-workers, however, may create an unreasonable possibility of favoritism, conflict of interest, conflict of personality, claims of sexual harassment, and serious problems in the working environment in general.

In order to avoid impropriety or the appearance of impropriety, management and supervisory staff may not hire, promote, supervise, discipline, or terminate any individual with whom they are related or in a personal relationship (i.e. dating). Management and supervisors are prohibited from being related to or in a personal relationship (such as dating) with anyone in their immediate and/or extended line of supervision.

Any employee who, over time, develops a personal relationships (i.e. dating) with or becomes related to, another staff member, Board member, foster parent, or client is required to report this information immediately to the Sr. Vice President of Human Resources. The Sr. Vice President of Human Resources will consult with the President/CEO and/or COO for a decision that will avoid any conflict of interest. Whenever possible, a resolution of least disruption, such as reassignment or transfer, will occur. In the event that there is no viable alternative, termination of employment may occur. The Agency reserves the right to make this decision based on business needs and/or any other lawful basis.

102.02 REFERRAL FEE

There is a referral fee award of \$250.00 for any staff member who recommends someone for employment and that person is subsequently hired. Referral awards do not apply to re-hires. The employee referring the new hire will be paid \$125.00 upon their beginning work and be paid the remaining \$125.00 after the new hire completes 6 months employment. The referring staff person must be actively employed when his/her referral begins employment and/or completes 6 months employment in order to receive finder's fee monies. The new employee must list the name of the employee who referred them on the application packet for this referral fee to be applicable.

102.03 PHYSICAL EXAMINATIONS

As required by NYS regulations, all new employees are required to undergo and pass a physical examination within one (1) month of hire date. The examination will include Serology and Tuberculosis tests.

New employees may go to their own health care provider for the required physical exam. As described above the examination must include Tuberculosis and Serology tests. Upon submission of a bill, the agency will reimburse the employee up to \$75 for any un-reimbursed cost of this examination. If the new employee fails to undergo the examination within the required time, he/she may be suspended without pay until the required documentation is received by a Human Resources Department representative. Failure to submit the required documentation after 30 days of unpaid suspension may result in termination of employment.

The New York State Office of Children and Family Services requires employees who work directly with the children, families, and/or foster parents undergo annual physical examinations and regular TB testing as a condition of employment. The Agency requires annual physicals for any staff member who performs work in a residential cottage, group home, or office that has regular contact with children and/or families. The Human Resources Department will inform Sr. Staff of due dates, who, in turn, will inform their staff. Failure to comply with submitting the documentation for

the physical and/or TB test will result in delays and/or forfeits of salary increases, bonuses, etc. and may also result in disciplinary action up to and including suspension or termination of employment.

Staff who need annual physicals and regular TB Tests include:

- Recreation/CST Staff
- Youth Support Counselors I and II
- Program Managers
- Any staff who work in a residential cottage, group home, or office with regular contact with children and/or families
- Caseworkers
- Clinical staff
- Health/Medical staff

Those employees who have positive reactions to the Tuberculin Mantoux (PPD) test will be required to report to their own physician or a local clinic for a chest x-ray. These employees must present to the Sr. Vice President of Human Resources, a doctor's certification of a negative chest x-ray. Those employees who have a positive chest x-ray will be required to follow the recommendations of their physician or local clinic. Chest x-rays are required every three (3) years for those with positive PPD tests.

PPD tests are given free of charge, by appointment, in the Syosset Health Office and the Brooklyn Health Office.

102.04 HEPATITIS B VACCINE

Hepatitis B vaccine is available through the Agency's Health Offices, free of charge, to all employees with direct contact with clients. Staff may also go to their primary care physician and receive the vaccine.

In order to receive the vaccine, staff must get a prescription for the vaccine from their physician, present the prescription to a Human Resources representative, and then make an appointment to go to an Agency Health Office at either the St. Mary's or Angel Guardian Campus where a nurse will administer the vaccine. Please note the Hepatitis B vaccine is a series of three (3) injected doses administered over the course of six months.

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

102.05 DRIVER'S LICENSE

All Youth Support Counselors I and II, CSTs, Program Managers, Caseworkers, and Case Managers, and similar positions working directly with our children in any of our residential programs are required to have and maintain a valid New York State driver's license. Any staff member who drives an agency vehicle or their own vehicle on agency business,

including Maintenance and Custodian Staff, must have a valid New York State Driver's license.

Any staff using his/her own vehicle on agency business qualifies for mileage reimbursement providing they have submitted proof to Human Resources of valid registration and insurance for the vehicle. This proof must be submitted upon hire and annually in January thereafter.

Upon hire, and on an ongoing basis, employees in the above categories will have their driver's licenses validated through the New York State Department of Motor Vehicles. Employees whose positions require driver's licenses must maintain a satisfactory driving record. Their driving history will be reviewed on an ongoing basis. Failure to maintain a satisfactory record may result in a disciplinary action including suspension and/or termination of employment.

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

102.06 CREDENTIALS

The Agency is proud of our Staff and our Staff's achievements. Please submit to the Human Resources Department your highest educational certificate and/or professional license. If a degree or license is pertinent to a staff's position, this information must be updated by staff as additional certifications, licenses and degrees are obtained or renewed. Documents should be sent to the Human Resources Department as they are renewed. Failure to maintain current credentials, if pertinent to a staff's position, may result in disciplinary action up to and including suspension and/or termination of employment.

102.07 FINGERPRINTING

Fingerprinting of candidates will be done as one of the last phases of the recruitment process

NYS Department of Criminal Justice Services and NYS Office of Mental Health (hereafter referred to as DCJS or OMH respectively) conducts the required fingerprinting for every staff member. Due to the sensitivity of our work with children, satisfactory criminal history reports are required for all positions throughout the Agency. However, convictions do not necessarily prohibit employment.

Staff, generally, will not be permitted to work until approved by OMH or DCJS, whichever is appropriate. In very rare circumstances, staff may be temporarily approved by the Sr. VP of HR to attend new employee orientation's classroom training for up to one week, but they may not have

contact with clients. The Training Coordinator and/or the Sr. Staff Member of that department is responsible for supervision and compliance.

The Sr. Vice President of Human Resources reviews the results of each fingerprint screening. OMH and NYS Office of Children and Family Services (OCFS) have the right to deny employment and/or continued employment due to certain unfavorable criminal history reports results. In those cases, employment will be terminated. For unfavorable results that are not denied employment by OMH and/or OCFS, MercyFirst will determine employment status.

MercyFirst follows all applicable laws and regulations in reviewing criminal history including the Fair Credit Reporting Act.

The employee will be instructed to write a statement of the occurrence(s) which will be presented to the Sr. Vice President of Human Resources.

The Sr. Vice President of Human Resources and the Senior Staff member for that department will make the final determination regarding employment. For applicant, hire may be delayed or denied. If there has been an arrest subsequent to the start of employment, the individual may be placed on unpaid suspension pending a case determination. The Agency reserves the right to terminate employment for any legitimate business reason, including arrest and/or conviction.

The subject individual (of either conviction or arrest) will be given a Summary of Rights under the Fair Credit Reporting Act, a copy of the report received, and a letter indicating the issue is under review. All subject individuals will be notified in writing of the final determination.

This information will be maintained in a separate confidential file in a manner that is consistent with the law.

102.08 STATE CENTRAL REGISTRY

State Central Registry Clearance (hereafter referred to as SCR) of candidates will be done as one of the last phases of the recruitment process. SCR forms are completed by candidates prior to hire. The forms are sent to the Office of Children and Families Services.

The Sr. Vice President of Human Resources reviews the results of each SCR screening. In the event that a favorable response is not received within 2 months of being hired, the employee may be put on unpaid suspension. If a satisfactory response has not been received within 3 months of being hired, the employee, in most cases, will be terminated.

In the event that an unfavorable response (such as "indicated" or "founded") is received, in most cases, the employee will be terminated.

SCRs are conducted every 5 years for current staff. Human Resources will notify staff when s/he must complete a new SCR form. The above guidelines for unfavorable responses are followed for current staff.

102.09 NOTIFICATION OF COMMUNICABLE DISEASES

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

SECTION 3 - EMPLOYMENT

103.00 JOB DESCRIPTION

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

103.01 PERSONNEL RECORDS

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

103.02 CHANGE OF PERSONAL STATUS

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

103.03 CONFIDENTIALITY

As an employee of the Agency, you may have access to confidential information about the individuals served by the Agency, other persons associated with the Agency, or financial or business information obtained through your association with the Agency. This information includes, but is not limited to case records, diagnoses, and social security numbers.

Confidential information is valuable and sensitive and should be treated as such. It is protected by laws, rules and regulations including the Health Portability and Accountability Act of 1996 (HIPAA), which require protection of confidential information, obtained within the Agency's

information systems. Our clients' information is considered protected health information and cannot be released with authorization.

The following are conditions of employment:

1. Staff will not access confidential information unless there is a legitimate need to know the information and he/she is an authorized user.
2. Staff will not divulge, copy, release, sell, loan, review, alter or destroy any confidential information unless expressly permitted by existing policy or approved in writing by an authorized officer of the agency.
3. Staff will not utilize another's user password in order to access any system, will not reveal computer access codes to anyone, unless authorized by the Information Systems Department or its authorized designee, and will accept personal responsibility for all activities occurring under his or her password.
4. If a staff member becomes aware of, or suspects, unauthorized access or divulgence of confidential information, there is a duty to report it immediately to his/her supervisor or to the Privacy Officer (who is the Director of Behavioral Health and Research in the QI Department), or his/her agency designee.
5. Staff will not benefit personally or permit others to benefit personally from any confidential information to which he/she has access.
6. Staff will respect the ownership of proprietary software and not operate any non-licensed software on any agency computer.
7. Staff understands that all information related to his/her job and position at the Agency, regardless of the media on which it is stored (paper, computer, video recorder, etc.), the system processing the information (computers, voice mail, telephone systems, faxes, etc.) or the methods by which information is transmitted (electronic mail, face to face conversation, written word, faxes, etc.) is the property of the Agency and shall not be used inappropriately or for personal gain. Staff also understands that all electronic communication will be monitored and subject to internal and external audit.
8. Staff agrees to abide by the Agency's Security and Confidentiality Agreement as well as other Agency policies, rules and regulations.
9. Staff understands that failure to comply with the Security and Confidentiality Agreement may result in disciplinary action which includes, but is not limited to, termination of employment or volunteer/student intern status and/or loss of privileges within the Agency.

103.04 STATEMENTS TO MEDIA

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

103.05 INFORMATION REQUESTS

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

103.06 STAFF DEVELOPMENT

Training is an essential component of every employee's career path and is an opportunity to practice one of the seven commitments of Sanctuary®, social learning. The Agency has a Staff Development Department and offers opportunities for administrative, professional and support staff to improve their knowledge, skills, and abilities. Staff development opportunities are posted on the intranet. The staff development program consists of in-service workshops and outside seminars. Upon hire, there is mandatory training program required for all staff.

All full-time direct care staff members are required to complete a minimum of 28 hours of training per year (in accordance with NYS regulation). Part-time direct care staff members are required to complete a minimum of 13 hours of training per year. Employee Core Training is an annual mandate for all employees. All direct care staff are required by NYS regulation to complete Therapeutic Crisis Intervention refreshers every 6 months. Refreshers are typically scheduled every month and specific dates are posted on the intranet.

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

In order to qualify for salary increases, bonuses and/or education scholarships, staff must be in good standing including being in compliance for all mandated training for their position.

103.07 EMPLOYEE ASSISTANCE PROGRAM

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

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

Any employee who is a victim of violence, including domestic violence, is strongly encouraged to seek help through the Employee Assistance Program. The Agency is committed to assisting staff, who are victims of violence, whenever possible.

103.08 RIGHT OF REFUSAL TO TREAT

It is the policy of the Agency to provide for a mechanism to address requests from staff members not to participate in any aspect of client care and treatment that may conflict with their cultural values and/or religious beliefs. However, the primary obligation of the Agency is to provide treatment and care to all of its clients. Therefore, in no instance will the legal requirements nor the Mission of the Agency, be compromised.

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

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

activities and duties to other individuals as needed to ensure appropriate quality care for the client. It may be necessary for the staff member requesting such exclusion to provide appropriate client care until alternate arrangements can be made.

4. Due to staffing limitations, it may not always be possible to grant such a request. The Agency will attempt to make reasonable accommodation for all justified requests and shall not unreasonably withhold approval.
5. The individual granted an exemption from duties under the provisions of this policy will be reassigned to other duties (when possible) that do not conflict with their religious beliefs. Staff affected may wish to consider a request for transfer to position in which conflict of care issues are less likely to occur.
6. The Sr. Vice President of Human Resources will evaluate the impact of this practice on client care as part of the Quality Improvement program.

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

SECTION 4 – EMPLOYMENT STATUS

104.00 EMPLOYMENT STATUS

A. Full-Time Employees

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

B. Part-Time Employees

Employees who are assigned to work less than 35 or 40 scheduled hours per week on an annual basis shall be considered part-time.

- Pro-rated Benefits: Employees hired on or prior to June 30, 2009, and are regularly and officially scheduled to work at least 20 or more hours per week on an annual basis, shall be entitled to pro-rated paid benefit days. Employees hired on or after July 1, 2009 who are regularly and officially scheduled to work at least 20 or more hours per week on an annual basis, shall not be entitled to paid benefit days.
- Other Part-time Employees: Those employees who are regularly and officially scheduled to work less than 20 scheduled hours per week on an annual basis are not eligible for any benefits including benefit time.

C. Temporary Employees

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

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

D. Pre-doctoral Psychology Interns

Pre-doctoral Psychology Interns contract with the Agency for a period of one year to receive training and supervisory experience in the provision of

clinical services. Interns receive a monetary stipend and 2 weeks vacation, 12 holidays, 4 personal days, 6 sick leave days and health benefits upon completion of enrollment forms. Interns are not entitled to any other benefits.

Note: Clinical externs are not entitled to paid benefit time, health insurance or any other benefits.

104.01 DUAL EMPLOYMENT

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

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

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

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

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

ORIENTATION PERIOD

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

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

All new Youth Support Counselors receive an initial assessment upon completing the New Employee Training Program. The assessment is discussed with the new staff member.

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

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

If a SCR Clearance is not received for an employee having direct contact with children within 2 months following their being hired a review will be undertaken by the Sr. Vice President of Human Resources, Senior Vice President and Chief Operating Officer to determine whether the employee will be put on leave until the clearance is returned. Under no circumstances can an *uncleared* employee work longer than 3 months without a favorable clearance being returned (exception: Birth Parent Advocate).

PERFORMANCE EVALUATION

The purpose of an evaluation is to determine whether a staff member is carrying out assigned responsibilities in accordance with the policies and procedures established by the Agency. It is the basic policy of the Agency to appraise the progress, performance, abilities, and potential of each employee uniformly and objectively at the end of the orientation period and at least annually thereafter.

Evaluations are discussed with the employee. If, after discussion with the

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

Every employee transferring to another position is placed on three month orientation. During this period, the usual benefits (i.e. accrued benefit time) of the employee remain in effect. A written evaluation is completed after this orientation period.

104.04 SENIORITY

The seniority date is the date of original start-hire. If employment is broken through separation from the Agency, and the employee is re-hired and begins work 6 months or less from his/her last day of employment, there is no break in service. However, if employment is broken through separation from the Agency, and the employee is re-hired and begins work more than 6 months from the last day of employment, then the seniority date will be that date on which the employee actually returned to work.

Seniority is used as an aid in determining promotions, transfers, and vacation schedules. However, departmental and Agency needs must be given priority. Seniority rights will be maintained while employees are on limited, approved, leaves of absence.

Per diem status is not recognized as time worked for seniority or benefit leave.

104.05 PROMOTIONS

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

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

Employees who desire to be considered for promotion must complete the internal job application and confer with their supervisor. All promotions are subject to the approval of the Sr. Vice President of Human Resources and Senior Management.

104.06 TRANSFERS

Transfers will be granted according to the needs of the Agency. All employees requesting transfers must complete the internal job application and have the recommendation of the Supervisor and/or the approval of the department head. All transfers (except from unit to unit within the same program) are subject to the approval of the Sr. Vice President of Human Resources and Senior Management.

104.07 ADMINISTRATIVE LEAVE

The safety and security of our clients is of the utmost importance. On occasion, an incident may arise that requires an investigation by the agency. In some situations, a staff member may be transferred to another unit or site or placed on Administrative Leave to ensure the integrity of the investigation or to ensure the safety of clients or staff. During periods of investigation, staff may not contact any resident/client, client family, or staff member, other than the Sr. Vice President of Human Resources, who may be connected in any way with the incident as this may impair the investigation process.

- An employee will be put on Administrative Leave if there is concern that a client's safety is at risk or to protect the safety of an employee. Being placed on Administrative Leave is not the same as being suspended as a disciplinary step because of some serious misconduct or pending the determination of an employee's criminal arrest/conviction or SCR status.
- In the ordinary course of business placing an employee on Administrative Leave requires the Director to discuss and receive prior approval of the Senior Vice President for that program. The Chief Operating Officer (COO) and Sr. VP for Human Resources must be informed by the next business day. If there is an allegation or incident to be investigated, the Chief Compliance Officer (CCO) must be informed as well.
- If there is an allegation or incident to be investigated by QI, the CCO will notify the Senior VP, COO, and Sr. VP of HR of the initial findings of their investigation within several business days. If there is an indication that misconduct occurred, a decision will be made as to whether to continue the leave or end it; whether the person will be paid or not; and whether some other disciplinary step is warranted.
- The decision to pay or not to pay the staff person in question will be made by the Sr. VP for Program, Sr. VP for HR and COO.

- All effort will be made to bring the matter to a conclusion within 7-10 days following the incident or allegation. Arrests/convictions and SCR issues are not generally resolved in 7-10 days and employees suspended for these issues will not be paid for this time.

104.08 PROGRESSIVE DISCIPLINARY APPROACH

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

1. Discussion - Discussing the situation with an employee and documenting this discussion in their supervisory notes;
2. Written memo – A memo will be written outlining what occurred, related incidents in the past, and steps, if any, that need to be taken by the employee and agency, if applicable, to rectify the problem
3. Probation - Placing the employee on a probation status a period of from 3-6 months with the understanding that any future incident and/or failure to improve performance will result in a review of the employee's continued employment with the agency and possible discharge.
4. Discharge. NOTE: Employees discharged for cause from employment are not entitled to benefit time pay out. See section 104.09 for more information.

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

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

An employee always has the opportunity to attach a written response to any disciplinary memo that goes to their personnel file and to discuss any concerns they have about such matters with the Senior Staff responsible for their department or program, and/or the Sr. Vice President of Human Resources.

SEPARATION OF EMPLOYMENTA. RESIGNATION

In order to receive payment for accrued, unused vacation leave, employees must provide adequate notice of resignation, return all agency property and submit all outstanding work. Any employee who resigned must submit his/her resignation, in writing and signed, to his/her supervisor. The acceptable notice period required for employees is equal to their vacation category (i.e. 4 weeks for exempt staff).

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

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

If, at the time of resignation, the employee has overdrawn his/her vacation, personal leave, sick leave, or has any outstanding debts to the agency, the employee will be held liable for the total sum.

The final paycheck will be issued in the next regular payroll cycle after the employee ceases employment with the agency. As stated above, the employee must return keys, ID card, agency beeper, agency phone card, completion of all work, etc. NOTE: Employees discharged for cause from employment are not entitled to benefit time pay out. Accrued, unused sick, personal and/or holiday transfer time is not paid out.

B. RETRENCHMENT

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

Whenever possible, qualified staff affected by retrenchment will be offered an open position at the same level either in their current program or another. An employee whose position is retrenched and is not offered an open position is eligible for payout of accrued, unused vacation time.

C. EXIT INTERVIEW

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

104.10 REPORTING OF AN ALLEGED CRIMINAL CHARGE OR ARREST

Since the Agency is responsible for the care and custody of children, we require that all staff members report any and all criminal charges brought against them. The agency follows the requirements of applicable laws and regulations.

REPORTING PROCEDURES

1. Within 24 hours, any employee charged with a crime must verbally notify his/her department head, supervisor or administrator on duty (AOD).
2. Failure to comply and give due notification within a 24 hour period may result in immediate dismissal.
3. The supervisor or AOD receiving the verbal notification will ask the employee to submit a written statement of the event(s) causing the criminal charge. The statement should be given to the Sr. Vice President of Human Resources within the first business day following the arrest or charge along with any related materials concerning the arrest or charge. All related materials concerning the alleged crime is a matter of strict confidentiality and will be kept separate and apart from an individual's personnel file.
4. If the employee is unable to meet the above requirements, the Agency should be notified of the situation by the employee's designee (i.e. attorney, family member, friend).
5. Due to the sensitive nature of our work with children, the employee may be suspended without pay until resolution. Senior Staff of that department and the Sr. Vice President of Human Resources will make the decision to reinstate or terminate the employee.
6. Employees are required periodically to give an up to date report to the Sr. Vice President of Human Resources of the progress and disposition of their case.

SECTION 5 - BENEFITS

105.00 PAY PERIODS

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

If an employee's check is lost or stolen, it must be reported, in writing, to the Human Resources Department immediately. Replacement paychecks are issued after two (2) weeks.

105.01 SALARY DEDUCTIONS

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

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

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

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

Other deductions might include:

- Court-ordered garnishment (note: does not require the approval of the employee).

105.02 CREDIT UNION

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

HEALTH INSURANCE

Full time employees are eligible for medical and dental insurance through the Agency after three months of employment. It is the responsibility of each employee to complete the enrollment forms in a timely fashion and return them to the Human Resources Department. Eligible employees may also enroll for coverage annually during Open Enrollment, or another time of the year if they have experienced a Qualifying event. Please contact Human Resources for more information. Benefits include:

- Medical (includes hospital, major medical, vision, and prescription coverage)
- Dental benefits
- Life/AD&D in an amount equal to an employee's annual base salary is provided at no cost to the employee.
- Long Term Disability provided at no cost to the employee to pay 60% of employee's salary due to illness or injury. Elimination periods and monthly maximums vary, based on salary and job classification.

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

Part-time employees, hired before July 1, 2009, and regularly scheduled for 20 or more hours per week are eligible for medical and dental insurance, but must pay a higher employee contribution. Part-time employees hired before July 1, 2009, and regularly scheduled for 20 or more hours per week are eligible for Life/AD&D insurance. Employees hired before July 1, 2009 who voluntarily change their full-time status to part-time on or after July 1, 2009, will not be eligible for benefits. Part-time employees hired on or after July 1, 2009 will not be eligible for benefits.

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

105.04 COBRA POLICY

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

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

Additional information can be obtained at any time from the Human Resources Department. Please note that COBRA limits are subject to changing laws, MercyFirst will abide by any changes the law requires.

105.05 PENSION PLAN

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

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

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

105.06 FLEXIBLE SPENDING ACCOUNTS

MercyFirst offers employees the opportunity to realize significant tax savings through flexible spending accounts for health care expenses not covered by insurance, dependent care expenses (i.e. nursery school) and transportation expenses. Participants may elect to have portions of their earnings placed in personalized, tax-free accounts. From these accounts, they can then receive reimbursement for eligible expenses, thus lowering their out of pocket expenses. New employees may enroll in the current year's program on the 1st day of the month following three months of employment. Enrollment forms and program information are distributed by the Human Resource Department, and may be found on MercyFirst's intranet in November of each year. The annual enrollment period extends from January 1st to December 31st.

105.07 EMPLOYEE ASSISTANCE PROGRAM

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

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

Any employee who is a victim of violence, including domestic violence, is strongly encouraged to seek help through the Employee Assistance Program. The Agency is committed to assisting staff, who are victims of violence, whenever possible.

105.08 ELDERCARE SOLUTIONS

MercyFirst provides employees dealing with issues concerning their aging parents or other elderly family members with free geriatric care counseling through ElderCare Solutions. By calling ElderCare Solutions at (800) 500-6681, employees are connected with an experienced geriatric care counselor who can provide information and guidance, and thus help balance the needs to their children, spouses and jobs with the increasing needs of their elderly relatives. ElderCare Solutions serves employees or organizations across the United States and US territories, and therefore can be of assistance to employees whose elderly relatives live anywhere in these regions. Discussions and other communication between employees and ElderCare Solutions is strictly confidential.

105.09 EDUCATION SCHOLARSHIP REIMBURSEMENT

There are two education opportunities available to employees. The tuition reimbursement program is described below. MercyFirst earns tuition credits from several schools in exchange for the Agency providing social work internships. Participating schools and the number of credits vary each year. It is the Agency's intention to award the tuition credits or reimbursement monies, but generally not both. The same requirements and application process applies to both monetary reimbursement and tuition credits.

Each year, budget permitting, the Agency allocates funds to assist employees to earn a degree that is relevant to the work we do at MercyFirst. For most fiscal years, \$20,000 will be allocated, \$10,000 for the Fall Semester and \$10,000 for the Spring Semester. There will be up to 10 awards for the Fall Semester and 10 awards for the Spring Semester. Each award will be for either a tuition credit or up to \$1,000 for one semester. Awards

will be determined by the Education Scholarship Committee. Credits awarded can only be used at the school granting the credit. Monetary awards can be used to pay for tuition, school fees, and books. Receipts must be submitted in order to receive monies.

Credits and/or monies left over from the Fall Semester may be awarded in the Spring Semester at the Agency's discretion. Monies not awarded in the Spring Semester may only be rolled over into the next fiscal year with CEO/CFO approval.

There is no limit to the number of times a staff person can *apply*. If there are more than 10 applicants in one semester, the committee will conduct interviews to select the 10 recipients. There is an expected continuance of service for a one year period following the covered semester.

Degrees considered for tuition assistance:

- PsyD or PhD in Psychology
- Masters of Social Work
- Bachelors of Psychology, Education, Social Work, Sociology, or other very related category (appropriate degrees that qualify for caseworker positions)

Tuition assistance, for either credits or monies, will be considered ONLY for the above degrees and for those staff if the degree is related to the current position or the expected career path. (For example: a Direct Care Worker could be approved for a BA in Psychology but a Chief Development Officer would not be approved for a Masters in Social Work)

In order to be considered eligible, Staff must:

- have successfully passed initial employment orientation period (6 months)
- be full-time
- be in good standing until the covered semester ends (up to date on physical, TB testing, mandated trainings)
- not be subject to disciplinary or performance probation
- submit a written recommendation from his/her direct supervisor
- achieve a 2.75 GPA average for the covered semester

The deadlines to apply are September 1 for the Fall Semester and January 1 for the Spring Semester. In order to receive reimbursement, the approved staff member must submit proof of grade and proof of payment within 60 days of the covered semester ending.

105.10 ADVANCES

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

105.11 OVERTIME/FLEX TIME

A. OVERTIME (Non-exempt employees)

Only non-exempt employees are eligible to be paid overtime. However, due to budget restraints, overtime is permitted only in exceptional circumstances and emergencies. A non-exempt employee shall only work overtime with prior authorization from supervisory or administration staff. Non-exempt employees who work unauthorized overtime shall be paid for that time, but could face discipline.

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

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

Direct Care/Recreation
Maintenance
Clerical Support/Switchboard Staff
Parent Aides/Advocates
Para-Professionals

Non-exempt employees whose primary position has a rate different from his/her second position within the agency will have their overtime calculated using the blended method.

YOUTH SUPPORT COUNSELOR'S MANDATORY OVERTIME POLICY

It is a legal requirement and the policy of MercyFirst to have 24 hour coverage for all residential programs. At no time can a Youth Support Counselor leave a residential unit until he or she is relieved by another staff member, direct supervisor, or AOD.

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

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

B. FLEX TIME

For times when exempt employees work in excess of their regularly scheduled work week, they may flex their schedule within the same work week or by the end of the following pay period provided that such time is approved by their supervisor in advance. Flex time is not “hour for hour” and does not go into a “bank”.

A non-exempt employee can only “flex” their hours within a week, not a pay period.

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

SECTION 6 - TIME AT WORK

106.00 PHOTO IDENTIFICATION

All employees will be given a photo I.D. badge as they begin their employment. Staff must wear their I.D. badge in a visible place while on duty. When off grounds and on duty, staff must have their I.D. badges with them. Loss of I.D. badges could result in discipline.

106.01 SCHEDULED HOURS

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

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

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

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

106.02 TIME RECORDING

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

Each employee is responsible for the correct hand scanning or editing of their electronic time card. Failure to scan or accurately record work time, in and out, can lead to disciplinary actions up to and including termination of employment.

Any employee found guilty of falsifying time recording will be subject to disciplinary action, including termination of employment.

106.03 WORK DURING NON-SCHEDULED HOURS

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

Employees who are at work at times other than during regularly scheduled hours must have supervisory approval. Loitering and/or hanging out are not permitted and are not considered work time.

106.04 MEALS AND REST PERIODS

With the exception of staff responsible for the supervision of children, all other employees will have either one (1) hour or one-half (1/2) hour for lunch and/or dinner depending on the schedule for their particular position. Youth Support Counselors are provided with meals, at regular meal times, but may not leave the residents except with proper authorization from their supervisor or the AOD.

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

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

106.05 PARTIES

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

106.06 ACCURACY AND TIMELINESS OF DOCUMENTATION

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

Any employee who is aware of the falsification of any documents or reports related to the provision of services or to the funding of such services must notify their supervisor, department head, or COO. Any employee who is encouraged in any way by a supervisor or member of management to falsify

such documents must notify the CEO. Any employee who is found to have falsified documents used in the regular conduct of agency business is subject to immediate dismissal and possible legal action. In addition, a supervisor or

member of management who encourages the falsification of such documents or ignores the falsification of documentation by other employees is subject to immediate dismissal.

106.07 INCLEMENT WEATHER/TRANSIT DELAYS

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

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

106.08 EXPENSES

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

To receive reimbursement for the use of your own vehicle for agency business, an employee must provide Human Resources with proof of valid insurance and registration at the time of their initial hire and on January 1 every year thereafter. Delays in the submission of this documentation will delay reimbursement until it is received. Delays beyond 30 days may result in reimbursement only for mileage submitted after the date that this documentation is received by Human Resources.

Employees are not authorized to use any personal vehicle on agency business unless they have submitted these documents to Human Resources.

Employees involved in an accident using their own vehicle will find that their personal insurance coverage applies for any damages resulting from that accident. Agency insurance serves as secondary coverage.

Employees receiving traffic and/or parking tickets while on agency business could be subject to disciplinary action.

An employee receiving traffic or parking tickets using an agency vehicle is required to report this incident to the AOD. While MercyFirst will pay such tickets, it may subject the employee to disciplinary action. If an employee believes that their actions did not warrant a ticket being issued to them, they

have the right to contest such a ticket. They are responsible to submit documentation to their Department Head and the Fiscal Department on all steps they are taking to contest the issuance of the ticket.

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

A. OUT-OF-POCKET PURCHASES

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

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

- i) Meals for residents while away from Agency (e.g. medical or court appointments);
- ii) Parking while on Agency business.
- iii) Attending an Out-of-Town Conference approved by the agency

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

- ii. The employee shall complete an Employee Expense Report form. This form and instructions for its use shall be available from all department heads and supervisors, and the fiscal department;
- iii. The employee shall attach receipts where appropriate. For meals incurred attending an out-of-town conference, the agency will provide up to \$10 for breakfast, up to \$15 for lunch and up to \$25 for dinner or a maximum of \$50 for a full day.
- iv. The employee shall submit an Employee Expense Report form to their Department Head;
- v. The Department Head shall check the Employee Expense Report form for completeness and accuracy. Incomplete forms shall be returned to the employee;
- vi. The Department Head shall approve and forward the form to the Fiscal Department.
- vii. The Accounts Payable Department shall process the request according to fiscal procedure. Any request not accompanied by proper receipts will not be paid.
- viii. For staff based on campus, checks must be picked up at the fiscal department and employees must sign the Reimbursement Log Book indicating receipt of the check. Checks for all other staff will be forwarded to the site supervisor for distribution and the signing of a receipt indicating receipt of the check.

B. Cell Phone/Phone Reimbursement Policy

All members of the Management Team who have program oversight responsibilities are considered to be on-call 24/7 for emergencies and must ensure that their personal contact information is updated with their respective Senior Staff member. Given this expectation, these Management Staff have the option of either receiving an agency cell phone to use for agency matters or \$20/month reimbursement to cover an expanded plan for use of their personal cell phone for agency matters. To receive reimbursement, documentation must be submitted monthly on an Expense Report to verify there is an active cell phone contract for the phone number on record. A record of phone calls actually made is not required. With the approval of the program's Senior Vice President, and based on their need to be available 24/7, other staff may also have this option.

In the event of emergencies that require extensive use of a personal cell phone by a staff member who is not on Management Team or was not assigned an agency cell phone, individual reimbursement will be provided if approved. In this case, the nature of the emergency, as well as the itemized cell phone bill, must be submitted with an Expense Report to their Immediate Supervisor for review. Reimbursement will be provided for any minutes used for work-related calls, up to the amount by which their contracted cell phone agreement is exceeded that month.

For example, if a monthly cell phone bill shows that it is over the plan's limit by 60 minutes and the employee had 30 minutes of agency related phone calls the agency would pay for 50% of the overage costs. As with any expense submitted for reimbursement, Supervisors are expected to review the bill and verify that phone calls made were for agency business. The Supervisor will sign off on the Expense Report and forward it to the Fiscal Department for reimbursement.

2. Expense and Mileage Reimbursement

Supervisors are responsible to review all items submitted by their staff for reimbursement for accuracy and appropriateness before being submitted to Fiscal. Review of mileage should include periodic comparison of mileage submitted with Map Quest. In general, differences of more than 10% should be discussed by the supervisor with the employee to confirm for accuracy.

The Fiscal Department is responsible to review for accuracy all invoices and bills submitted by vendors as well as Expense Reports and other items submitted by employees. In general all submissions must be approved by the individual responsible to verify that the goods or services were received (i.e. office supplies) or that the expenses were incurred as part of conducting agency business (i.e. mileage). Employees are encouraged to be familiar with Personnel Policies regarding Expense Reimbursement and to discuss any questions they might have with their

supervisor in advance about whether an expense will be reimbursed by the agency.

Any questions or concerns the Fiscal Department has on the accuracy or legitimacy of an employee expense will be discussed and clarified with the Supervisor or Director. Any decision made to not reimburse or to reduce reimbursement to an employee will be conveyed to the employee by their Supervisor or Director as well as the basis for the decision. If necessary, discussions will include the Vice President, Senior Vice President or Department Head if there appears to be a pattern of questionable expenses being submitted by an employee or approved by a Supervisor.

106.09

DRESS CODE

It is expected that the Agency demonstrate professionalism in every aspect of functioning. Employees are expected to maintain high standards of appearance and grooming and wear clothing that is appropriate for the position for which they are assigned. All staff are required to wear agency ID badges on the outer layer of their clothing. This ID must be visible at all times while on duty. This policy is not meant in any way to prohibit or discourage an employee from wearing clothing that is required of them by their religious beliefs.

All staff are expected to provide the *clients* we serve with appropriate role modeling. One way which this can be accomplished is by dressing professionally while on duty. If an employee reports for work inappropriately attired, the supervisor may instruct the employee to return home to change clothes or take other corrective action. Therefore, the following dress code has been established:

I. NON-DIRECT CARE STAFF

A. Directors, Supervisors, Professionals, Office Personnel

The attire of Management and Supervisory staff should conform to generally accepted business attire. Staff in these positions must wear a dress, business suit or jacket and dress slacks; shirt and tie or blouse; and dress shoes. (Note: A tie is not required for AOD's or Residential Supervisors unless attending a professional meeting.)

B. Caseworkers

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

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

C. Casual Friday

The Agency allows staff in the categories listed above to dress casually on Fridays when they do not have meetings to attend in the community or at the agency with representatives from outside agencies, including court appearances and meetings with representatives from public agencies. Casual dress is defined as a collared shirt along with dark colored pants, khakis or blue jeans (in good condition), and comfortable shoes. T-shirts, flip-flops or beach shoes, sneakers, sweatpants/shirts, and shorts are not acceptable.

II. DIRECT CARE STAFF

A. Youth Support, Recreation, CRT

- Agency-authorized polo shirts are required to be worn along with dark colored pants, khakis or blue jeans (in good condition), sneakers or similar shoes.
- Staff may wear solid color short or long sleeve shirts underneath the agency polo short.
- In warmer weather, direct care staff may wear knee length shorts and sneakers. No sandals, flip-flops or beach shoes are permitted.
- No head wear (i.e. baseball caps), except for seasonal need or religious reasons, are permitted. No head wear, other than religious, may be worn indoors. Head wear must be worn properly.
- For agency functions, including those on grounds (cultural and/or celebratory luncheons), professional business dress is required of all staff including direct care staff.

III. MAINTENANCE

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

IV. HEALTH OFFICE

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

106.10

PERSONAL TELEPHONE CALLS

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

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

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

106.11

PERSONAL BEEPERS, CELL PHONES AND OTHER ELECTRONIC COMMUNICATION EQUIPMENT

All staff members who are responsible for the direct supervision of children in residential programs and after school programs are strictly prohibited from turning on their personal beepers, cellular phones and camera phones while on duty. In addition, the use of any camera (regular, digital, or telephone cameras) to photograph a client, on or off the agency's premises is strictly forbidden due to laws and regulations that guard the confidentiality of our clients.

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

MercyFirst requires the safe use of cellular telephones by employees while conducting business. Cellular telephones and other electronic communication devices must not be used while operating motor vehicles. Employees that need to make phone calls while driving must pull over to a safe place on the road and stop their vehicle prior to making the call. The same procedure should be followed when receiving a telephone call. In the event that a telephone call is received while driving in an area where it would be impossible to stop, the employee should use a hands free cellular device and keep the conversation brief. To obtain a hands free

cellular device, please contact Human Resources. Failure to comply with the above may result in disciplinary action up to and including termination.

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

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

106.12 SOLICITATION

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

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

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

106.13 AGENCY PROPERTY

A. Care of Agency Property:

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

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

B. Return of Agency Property:

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

C. Personal Property

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

106.14 REIMBURSEMENT FOR LOSSES

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

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

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

106.15 INFECTION CONTROL

The Agency makes a conscious effort to protect the health of each staff member who serves them. The Agency is committed to a scrupulous Infection Control program, to guarantee that the health of our employees and residents/clients is safeguarded. To guard against the spread of infections, staff are advised to wash hands regularly with soap and use rubber gloves,

and other preventive equipment when needed for the performance of their jobs. Also, see The Agency AIDS and Blood-Borne Pathogen Control Policies on file with your supervisor.

106.16 HOUSEKEEPING IN OFFICES

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

106.17 DRUG-FREE WORKPLACE POLICY

I. Statement of Purpose

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

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

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

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

"DRUG" shall include any substance which may impair an employee's ability to perform his/her job or whose use may pose a threat to the safety of others.

Drug and alcohol testing is conducted by a contracted, licensed laboratory. Urine tests for illegal drugs (amphetamines, cocaine, marijuana, opiates, and phencyclidine as well as adulterants) and breathalyzer tests for alcohol are primarily used. Blood tests, however, can be used at the agency's discretion or employee's request. An MRO (Medical Review Officer) from the laboratory reviews all results.

A. It is the Agency's policy to offer confidential assistance to those employees who voluntarily seek the help of the agency in their attempts to recover from substance abuse providing such request is done prior to an employee is asked to submit to a drug or alcohol test. No disciplinary action will be taken against an employee who voluntarily seeks counseling or rehabilitation and faithfully participates in a recovery program, again, providing such request is done prior to being asked to submit to a drug or alcohol test. In providing such confidential assistance, no disclosure of information shall be made to parties outside of EAP and the Sr. Vice President of Human Resources and other senior staff without the written authorization by the employee.

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

C. Each employee is under an affirmative obligation to report to the Sr. Vice President of Human Resources, in writing his/her use or possession of any Drug as defined above. The Agency will maintain the confidentiality of all employee reports under this section. Employees with question concerning the effect of a drug on performance must consult with their physician. Upon request, the Sr. Vice President of Human Resources will make job descriptions available to physicians who are consulted.

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

1. Uses illegal drugs.
2. Drinks alcoholic beverages or uses any drug that negatively affects his/her performance at work or renders the employee unfit to perform the duties of his/her job safely, or constitutes a threat to the property or safety of others.
3. Possesses alcoholic beverages or illegal drug substances on Agency premises. "Agency Premises" includes, but is not limited to, Agency Offices, work locations, eating areas, parking lots, lockers, desks and Agency vehicles, as well as personal vehicles used for business.
4. Reports to work under the influence of alcohol and/or illegal drugs.
5. Engages in illegal drug or alcohol related activities.

F. Employees whose performance indicates that they may be unfit for duty because of drug and alcohol abuse may be sent for drug and/or alcohol reasonable cause testing. In determining drug or alcohol abuse, the Agency reserves the right to require an employee to submit to a breathalyzer examination, urine or blood test.

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

H. One positive test for marijuana will result in disciplinary action which will include testing at the agency's discretion for a period of one year or termination of employment. Any subsequent positive test for any drug, including marijuana, will result in termination of employment.

I. Any positive test for amphetamines, cocaine, opiates and/or phencyclidine will result in immediate termination. Any positive test for alcohol, if the employee was on duty at that time, will result in immediate termination.

III. Drug-Free Workplace Policy

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

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

2. Compliance as a Condition of Employment.

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

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

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

106.18 SMOKING POLICY

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

106.19 SCHOLARSHIP PROGRAM

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

106.20 EMPLOYEE RECOGNITION

It is incumbent upon MercyFirst to have a comprehensive approach to recognizing the contributions that staff makes to the mission of the agency.

While our primary mission is to meet the needs of the children and families we work with, it is only through the consistent efforts of staff that this mission is accomplished.

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

- **Supervisory Recognition**: Supervisors and managers will recognize the efforts made by members of their staff through verbal praise. Outstanding efforts should be recognized by a written memo or note that gets copied to the staff member's personnel file and the responsible senior cabinet member.
- **Senior Staff Recognition**: Senior staff are encouraged to re-enforce a supervisor's recognition through follow up contact – verbal or written - with the staff member involved. Where appropriate, public acknowledgement should be given at departmental and agency-wide gatherings.
- **Key Milestones**: At an annual event staff will be recognized for reaching certain milestones with the agency – 3 years, 5 years, etc. - with a plaque or similar official recognition.
- **Annual Evaluations**: A staff member's overall performance will be recognized in their annual performance evaluation and the raise they receive.
- **SAFE Awards can be recommended by any staff member who witnesses another employee whose performance is above and beyond what is called for in one's every day job. Please refer to the Guidelines on the Intranet for the criteria for this award. .**

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

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

C. **Professional Field Recognition**: Throughout the year there are various times when different professions and positions are recognized – i.e. March is Social Work Month. Given the size, diversity of professions

and the geographic spread of the agency, it is very difficult to carry out agency-wide celebrations for each and every one of these events. The agency officially recognizes the following events:

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

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

106.21 BULLETIN BOARDS

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

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

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

106.22 AGENCY EQUIPMENT USE GUIDELINES

1. Approved Use of Computer Services

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

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

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

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

2. Protecting Against Computer Viruses

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

3. Standards of Conduct

When using electronic mail:

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

When using the internet:

- Observe Agency policies.
- Use only services you have authorization to access. Do not attempt to access internet system or server ports without prior authorization.

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

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

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

When using the Agency intranet:

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

4. Application of Policy to Use of Other Agency Equipment

Other Agency equipment, such as Voice Mail, telephones, telefax, photocopy equipment, and recording devices are also limited to business use and subject to the Standards of Conduct stated above. No employee may use any of the equipment referred to throughout this policy in a manner that could be construed by others as harassment or offensive based on age, race, creed, religion, color, sex/gender, national origin, disability, marital status, citizenship, pregnancy, gender identity, sexual orientation, veteran status, genetic predisposition, domestic violence victim status or any other status protected by law.

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

5. Agency ownership

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

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

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

SECTION 7 – TIME OFF

DEFINITIONS

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

HOLIDAYS

The Agency currently recognizes the following holidays:

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

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

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

Full-time employees are entitled to twelve (12) holidays per fiscal year. Part-time employees with benefits earn a pro-rated number of hours for each holiday. Said employees must submit “Request for Benefit Time Off” forms indicating which holidays they will observe. “Request for Benefit Time Off” forms must be approved by the employee's supervisor.

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

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

If a holiday falls during an employee's vacation, it may be taken in conjunction with said vacation (and not count as a vacation day) provided that the supervisor approves the vacation.

Employees on Military Reserve Leave, Family/Medical Leave, Disability Leave or Worker's Compensation Leave will be paid for holidays which fall during the first 20 days of leave only.

107.02 VACATIONS

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

Vacations accrue from the date of hire and must be used during that fiscal year except for up to two weeks of vacation leave that may be "rolled over" on June 30. Any vacation leave "rolled over" must then be used by September 30 of the following fiscal year and any unused vacation time is lost. The only exception to this policy will be made for newly hired employees as follows:

First year staff who will be completing Orientation in June, July or August must use the vacation and personal days they've accrued within the fiscal year in which they were hired by September 30th of the following fiscal year or it will be lost. First year staff who will be completing Orientation in September, October, November or December must use the vacation and personal days they've accrued within the fiscal year in which they were hired by December 31st of the following fiscal year or it will be lost.

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

Non-exempt staff in designated direct care positions; ie; Youth Support Counselor II's, AODs and CRTs - accrue 15 vacation days per fiscal year.

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

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

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

days.

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

Vacation must be taken in minimum one hour blocks.

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

107.03 PERSONAL LEAVE

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

New employees will accrue personal days from the start/hire date, but are not eligible to take personal days until after successful completion of their Orientation period.

- Full-time employees are entitled to four (4) personal days per year which accrue at a rate of one (1) day per quarter (on July 1st, October 1st, January 1st, and April 1st).
- Pro-rated benefit employees are entitled to pro-rated personal time per year which accrue at an *even* rate per quarter (as above).
- Employees are required to have prior supervisory approval before taking personal days.
- Personal days must be taken between July 1st of one calendar year and June 30th of the following calendar year. Unused days are not to be carried over or paid. The only exception to this policy will be made for newly hired employees as follows:

First year staff who will be completing Orientation in June, July or August must use the personal days they've accrued within the fiscal year in which they were hired by September 30th of the following fiscal year or it will be lost.

First year staff who will be completing Orientation in September, October, November or December must use the personal days they've accrued within the fiscal year in which they were hired by December 31 of the following fiscal year or it will be lost.

- Personal leave may be taken in minimum one hour blocks.
- Unused Personal Leave is not paid when an employee leaves the employ of the Agency

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

107.04

SICK LEAVE

Sick leave is provided by the Agency in case of illness of the employee or family members for whom they are the Primary Caregiver. Sick leave is not a part of benefit days or time off from the agency as is vacation, personal days or holidays.

Sick leave accruals follow the fiscal year which begins on July 1st. See the Benefit Time Accrual at the back of this manual for more information. Sick leave must be taken in minimum one-hour blocks. Sick leave will be based on years of service as follows:

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

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

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

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

Employees will NOT be paid for absences if:

1. The employee's family or friends call for them, unless the employee is totally incapacitated.

2. They do not leave a phone number where they can be reached during the day.
3. They called the Agency with less *than the required notice*.
4. They have not spoken to their supervisor or the AOD.
5. They are assigned to work on a holiday and call in sick.

If an absence is three (3) or more working days or shifts, a statement from a physician will be required. This statement must include the reason for the absence, that the employee can return to work, and what restrictions, if any. The agency will make reasonable accommodations when possible.

New York State requires some positions (for example: Youth Support Counselors I & II, Program Managers, CST, most residential staff) to be physically conduct safe therapeutic holds For these positions, employees must return to work without any restrictions or any apparatus that could injure a child during a hold (for example: a cast). Medical notes for these positions must include an indication of "without restrictions".

For most positions, however, if any restrictions are imposed, a detailed description of the restrictions must be included on the notice from the physician. The physician's statement is to be submitted to to Human Resources on the day of the employee's return to work.

An employee whose absence is expected to be for more than one week, or who has been out of work for more than 5 days may be placed on Family Medical Leave. (See Family Medical Leave section 107.08). Both the employee and the employee's supervisor are required to contact the Human Resources Department as soon as it becomes apparent that an employee may be absent for a period of more than one week.

If an absence is due to a non-job-related illness or injury and exceeds seven (7) consecutive days, the employee is entitled to apply for New York State Disability, as described in section 107.05.

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

An employee who is absent from work due to their own illness must use any accrued sick leave available to them during their absence.

If an employee is absent from work due to the illness of a family member for whom they are the primary caregiver, they may use up to the number of sick leave hours accrued in one year. They may not use sick leave banked from previous years.

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

107.05 NEW YORK STATE DISABILITY

New York State Law requires all employers to provide their employees with disability insurance (DBL). An employee who becomes disabled should contact Human Resources for further information as soon as possible.

Health premiums in effect prior to the beginning of the disability leave, and so chosen by the employee, will be continued during the leave, but the employee will be required to pay the employee-contributed portion of the insurance premium. The employee may submit monthly employee portion of premiums to the fiscal department while on disability leave. If monthly payments are missed, the employee will be expected to re-pay the missed employee portion of premiums upon their return to work.

Employees on disability will be paid for holidays which fall during the first 20 days of leave only. Employees who are out of work due to disability for 20 days or less will continue to accrue benefit leave during that time. If an employee is out of work due to disability for more than 20 days, they will stop accruing any benefit leave retroactive to the first day of leave.

107.06 VOLUNTARY LONG TERM DISABILITY

MercyFirst's voluntary long term disability insurance gives added income protection for absences due to long term disability. All full time employees are eligible. The full cost of long term disability is the responsibility of the employee. Arrangements may be made for a payroll deduction through Human Resources. Please contact Human Resources for additional information.

107.07 NEW YORK STATE WORKER'S COMPENSATION

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

Below are important facts concerning Worker's Compensation:

- You must report any accident immediately to your supervisor and Human Resources on a fully completed and signed "Employee Accident Report" form, but under no circumstances should you wait longer than 24 hours. In the event an employee is unable to complete the "Employee Accident Report" form, the employee's supervisor will be responsible for completing the form and submitting it (by hand or by facsimile) to Human Resources within 24 hours. Failure to report the accident in a timely manner could result in the insurance carrier's delay in paying, or even refusing to pay your claim.

- Health premiums in effect prior to the beginning of the leave, and so chosen by the employee, will be continued during the leave, but the employee will be required to pay the employee-contributed portion of the insurance premium. The employee may submit monthly employee portion of premiums to the fiscal department while on leave. If monthly payments are missed, the employee will be expected to re-pay the missed employee portion of premiums upon their return to work.

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

107.08 LEAVES OF ABSENCE

The following leaves of absence must be requested on a “Request for Benefit Time Off” form and approved by the supervisor, department head, and/or Sr. Vice President of Human Resources as indicated:

A. Bereavement Leave

An employee may request up three (3) days off with pay due to a death in the immediate family. Such requests must be submitted on a “Request for Benefit Time Off” form, and be approved by the employee’s supervisor.

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

B. Jury Duty

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

You will continue to receive your regular base salary and accrue benefit time for up to 10 days of jury duty.

C. Military Reserve Duty

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

D. Family and Medical Leaves of Absence

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact the Benefits Department.

Employees Eligible for FMLA Leave

FMLA leave is available to “eligible employees”. To be an “eligible employee”, an employee must: (1) have been employed by the Agency for at least 12 months (which need not be consecutive); (2) have been employed by the Agency for at least 1250 hours of service during the 12 month period immediately preceding the commencement of the leave; and (3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

Employee Entitlements for FMLA Leave

As described below, the FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration. The FMLA also entitles employees to certain written notices concerning their potential eligibility for and designation of FMLA leave.

Basic FMLA Leave Entitlement

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12 month rolling period. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son, daughter or parent (but not in-law) who has a serious health condition;
- For the employee’s own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee’s job; and/or
- Because of any qualifying exigency arising out of the fact that an employee’s spouse, son, daughter or parent is a covered military member on active duty or has been notified of an impending call or order to active duty status in support of contingency operation.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing

treatment requirement may be met by a period of incapacity of more than 5 consecutive work days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Additional Military Family Leave Entitlement (Injured Service member Leave)

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to take up to 26 weeks of leave during a single 12-month period to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured service member.

A "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, is on the temporary retired list, or is a veteran who was a member of the Armed Forces (including the National Guard or Reserves) at any time during the five years preceding the date of treatment, recuperation or therapy, for a serious injury or illness. A member of the Armed Forces would have a serious injury or illness if he/she has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that the injury or illness may render the service member medically unfit to perform duties of the member's office, grade, rank or rating.

Intermittent Leave and Reduced Leave Schedules

FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered service member.

Protection of Group Health Insurance Benefits

During FMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

Restoration of Employment and Benefits

At the end of FMLA leave, subject to some exceptions including situations where job restoration of “key employees” will cause the Agency substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. The Agency will notify employees if they qualify as “key employees”, if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee’s FMLA leave.

Notice of Eligibility for, and Designation of, FMLA Leave

Employees requesting FMLA leave are entitled to receive written notice from the Agency telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) the Agency’s designation of leave as FMLA-qualifying or non-qualifying, if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee’s leave entitlement.

Employee FMLA Leave Obligations

Provide Notice of the Need for Leave

Employees who take FMLA leave must timely notify the Agency of their need for FMLA leave. The following describes the content and timing of such employee notices.

Content of Employee Notice

To trigger FMLA leave protections, employees must inform the Agency’s Human Resources Department of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for leave so as to allow the Agency to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency cause by a covered military member being on active duty or called to active duty status; or

- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered service member with a serious injury or illness.

Calling in “sick,” without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the Agency’s questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the Agency has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

Timing of Employee Notice

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the Agency notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers To Alternative Positions) and Intermittent Leave or Reduced Leave Schedules

When planning medical treatment, employees must consult with the Agency and make a reasonable effort to schedule treatment so as not to unduly disrupt the Agency’s operations, subject to the approval of an employee’s health care provider. Employees must consult with the Agency prior to the scheduling of treatment to work out a treatment schedule which best suits the needs of both the Agency and the employees, subject to the approval of an employee’s health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the Agency may require employees to attempt to make such arrangements, subject to the approval of the employee’s health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered service member, the Agency may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with

equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the Agency of the reason why such leave is medically necessary. In such instances, the Agency and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the Agency's operations, subject to the approval of the employee's health care provider.

Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an initial certification, a recertification, and a return to work/fitness for duty certification.

It is the employee's responsibility to provide the Agency with timely, complete and sufficient medical certifications. Whenever the Agency requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after the Agency's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The Agency shall inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The Agency may deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the Agency (through individuals other than an employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the Agency with authorization allowing it to clarify or authenticate certifications with health care providers, the Agency may deny FMLA leave if certifications are unclear.

Whenever the Agency deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

Initial Medical Certifications

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered service member, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days notice of medical leave, they should submit the medical certification before

leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the Agency has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the Agency's expense. If the opinions of the initial and second health care providers differ, the Agency may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the Agency and the employee.

Medical Recertifications

Depending on the circumstances and duration of FMLA leave, the Agency may require employees to provide recertification of medical conditions giving rise to the need for leave. The Agency will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the Agency medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The Agency may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the active duty or call to active duty status of a covered military members, the Agency may require employees to provide: 1) a copy of the covered military member's active duty orders or other documentation issued by the military indicating the covered military member is on active duty or call to active duty status and the dates of the covered military member's active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different active duty or call to active duty status of the same or a different covered military member.

When leave is taken to care for a covered service member with a serious injury or illness, the Agency may require employees to obtain certifications completed by an authorized health care provider of the covered service member. In addition, and in accordance with the FMLA regulations, the

Agency may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered service member confirming entitlement to such leave.

Substitute Paid Leave for Unpaid FMLA Leave

The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leaves and the paid time will run concurrently with an employee's FMLA entitlement. Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

An employee taking leave pursuant to FMLA for their own serious health condition or the birth of a child or placement of a child for adoption or foster care will be required first to use any sick leave accrued prior to the leave. Following the exhaustion of accrued sick leave, the employee will be required to use accrued vacation time, with the exception of up to 2 weeks of vacation leave that may be saved to be used no sooner than 2 months following the employee's return to work. Following the exhaustion of accrued sick and vacation time, the employee will be required to use any accrued personal leave. Such paid time off shall be counted concurrently as Family/Medical Leave under this policy. The remainder of the leave will be unpaid.

An employee taking leave pursuant to FMLA for the care of an immediate family member (spouse, child or parent) with a serious health condition must first use accrued sick days, which will be limited to the number of sick days the employee has accrued within the past 12 month period prior to the beginning of the leave. Following the usage of sick leave, it is required that vacation and personal leave accrued prior to the leave also be used. However, up to 2 weeks of vacation may be saved to be used no sooner than 2 months following the employee's return to work.

Pay Employee's Share of Health Insurance Premiums

As noted above, during FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the Agency notifies employees of other arrangements, whenever employees are receiving pay from the Agency during FMLA leave, the Agency will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working. If FMLA leave is unpaid, employees must pay their portion of the group health premium by sending a check in the required amount to Human Resources Department, 525 Convent Road, Syosset, New York 11791 7 days prior to the due date unless other arrangements have been approved by Human Resources.

The Agency's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late unless other arrangements have been approved by Human Resources.

Coordination of FMLA Leave with Other Leave Policies

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law which provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the Agency's other leave policies in this handbook or contact Human Resources.

Questions and/or Complaints about FMLA Leave

If you have questions regarding this FMLA policy, please contact Human Resources. The Agency is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact the Human Resources Department immediately. The Agency will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

107.09 OVERAGES IN BENEFIT TIMES

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

SECTION 8 - SAFETY AT WORK

108.00 SAFETY

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

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

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

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

All visitors to any office or program of the agency must sign in at main reception areas. Clients' families and friends may visit, with approval by the treatment team and/or the casework team. Employees may not bring family, friends, or other visitors to any Agency work areas or any work sites where children are without approval from the director of their program/department. This is for the safety of our clients as well as our staff and volunteers.

Staff and visitors arriving at any office or program after regular business hours need to produce appropriate identification when arriving. Staff expecting visitors must alert the main reception area for that program, department, or site.

108.01 EMPLOYEE ACCIDENTS/INJURIES

For each employee's own protection, all employee injuries or accidents, no matter how minor, must be reported to the supervisor and Human Resources immediately. If a staff member is involved in an accident, witnesses or discovers an accident or injury of another employee, they should immediately contact the AOD. An Employee Accident Report form, which can be found on MercyFirst's intranet, must always be completed when an employee injury occurs during work, while on agency premises, in an agency vehicle or while on any agency business. Fully completed Employee Accident Reports must be submitted to Human Resources within 24 hours of occurrence, either by hand delivery or by facsimile.

During circumstances in which employees, either as drivers or passengers, are injured in an agency vehicle, an Employee Accident Report Form and a Driver's Report of Accident Form, must both be fully completed and promptly

submitted to Human Resources. Driver's Report of Accident Forms may be found in the glove compartment of all Agency vehicles. Names of witnesses to an accident and the conditions of the area in which the accident occurred should be noted and reported. In the case of a vehicle accident while in an agency vehicle, the police must be called to the scene and a police report must be filed.

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

SECTION 9 - MISCELLANEOUS

109.0 PROBLEM RESOLUTION PROCEDURE

Differences of opinion occasionally arise between individuals regarding what constitutes fair and equitable treatment. A problem resolution procedure has been established whereby general complaints, differences of opinion, or dissatisfaction can be resolved amicably, satisfactorily, and quickly. This policy supplements our policies prohibiting discrimination and harassment in the workplace.

A dispute can be considered to be any complaint or dissatisfaction arising from an application, interpretation, or claimed violation of any provisions of the Agency's policies, rules or procedures as well as any dissatisfaction occurring in the work situation which an employee thinks is unfair or inequitable. Simply stated, if something is bothering you or if you have observed or learned of a situation that you consider to be improper in any way, please use this policy.

The purpose of the problem resolution procedure is to enable an employee to seek a solution to a problem or complaint. A member of the Human Resources office will be available to help you understand and follow each step of the procedure. Since we are committed to listening to our staff, we encourage you to use this procedure.

The following is the problem resolution procedure:

- A. **YOUR SUPERVISOR:** If you believe that you are being treated unfairly, you are encouraged to discuss your problem with your immediate supervisor as soon as possible. The supervisor, after listening and investigating the problem, will provide you an answer in a timely fashion. (Should your problem be of a personal nature which you feel may be embarrassing to discuss with your supervisor, or if for any reason you do not wish to take your problem to your immediate supervisor, you should go immediately to your department head or to the Human Resources Department).
- B. **YOUR DEPARTMENT HEAD:** If the problem or dispute has not been satisfactorily resolved by your supervisor, you should promptly bring it to the attention of your Department Head. Your Senior Vice President or Department Head will discuss the problem with you, as well as the supervisor, where, in the judgment of the department head, the supervisor's input is required. Your Department Head will provide you with a timely response. (once again, do not let things lag or take too long. If you have not received a prompt or satisfactory reply at this level, please contact the Human Resources Department for assistance.)

- C. OUR PRESIDENT/CHIEF EXECUTIVE OFFICER: If you are not satisfied with the answer provided by your department head, you should forward your issue to our President/CEO, including your prior steps to resolve this issue. The President/CEO or his designee will discuss the problem with you and investigate. The President/CEO will ensure that you receive a timely answer.

At any time, especially if you have not received a response that you consider to be satisfactory, you should contact the Human Resources Department or the Office of the President/CEO of MercyFirst for assistance. You also can use our policies prohibiting sexual and other forms of harassment or discrimination. Since we encourage all employees to use our Problem Resolution Procedure, you will not be subject to retaliation because you have done so in good faith.

When using our problem resolution procedure, you may be asked to provide a written statement of the problem to assist in our investigation and to help us define precisely the nature of the dispute and the assistance or resolution that you are seeking. We ask that you cooperate in providing such a statement or by providing whatever assistance the Agency requires to address the problem or question that you have presented. We also ask that you be candid, truthful and open-minded when participating in this process so that a fair and effective resolution can be obtained.

109.01 Staff Relationships With Clients

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

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

A violation of this policy is considered unprofessional conduct and is grounds for dismissal or termination of services.

Appendix A

Code of Ethics Statement

Whistleblower Policy

Policy on the Reporting of Abuse and Maltreatment Allegations

Family Resource Policy

Benefit Leave Accrual Schedule

CODE OF ETHICS

PREAMBLE

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

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

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

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

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

PRINCIPLES AND STANDARDS

I. RESPONSIBILITY FOR SELF

The professional shall be responsible for self by:

- A. Maintaining competency.
 1. Taking responsibility for identifying, developing, and fully utilizing one's knowledge and abilities.
 2. Participating in training, education, supervision, experience and/or counsel to assure competent service.

- B. Maintaining high standards of personal conduct by being honest, lawful and respectful and avoiding behaviors that do not reflect well on the Agency.
- C. Preserving physical and emotional well-being in order to fulfill one's designated role within the Agency.

II. RESPONSIBILITY TO CLIENT*

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

The professional shall be responsible to the clients by:

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

- E. Offering the best therapeutic care.
1. Accepting clients into the specific programs where their needs match the admitting criteria, and clearly indicating what services we provide to our referral sources to enhance their ability to make appropriate referrals.
 2. Providing in our residential programs and foster homes, living conditions that demonstrate our respect for the human dignity of each client.
 3. Recognizing that competent service often requires collaboration and such service is a cooperative effort drawing upon the expertise of many.
 4. Recognizing our obligation to offer consultation and information to the families or associate of clients where legally appropriate.
- F. Fostering self-determination.
1. Informing the clients of their right to refuse treatment in accordance with the governing regulations of their specific program.
 2. Enabling our clients to have their rights validated through:
 - Ongoing involvement in the treatment planning process including informed consent regarding medications, treatment goals, or any changes in the client's programming.
 - Recognizing their right to know the system of payment for services provided.
 - Recognizing their involvement in discharge planning.
 - Providing access to a grievance process while the client is under our care.
- G. Protecting the integrity of life for family/significant others.
1. Involving ourselves in alleviating the condition that necessitated the Agency's services.
 2. Working toward uniting the family, where appropriate.
 3. Recognizing and advocating for the rights of the client with emphasis on social change that will strengthen family life.
 4. Recognizing the client's needs and facilitating the participation of family/significant others in service to the client.

H. Maintaining professional boundaries.

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

III. RESPONSIBILITY TO THE AGENCY

The professional shall be responsible to the Agency by:

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

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

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

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

B. Promoting ethical conduct within the Agency.

1. Addressing potential violations of the ethics guidelines personally if an informal resolution seems appropriate.

2. Reporting ethical violations to the Ethics Committee when an informal resolution is not appropriate.

3. Recognizing that professionals must be free from the fear of retaliation, the Agency is committed to a policy of no retaliation when a professional makes a report of an ethical violation.

IV. RESPONSIBILITY TO THE PROFESSION

The professional shall be responsible to the profession by:

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

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

C. Promoting ethical conduct within the Agency.

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

V. RESPONSIBILITY TO COMMUNITY

The professional shall be responsible to the community by:

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

VI. RESPONSIBILITY TO REFERRING AGENCY

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

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

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

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

D. Marketing.

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

WHISTLEBLOWER POLICY

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

If an employee has a reasonable belief that MercyFirst or any of its employees has engaged in any action that violates any applicable law, rule or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the employee is expected to immediately report such information to the President/Chief Executive Officer. In the alternative, if the employee does not feel comfortable reporting the information to the President/Chief Executive Officer, he or she should report the information to the Chair of the Board of Trustees by mailing this information to the Chair at the main office of MercyFirst and marking the envelope "Personal and Confidential".

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

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

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

Adopted by the Board of Directors November 2005

POLICY ON THE REPORTING OF ABUSE AND MALTREATMENT ALLEGATIONS

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

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

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

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

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

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

A. The staff person will:

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

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

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

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

Against a Staff Member

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

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

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

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

NOTIFICATION OF STAFF:

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

LIST OF MANDATED REPORTERS

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

FAMILY RESOURCE POLICY

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

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

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

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

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

ACCUMULATED BENEFIT LEAVE TIME

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

- A. **BENEFIT YEAR:** The benefit year is the fiscal year or July 1 through June 30.
- B. **DEFINITION OF A DAY:** For staff regularly scheduled to work a 35 hour week a “day” is 7 hours. For staff regularly scheduled to work a 40 hour week a “day” is 8 hours.

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

Schedule of Personal Leave Days earned:

- | | |
|---------------------------|---------------------------|
| → As of July 1 - 1 day | → As of January 1 - 1 day |
| → As of October 1 - 1 day | → As of April 1 - 1 day |

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

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

Years employed	Days/Hours per year	Days/Hours per month	Days/Hours per Quarter
-	20 Days/140 Hours	1.67 Days/12.0 Hours	5 Days/35 Hours

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

A. Regularly Scheduled to Work 35 Hours a Week

Years employed	Hours per year	Hours per month	Hours per Quarter
Up to 5 years	105 Hours	8.75 Hours	26.25 Hours
In fiscal year that follows 5 years of continuous service.	140 Hours	11.67 Hours	35 Hours

B. Regularly Scheduled to Work 40 Hours a Week

Years employed	Hours per year	Hours per month	Hours per Quarter
Up to 5 years	120 Hours	10 Hours	30 Hours
In fiscal year that follows 5 years of continuous service.	160 Hours	13.33 Hours	40 Hours

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

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

Years employed	Hours per year	Hours per month	Hours per Quarter
Up to 5 fiscal years	70 Hours	5.8 Hours	17.5 Hours
In fiscal year that follows 5 years of continuous service.	140 Hours	11.67 Hours	35 Hours

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

Years employed	Hours per year	Hours per month	Hours per Quarter
Up to 5 fiscal years	80 Hours	6.67 Hours	20 Hours
In fiscal year that follows 5 years of continuous service.	160 Hours	13.33 Hours	40 Hours

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

- for the first fiscal year = up to 6 days (pro-rated based on date of employment)
 - ⇒ For 35 hour a week staff, Sick Time is accrued at 3.5 hours a month, 21 hours every 6 months and 42 hours for the year.
 - ⇒ For 40 hour a week staff, Sick Time is accrued at 4 hours a month, 24 hours every 6 months and 48 hours for the year.
- for the second fiscal year = 7 days
 - ⇒ For 35 hour a week staff, Sick Time is accrued at 3.5 hours a month, 24.5 hours every 6 months and 49 hours for the year.
 - ⇒ For 40 hour a week staff, Sick Time is accrued at 4 hours a month, 28 hours every 6 months and 56 hours for the year.
- for the third fiscal year = 8 days
 - ⇒ For 35 hour a week staff, Sick Time is accrued at 4.5 hours a month, 28 hours every 6 months and 56 hours for the year.
 - ⇒ For 40 hour a week staff, Sick Time is accrued at 5 hours a month, 32 hours every 6 months and 64 hours for the year.
- for the fourth fiscal year = 9 days
 - ⇒ For 35 hour a week staff, Sick Time is accrued at 5 hours a month, 31.5 hours every 6 months and 63 hours for the year.
 - ⇒ For 40 hour a week staff, Sick Time is accrued at 6 hours a month, 36 hours every 6 months and 72 hours for the year.
- for the fifth fiscal year and beyond = 12 days
 - ⇒ For 35 hour a week staff, Sick Time is accrued at 7 hours a month, 42 hours every 6 months and 84 hours for the year.

- ⇒ For 40 hour a week staff, Sick Time is accrued at 8 hours a month, 48 hours every 6 months and 96 hours for the year.

At the end of every Benefit Year accrued, unused sick time is banked.

Upon separation from the Agency, no sick days or personal days will be paid out. For voluntary resignations with proper notice, accrued, unused, current vacation time will be paid out. For involuntary terminations, no vacation time will be paid out, except in the case of a layoff. For layoffs, accrued, unused, current vacation time will be paid out.

PLEASE SIGN BELOW AND RETURN TO HUMAN RESOURCES

EMPLOYEE ACKNOWLEDGMENT STATEMENT

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

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

Employee Name (Print or Type)

Employee Signature

Date

Revised policy and procedure manual of 11/2010.