



# **MENTAL HEALTH ASSOCIATION**

## **Employee Handbook**

2018

# **EMPLOYEE HANDBOOK**

## Table of Contents

### **Section I INTRODUCTION**

- 101 Purpose of Handbook
- 102 Message from the President and CEO
- 103 Mission Statement
- 104 Vision Statement
- 105 Values and Principles

### **Section II EMPLOYMENT POLICIES AND PROCEDURES**

- 201 Affirmative Action & Equal Employment Opportunity
- 202 Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)
- 203 Anti-Discriminatory Harassment
- 204 Employment Status
- 205 Background and References Checks
- 206 Criminal Offender Record Inquiry Checks
- 207 Internal Job Opportunities
- 208 Relatives and Personal Relationships in the Workplace
- 209 Introductory Period
- 210 Outside Employment Activities
- 211 Acting as a Spokesperson for MHA
- 212 Work and Inclement Weather
- 213 Separation of Employment
- 214 Pregnant Workers Fairness Act (added 4/2018)

### **Section III COMPENSATION**

- 301 Reporting of Time Worked
- 302 Payment of Wages
- 303 Deductions from Pay
- 304 Hours of Work/Overtime
- 305 Reimbursement for Expenses

### **Section IV WORKPLACE SAFETY**

- 401 Substance Abuse/Drug-Free Workplace
- 403 Smoke-Free Workplace
- 404 Safety
- 405 Reporting on the Job Accidents or Injuries
- 406 Violence in the Workplace
- 407 Workplace Bullying

Section V **WORKPLACE EXPECTATIONS**

- 501 Work Assignments
- 502 Tardiness/Absences from Work
- 503 Code of Ethics
- 504 Ethical and Professional Standards with Participants
- 505 Employee Development
- 506 Employee Orientation and Training
- 507 Employee Performance Reviews
- 508 Dress Code and Fragrances in the Workplace
- 509 Use of Computers, Software, Internet, and E-mail
- 510 Social Media
- 511 Use of Phones and other Technological Devices
- 512 Privacy and Confidentiality
- 513 Protection of Personal Information
- 514 No Solicitation/No Distribution/No Access
- 515 Bulletin Boards
- 516 Automobile Use
- 517 Parking at the Main Office
- 518 Standards of Conduct and Corrective Action
- 519 Complaint Procedure
- 520 Personnel Files

Section VI **TIME OFF**

- 601 Paid Time Off (PTO)
- 602 Sick Leave
- 603 Bereavement Leave
- 604 Jury Duty
- 605 Family and Medical Leave of Absence (FMLA)
- 606 Personal Leave of Absence
- 607 Medical Leave of Absence
- 608 Massachusetts Parental Leave
- 609 Small Necessities Leave Act
- 610 Military Leave
- 611 Domestic Violence Leave Act

Section VII **INSURANCE BENEFITS**

- 701 Health and Dental Insurance
- 702 Life Insurance
- 703 Long Term Disability

Section VIII **SPECIAL BENEFITS AND PROGRAMS**

- 801 403B Retirement Plan
- 802 Flexible Spending and Dependent Care Plans
- 803 Employee Assistance Program
- 804 Education Reimbursement
- 805 Credit Union

- 806 Service Awards
- 807 First Time Homebuyers Grant
- 808 Computer Reimbursement
- 809 Pay In Lieu Of Time (P.I.L.O.T.)
- 810 Core Values Awards
- 811 Supplemental Voluntary Insurance (added 4/2018)
- 812 Discounted Auto & Homeowners Insurance (added 4/2018)

## Section I

### INTRODUCTION

#### **101 Purpose of Handbook**

The purpose of this handbook is to familiarize you with the Mental Health Association (MHA) and to provide you with a general overview of its practices, policies and benefits. *The information stated here serves as a guide and does not constitute a contract of employment. All employment within MHA is on an at-will basis. As such, either you or MHA may terminate the employment relationship at any time and for any reason, with or without notice.*

This handbook supersedes any previous handbook. MHA reserves the right to make changes in this manual at any time to better reflect the changing needs of the organization. These changes will be communicated to employees via electronic mail and regular mail. The current version of the handbook can be found on the agency website.

It is important for you to read and understand the provisions in this handbook. If there is something in this handbook you do not understand or if you believe you have been told something that is inconsistent with the handbook, please contact Human Resources for clarification. By making a sincere effort to do the best you can and by observing the guidelines contained in this handbook, you can be sure that your employment at MHA will be an enjoyable and rewarding experience.

## **102 Message from the President and CEO**

Welcome to MHA! MHA was founded in 1960 as a mental health advocacy organization. Since our inception we have established a reputation as a premier provider of innovative supports and services for people with mental illness, developmental disabilities and other challenges. Our reputation is in large part a tribute to our dedicated workforce. In order to attract and retain quality staff we have designed a comprehensive and competitive program of benefits and policies.

This Employee Handbook will assist with your orientation and understanding of the key policies, procedures, and benefits in place at MHA. This document also includes updates and revisions for existing employees. It is designed to be succinct, clear and user friendly.

Our core values are Respect, Integrity and Compassion. We expect that all employees will uphold these values in all aspects of their work. You have the opportunity to make a significant positive difference to the people we support, and I hope you will find your employment with MHA meaningful and rewarding.

Cheryl Fasano  
President and CEO

## **103 Mission Statement**

The Mental Health Association is dedicated to providing high quality, individualized and flexible residential and support services that promote independence, community engagement and wellness for people impacted by mental illness, developmental disabilities, substance abuse, homelessness and other challenges.

## **104 Vision Statement**

MHA is committed to building an agency of excellence for its participants, staff and community. We strive to be the premier provider of residential and support services, noted for innovation, commitment and dedication. We envision a community where all individuals have the skills and opportunities to achieve their aspirations. Our aim is to create an atmosphere where dignity, respect and equality are paramount, where all individuals can reach their maximum potential. Through flexibility, continuous self-examination and knowledge of current and effective practices, MHA will remain on the cutting edge of service delivery.

## 105 Values and Principles

In support of our mission and vision, MHA will:

- ***Provide*** flexible, responsive and quality services consistent with the changing needs and preferences of individuals
- ***Encourage*** and empower individuals to take responsibility for themselves
- ***Recognize*** and respect ethnic, cultural, linguistic and intellectual diversity
- ***Establish*** training and skill building opportunities that enable individuals to increase their independence
- ***Support*** individuality and respect the uniqueness of each person
- ***Utilize*** effective and efficient management to maximize resources
- ***Develop*** and maintain a well-trained, dedicated, compassionate work force through continuous improvement initiatives
- ***Enhance*** public awareness of the valuable roles individuals assume in society through promotion of physical and social integration



## Section II

### EMPLOYMENT POLICIES AND PROCEDURES

#### **201 Affirmative Action and Equal Employment Opportunity**

The Mental Health Association (MHA) is an Affirmative Action and Equal Opportunity Employer. MHA will take affirmative action to ensure that all recruiting, employment, training, compensation, job classification, assignments, working conditions, promotions, employee treatment and all other terms, conditions and privileges of employment, be conducted in a manner which does not discriminate against any person on the basis of race, color, sex, sexual orientation, gender identity, ancestry, genetic information, religious creed, national origin, age, disability or military service. MHA will comply with all appropriate state and federal requirements regarding employment policies and practices.

## **202 Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)**

MHA complies with all federal and state laws concerning the employment of persons with disabilities and acts in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). MHA will not discriminate against qualified individuals with disabilities in regard to the application process, hiring, advancement, discharge, compensation, training or other terms, conditions and benefits of employment.

MHA will reasonably accommodate qualified persons with a disability so that they can perform the essential functions of a job unless doing so creates a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation, and/or accommodation causes an undue hardship to MHA. Questions or requests for accommodation should be directed to Human Resources.

## 203 Anti-Harassment

It is the goal of MHA to promote a workplace that is free of discriminatory harassment (“harassment”) of any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as gender, gender identity and expression, race, color, national origin, ancestry, religion, age, disability, genetics, military status, sexual orientation, or participation in discrimination complaint-related activities (retaliation). MHA will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual’s performance, or that creates an intimidating, hostile, or offensive work environment.

Harassment of employees occurring in the workplace, in connection with work-related travel, and/or work-sponsored events will not be tolerated. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

Because MHA takes allegations of harassment seriously, we will respond promptly to complaints of harassment. Where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment.

### Definitions

“Harassment” means unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

1. Display or circulation of written materials or pictures that are degrading to a person or group as previously described.
2. Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. 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.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct, whether intended or not, that has the effect of creating a work environment that is hostile, offensive, intimidating or humiliating to either male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life; comment on an individual’s body, comment about an individual’s sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one’s sexual experiences; and,

- Discussion of one's sexual activities.

In addition to sexual harassment, harassment may occur related to age, disability, gender, genetics, national origin, ancestry, race, color, religion, sexual orientation, active military status, or retaliation. The following are examples of other forms of discriminatory harassment:

- Unwanted jokes regarding people of a particular religion or sexual orientation;
- Derogatory references to a subordinate's or coworker's disability or race included in email messages; and
- Insulting remarks directed at someone because she exercised her right to file an internal or external discrimination complaint.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

### Complaint Procedures

All employees, managers, and supervisors of MHA share responsibility for avoiding, discouraging and reporting any form of discriminatory harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with Richard Merchant (Human Resources Director) and Lynn Greguoli (Vice President of Human Resources) or their designee, who will administer the policy and procedures described herein.

If any of our employees believe that he or she has been subjected to discriminatory harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally. In addition, residents, visitors, applicants, vendors, contractors, their agents and employees, or other third parties who believe they have been subjected to discriminatory harassment may also file a complaint with our organization using the procedures described herein. Furthermore, employees may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of harassment is in the best interest of our organization and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. **If you would like to file a complaint you may do so by contacting Richard**

**Merchant, Human Resources Director, extension 105, or Lynn Greguoli, Vice President of Human Resources, extension 107. Mr. Merchant and Ms. Greguoli are also available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process.**

### Complaint Investigation

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include private interviews with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment. The complainant, the person alleged to have committed harassment, and all witnesses are required to fully cooperate with all aspects of an investigation. Attorneys are not permitted to be present or participate in the complaint investigation. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

Notwithstanding any provision of this policy, we reserve the right to investigate and take action on our own initiative in response to behavior and conduct which may constitute harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

### Corrective Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of corrective action as we deem appropriate under the circumstances.

### State and Federal Remedies

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

**The United States Equal Employment Opportunity Commission**  
**("EEOC")**

One Congress Street, 10<sup>th</sup> Floor  
Boston, MA 02114,  
(617) 565-3200

**The Massachusetts Commission Against Discrimination**  
**("MCAD")**

Boston Office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000

New Bedford Office:  
800 Purchase Street, Room 501  
New Bedford, MA 02740  
(508) 990-2390

Springfield Office:  
424 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145

Worcester Office:  
22 Front Street, 5<sup>th</sup> Floor  
P.O. Box 8038  
Worcester, MA 01641  
(508) 799-6379

## **204 Employment Status**

Employees may be designated as listed below:

- Full Time: An employee who is assigned to work and works at least thirty-five (35) hours per week.
- Part Time Regular: An employee who is assigned to work and works between thirty and thirty-four (30-34) hours per week.
- Part Time: An employee who is assigned to work and works less than thirty (30) hours per week.
- Relief: An employee who has no regularly scheduled hours. Relief employees are expected to work at least once every three months in order to remain employed.
- Temporary: An employee who is hired as an interim replacement to temporarily supplement the workforce or to assist in the completion of a specific project and who is temporarily scheduled to work a defined schedule for a limited amount of time. Employment beyond any initially stated temporary period does not in any way imply a change of employment status. Although temporary employees may accrue and use sick time per the Massachusetts Earned Sick Leave law, they are not eligible for any other agency benefits unless specifically stated otherwise in agency policy or unless they are deemed eligible according to plan documents

Additionally, all employees are classified as either exempt or non-exempt as determined by labor regulations.

Non-exempt employees are employees whose job responsibilities make them eligible for overtime pay if they work more than 40 hours in a workweek as stipulated in the Fair Labor Standards Act (FLSA).

Exempt employees are generally managers or professional, administrative or technical staff who hold jobs that meet certain standards and criteria and are therefore not eligible for overtime pay if they work more than 40 hours in a workweek.

## **205 Background and Reference Checks**



All applicants being considered for employment at MHA will be expected to complete an application form and/or submit a resume. Prior to offering a position, all information on the application/resume will be verified, and interviews and reference checks will be conducted. Additional checks may be necessary for particular positions such as a driving record, criminal and sexual offender record (SORI) inquiries, and fingerprinting as dictated by specific licensing and/or funding sources. Furthermore, employees working in programs serving individuals with brain injuries are required to undergo testing for Tuberculosis and on-going screening to ensure they do not appear on the List of Excluded Individuals/Entities (LEIE) tracked by the Office of Inspector General.

New employees shall be provided with information regarding personnel policies, job responsibilities, requirements of the position, salary, starting date and benefits.

## **206 Criminal Offender Record Inquiry Checks**

Criminal Offender Record Information (CORI) checks are part of a general background check for employment, volunteer work and licensing purposes. Its purpose is to help to ensure potential employees, interns, or volunteers are appropriate to work and interact with those served by MHA. As such, the following practices and procedures will be followed:

1. CORI checks will only be conducted as authorized by the applicant and to the extent permissible by the Department of Criminal Justice Information Services (DCJIS). All applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided with a copy of the CORI policy. Prior to questioning an applicant about his or her criminal history, the applicant will be provided with a copy of any criminal record in possession of MHA, whether obtained from DCJIS or any other source.
2. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available and required by DCJIS.
3. Prior to initiating a CORI check, MHA will review the qualifications of the applicant to determine if the applicant is otherwise qualified for the relevant position. MHA will not conduct a CORI check on an applicant that is not otherwise qualified for the relevant position.
4. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determination of suitability based on

CORI checks will be made consistent with this policy and any applicable law or regulations.

5. If a criminal record is received from DCJIS, the authorized individual will closely compare the record provided by DCJIS with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.
6. All employees should notify Human Resources if there has been an incident that will impact on their CORI at which time MHA will repeat steps 4 through 8 as represented in this policy. At point of self report Human Resources will determine with the Division Vice President or designee any need for immediate suspension from employment until full CORI review is completed. The Human Resource Department will assist the Division Vice President or Designee, in assessing the suitability of the employee's presence at the program in accordance with paragraph 10, (a) through (i) below, to ensure consistency, fairness, and protection of employment, protection of the program participants and the public interest.
7. If MHA is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the organization's CORI policy, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the CORI record.
8. Applicants challenging the accuracy of the criminal record shall be provided a copy of DCJIS 's ***Information Concerning the Process in Correcting a Criminal Record***. If the CORI record provided does not exactly match the identification information provided by the applicant, MHA will make a determination based on a comparison of the CORI record and documents provided by the applicant. MHA may contact DCJIS and request a detailed search consistent with DCJIS policy.
9. If MHA reasonably believes the record belongs to the applicant and is accurate, then a determination of suitability for the position will be made after a discretionary review of information. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following: (a) Relevance of the crime to the position sought; (b) The nature of the work to be performed; (c) Time since the conviction; (d) Age of the candidate at the time of offense; (e) Seriousness and specific circumstances of the offense; (f) The number of offenses; (g) Whether the applicant has pending charges; (h) Any relevant evidence of rehabilitation or lack thereof; (i) Any other relevant

information, including information submitted by the candidate or requested by MHA.

10. The Human Resource Department will assess the suitability of candidates in accordance with paragraph 9, (a) through (i) above, to ensure consistency, fairness, and protection of employment opportunities and the public interest.
11. MHA will notify the applicant of the decision and the basis of the decision in a timely manner.
12. CORI checks will be re-run on current applicable employees once every three years or more often if the employee reports that there has been a change in status that may affect their CORI results. If the results of a "routine" CORI review indicate a new finding, then a discretionary review will be conducted as outlined in Step 9 of this policy and a determination will be made whether to retain the employee, discharge or transfer to another position or program in the agency. The reason(s) why the employee did not disclose this offense at the time that it occurred will be taken into consideration when determining appropriate action.
13. CORI information shall not be disseminated or shared with any unauthorized employees or others, but shall be maintained in confidence consistent with the obligations of law. The Human Resource Department will file CORI checks received by DCJIS in a separate locked file and not a part of the employee's regular personnel file.

## **207 Internal Job Opportunities**

In order to provide opportunities for different positions and to encourage promotions from within, current employees will be made aware of openings and qualifications through a job posting system, either concurrently or prior to the beginning of external recruitment. To be considered, employees must meet the specified qualifications and requirements of the job, have a satisfactory performance record, be up-to-date with all mandatory training and driving information, and have received no written corrective actions during the last 6 months. However, management retains the discretion to make exceptions to this policy if deemed in the best interest of the agency. Although newly hired employees may apply for open positions, they are strongly encouraged to finish their Introductory Period before applying for a position outside their program or department.

- An opening may be filled within a given program, without an internal posting, in the following instances:
- All employees in the program are aware of the open position and given a deadline to express their interest.
- A full time vacancy may be filled by a full time employee who has the same position and is from the same program.
- A part time regular vacancy may be filled by a full time or part time regular employee who has the same position and is from the same program.
- A part time vacancy may be filled by any employee in the same position from the same program, regardless of their current status.

## 208 Relatives and Personal Relationships in the Workplace

It is the policy of MHA that employees may not be hired by or have reporting responsibility to a household member, a relative or someone with whom they have a close personal relationship. In addition, relatives or household members may not work under the same immediate supervisor. A relative is defined as spouse, parent, grandparent, brother, sister, child, grandchild, aunt, uncle, cousin, nephew, niece, step relatives and current in-laws.

You are required to promptly inform your supervisor and Human Resources if one of the following occurs in the course of your employment:

- You are in or begin a close personal relationship with an employee you supervise or who supervises you;
- You are in or begin a close personal relationship with a co-worker and you both report to the same direct supervisor;
- You are or become a relative or a member of the same household of someone you supervise or who supervises you;
- You are or become a relative or a member of the same household of another employee and you both report to the same direct supervisor.

Possible Conflicting Relationship with Participants: MHA prohibits the hiring or assignment of employees into positions where they would be working in the same program as a participant with whom an employee has a family or otherwise personal connection, including guardianship.

If other situations arise in which there is a conflict of interest or the potential for a conflict of interest, or serious operational difficulties because of the relationship between employees or between employees and participants, MHA reserves the right to reassign or transfer one of the employees. If there are no appropriate vacant positions available for transfer, the employees will be asked to choose which of them must seek alternate employment. If the parties are unable to choose, MHA will decide which employee will be separated, at its sole discretion.

## **209 Introductory Period**

All newly hired, transferred, or promoted non-management employees will be required to complete a three-month Introductory Period in their new position. Employees in management positions must complete a 6-month Introductory Period due to the complexity of their responsibilities. The Introductory Period allows employees to become better acquainted with their new job responsibilities and gives them the opportunity to demonstrate their capacity to perform the work that they were hired to do. It also gives the supervisors time to determine if the employee is able to satisfy all the requirements of his/her job. Feedback for continued performance improvement is provided to the employee throughout this period. Employment may be terminated at any time during the Introductory Period.

At the end of the Introductory Period, the supervisor will complete an initial evaluation of the employee's performance. Based on this evaluation, employment may be terminated, continued, or the Introductory Period may be extended as a condition of continued employment. Successful completion of the Introductory Period does not alter an employee's at-will employment status nor does it entitle the employee to any additional rights.

## **210 Outside Employment Activities**

Opportunity to engage in work activities outside MHA employment (i.e. private practice, teaching, etc.) requires approval of the President and CEO *only if* such outside employment interferes with the employee's primary responsibilities to MHA.

## **211 Acting as a Spokesperson for MHA**

If an employee is approached to speak on behalf of MHA, the employee must notify the President and CEO immediately. No employee may represent him or herself directly, or by implication, in writing or as a spokesperson on behalf of MHA (i.e. public speaking engagements, TV interviews, etc.) without the prior approval of the President and CEO. All official agency communications with any media representative should normally be directed to the President and CEO. This policy extends to both compensated and uncompensated activities.

## **212 Work and Inclement Weather**

In cases of inclement weather, all essential staff (employees in positions that provide direct support and care to participants) must report to their assigned shifts as scheduled unless otherwise directed. Essential staff on shift are expected to stay with participants until another staff member arrives to relieve them.

Non-essential staff or staff who are not employed in positions that involve direct support and care of participants should consult their supervisors regarding what action will be taken relative to the weather conditions.

## 213 Separation of Employment

Both the employee and MHA have a right to terminate employment at will, with or without cause or notice, at any time. If the employee wishes to resign, MHA requests that the employee submit either a written letter of resignation establishing a date and reason for termination or a completed Voluntary Resignation Form to Human Resources and their supervisor. For non-exempt staff, MHA requests a minimum of two weeks advance notice; for exempt employees, MHA requests a minimum of three weeks advance notice unless otherwise agreed by management.

If an employee who works regular hours chooses to leave his or her position and wants to continue employment with MHA in a relief capacity, the employee must include this as a request in the resignation letter. This change of status is not automatic and must be approved by Human Resources who will respond to employees in writing. Employees are encouraged to ask Human Resources about the likely effects that this status change would have on their MHA benefits.

Layoffs: MHA will try to give sufficient notice to employees subject to layoff. Employees who have been or are about to be laid off have the option of applying for other vacant positions within MHA as they are posted and will be considered for those positions for which they are qualified.

Procedures upon Termination: Upon the voluntary, or involuntary, termination of employment, all accrued Paid Time Off (PTO) will be paid to the employee. Employees cannot use benefit time to prolong their term of employment.

Employees must provide written documentation as outlined in the Sick Leave Policy (section 602) if they use sick time within two weeks prior to their final scheduled day of work before termination unless their absence is related to a previously approved FMLA-qualifying condition. Failure to provide such documentation may result in MHA recouping the money paid for earned sick time from future pay, as an overpayment.

Departing employees or employees leaving key positions will have an opportunity to participate in an exit interview with Human Resources or to complete an Exit Interview Form to provide feedback on their employment experience at MHA. Employees are expected to return their employee ID, keys or any other agency property in their possession on their last day of employment. Other informational matters, such as COBRA and unemployment compensation benefits, will also be provided in the exit interview or mailed to the employee. Employees should also meet with their supervisor, if necessary, to bring closure to any programmatic issues related to their employment.



## **214 Pregnant Workers Fairness Act**

The Pregnant Workers Fairness Act requires employers to reasonably accommodate employees due to pregnancy and/or pregnancy related conditions, including but not limited to, lactation or the need to express breast milk for a nursing child. It is the policy of the Company to comply with all Federal and state laws concerning the employment of pregnant person and persons with conditions related to pregnancy.

Mental Health Association, Inc. (MHA) will not discriminate against pregnant employees or those persons with conditions related to pregnancies as defined under state and federal law with regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

MHA will accommodate pregnant individuals and those with pregnancy-related conditions as defined under state or federal law if the accommodation is reasonable and does not impose an undue hardship and if the individual can, either with or without the accommodation, perform the essential functions of a job. If you believe that you are pregnant or have a pregnancy-related condition and that you need an accommodation to perform the essential functions of your job, you must speak to Human Resources.

Any pregnant applicant or applicant with a pregnancy-related condition who can perform the essential functions of a job with or without reasonable accommodation, without undue hardship, will be given the same consideration for that position as any other applicant. Under certain circumstances, MHA may seek medical documentation supporting the employee's need for an accommodation.

The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues

## **Section III**

### **COMPENSATION**

#### **301 Reporting of Time Worked**

The workweek begins on Monday and ends on Sunday at midnight. All employees are expected to enter time worked daily onto their electronic timesheet. All time must be entered by the end of the pay period for supervisory approval. Hourly employees will accurately record their time worked to the nearest quarter hour with the correct pay type identified. Please note that recording work to the nearest quarter hour does not imply that it is permissible to arrive up to 7 minutes past or to leave work up to 7 minutes before the time an employee is scheduled to report or end their shift respectively.

Appropriate benefit time should be noted on the timesheet for absences so that the total number of hours entered for the week matches the total number of hours scheduled.

#### **302 Payment of Wages**

All employees are paid on a weekly basis. Direct deposit is mandatory and becomes effective immediately. It is essential that employees keep MHA updated on any changes relative to your name, address, marital status, number of dependents and number of exemptions claimed for both federal and state withholding purposes. Most of these changes can be completed by you in your Employee Portal. Deductions will be explained on a payroll stub but employees should contact Human Resources with any questions.

### **303 Deductions from Pay**

Non-exempt Employees: Non-exempt employees will be paid only for actual hours worked unless they receive benefits under MHA's paid time off, sickness, disability, or other leave policies.

Exempt Employees: Exempt employees are paid on a salary basis and, in general, must be paid their full salary for any week in which they perform work.

Improper Deductions from Pay: If you feel that your pay has been improperly reduced, please notify your supervisor or the Human Resources Director. MHA will investigate your concerns and adjust your paycheck if it is determined that you have not been paid in accordance with applicable wage and hour law.

## **304 Hours of Work/Overtime**

Exempt Employees: Exempt employees receive a designated weekly salary and are expected to work the necessary number of hours to complete their job satisfactorily. It is recognized that an exempt employee may need to increase the number of hours worked on a given day or in a given week to achieve this expectation. Employees' regular hours of work should include the hours and days during which the office is open (9:00 A.M. to 5:00 P.M. Monday through Friday) unless a different schedule has been assigned or approved by their supervisor. Because exempt employees may have to flex, alter or extend their schedule to meet the needs of their job, they are expected to communicate changes in their regular schedule to their supervisor.

Non-Exempt Employee: Non-exempt employees will be assigned to a particular schedule for a specified number of hours each day and each week according to the needs of the program. Employees may not work more than 40 hours in a given workweek without prior authorization from the employee's immediate supervisor. All full time and part time employees paid on an hourly basis will be compensated at 1-1/2 times their hourly rate of pay for all hours worked in excess of a 40 hour workweek. Non-exempt employees who are categorized as relief will not have an assigned schedule.

Sick, paid time off, bereavement leave or any other leaves of absence except jury duty are not considered hours worked for the purpose of computing overtime.

## 305 Reimbursement for Expenses

Travel: When it is necessary for an employee to use his/her own vehicle for MHA business, mileage is reimbursed at an established agency rate per mile. This rate is reviewed periodically and adjusted when funds allow. Employees are expected to record their mileage electronically in conjunction with their timesheet each week. Mileage must be entered for reimbursement *within one month of the travel date in order to receive reimbursement; mileage that is not entered within this deadline will not be reimbursable*. Reimbursement will be made through payroll and included in the employee's paycheck. Mileage is calculated by totaling the actual mileage accumulated on a daily basis from an official workstation to the destination point of official business. The number of miles will be based upon the shortest route from one worksite to another as determined by the website MapQuest, unless specifically authorized by a supervisor. Travel to and from work is not reimbursable.

Meals and Lodging: With respect to employees who are assigned to duty requiring them to be away from their primary work site, expenses for meals and/or lodging may be reimbursable. Expenses for meals are reimbursed at a designated rate. The cost of lodging will be pre-approved as determined by destination and the going rate.

Other related incidental expenses such as taxi, bus fare, tolls, parking, registration fees, etc. may also be reimbursable. All receipts must be attached to a Requisition Voucher and approved by the supervisor prior to submitting for reimbursement.

## Section IV

### WORKPLACE SAFETY

#### **401 Substance Abuse/Drug-Free Workplace**

It is the intent of MHA to provide a working environment that is free from drugs and alcohol. Drug and alcohol use is detrimental to the safety and productivity of employees in the workplace. It is especially important to guarantee a drug and alcohol-free environment in all MHA programs as employees are entrusted with the welfare and safety of others. It is critical that there be no compromise in the quality of service provided to those receiving services. Consequently no employee may be impaired because of drugs, (including marijuana), or alcohol while on duty or in the workplace.

In accordance with the Drug-Free Workplace Act of 1988, MHA must maintain a drug-free workplace. Failure to comply with this law could jeopardize the MHA's receipt of government funds. The unlawful manufacture, use, possession, distribution, transfer, purchase, sale, or being under the influence of illegal drugs while on MHA property, while attending business-related activities, or while on duty is strictly prohibited and may lead to corrective action, including suspension without pay or discharge. Marijuana use, for both medical and recreational purposes, is illegal under federal law; therefore, the prohibitions in this paragraph (as well as the Substance Abuse/Drug-Free Workplace policy in its entirety) apply to marijuana. When appropriate, an employee who has violated this policy may be referred to approved counseling or rehabilitation programs.

All employees must comply with this policy as a condition of employment. Should an employee be convicted of a drug-related crime that occurred on or off MHA premises while conducting agency business, the employee must notify the Human Resources Manager within five (5) days of the conviction. MHA is required to notify the appropriate government agency within ten (10) days of the conviction. Appropriate personnel action, including possible corrective action, up to and including termination, and/or participation in a drug-abuse assistance or rehabilitation program, may result after notice of the conviction is received.

Employees may use physician-prescribed or over-the counter medications, provided that the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace. Any employee who wishes to enroll in an approved substance abuse rehabilitation program will be allowed to take a leave of absence for that purpose and will be reinstated to his/her position upon verification from a certified substance abuse counselor that she/she has successfully completed the rehabilitation program,

subject to continued random testing under this policy as a condition of further employment.

To help prevent the possession, sale, and use of alcohol and illegal drugs on MHA's premises and in keeping with the spirit and intent of this policy, MHA may question employees and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunchboxes, or any other possessions or articles carried to and from MHA's property. In addition, MHA reserves the right to search any employee's office, desk, files, locker, or any other area or article on our premises. In this connection, it should be noted that all offices, desks, files, lockers, and so forth, are the property of MHA, and are issued for the use of employees only during their employment with MHA. Inspections may be conducted at any time if there is a reasonable suspicion that this policy is or has been violated. Employees who refuse to cooperate with inspections will be subject to corrective action up to and including discharge.

In the event that any alcohol or illegal substance is found at any site, MHA will conduct an investigation and act accordingly.

#### Reasonable Suspicion

Drug and/or alcohol testing will be required if MHA has a reasonable suspicion based upon information, appearance or behavior that an employee may have used and/or may be impaired by drugs or alcohol. Employees who refuse to be tested at the time of request will be discharged. Employees who test positive will also be discharged but may be reinstated upon the successful completion of an approved substance abuse rehabilitation program. If an employee who has completed such a rehabilitation program seeks to be reinstated, he/she will be required to submit to random testing as a condition of further employment, and he/she will be required to produce verification from a certified substance abuse counselor that the employee successfully completed the rehabilitation program. Please note that participation in a rehabilitative program does not guarantee reinstatement of employment unless otherwise required by law.

## **403 Smoke-Free Workplace**

MHA prohibits smoking in all staffed residences and offices. This includes the use of electronic cigarettes. Designated smoking areas, outside of MHA residences and buildings, will have appropriate receptacles for smoking. Staff and participants will be informed as to the location of the smoking areas or the non-smoking status of each site.

Please contact the Human Resources office for information regarding smoking cessation programs in the area.



## **404 Safety**

MHA is committed to providing a safe and healthy environment for all employees and individuals served. Promoting and ensuring safety is every employee's responsibility. Safety procedures and protocols will be established and communicated whenever necessary. All employees are expected to follow required safety procedures, and to take responsible precautions to protect themselves, co-workers and participants at work. Employees must report all observed safety and health violations and perceived hazards to their supervisor. Failure to follow agency and/or program-specific safety and health guidelines and protocols, failure to report a safety or health violation, or engaging in conduct that places the employee, participant or agency property at risk may lead to corrective action, up to and including termination of employment.

For security purposes, employees are expected to wear their MHA identification badges when at the main office. When working at the residences or performing outreach work, employees should not wear their badges but should have them accessible if there is a need to verify their identification and confirm their employment at MHA.

## **405 Reporting on the Job Accidents or Injuries**

All employee injuries and accidents that occur during work time must be immediately reported to your supervisor (or to the on-call supervisor if it is after hours). You must inform them whether or not you can continue to work, need to go home, or require immediate treatment. They will assist you accordingly. Human Resources can arrange for employees to be seen at an Occupational Injury Center as well. Employees must complete an Employee Accident Report and submit it to the Human Resource Department or to their supervisor during their shift if possible. Even if you feel that you are not injured, you should complete an Employee Accident Report for the record.

Failure to report on-the-job injuries in a timely and accurate manner could jeopardize an employee's right to Workers Compensation Insurance benefits as well as result in corrective action, up to and including discharge.

## 406 Violence in the Workplace

MHA is committed to ensuring the care and protection of all people at MHA programs and sites. All employees, participants and their guardians and family members, vendors and business associates must be treated with courtesy and respect at all times.

Employees are expected to refrain from conduct that may be dangerous to others or considered violent in any way. Any act(s) of violence, whether actual or perceived, will not be tolerated. All complaints will be treated as serious violations of MHA's policy and investigated accordingly. This policy prohibits retaliation against anyone who brings complaints of violent or intimidating behavior, or who helps in investigating complaints.

Violence includes, but is not limited to: disruptive activity in the workplace, threatening, hostile, coercive or intimidating behavior, possession of dangerous weapons, physical assault, verbal abuse, stalking, sabotaging another person's work, harmful misuse of any agency equipment or property, and any behavior which is perceived as threatening by the recipient.

Any employee who believes he/she has been subjected to or has witnessed individual or direct threats of violence, incidents of actual violence and/or suspicious individuals or activities while at work should report such information to the Human Resources Manager and/or to his/her immediate supervisor. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. In a supervisor's absence, if the situation is an emergency, local police should be notified. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resources department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns regarding intimate partner violence. MHA is committed to supporting victims of intimate partner violence by providing referrals to the employee assistance program (EAP) and providing time off for reasons related to the situation.

MHA will promptly and thoroughly investigate all reports of violence or threats of violence while trying to protect the confidentiality of the individual making the report as much as possible. MHA will not retaliate against employees making good-faith reports of suspicious, violent, threatening or intimidating behavior or incidents. In order to maintain workplace safety and the integrity of its investigation, MHA may suspend employees suspected of workplace violence or threats of violence, either with or without pay,

pending investigation. Investigations may necessitate workplace searches, including but not limited to inspection of handbags, briefcases, lunch bags or any other possession or article carried to and from MHA properties or work sites. This may also include inspection of MHA office spaces and property such as desks, files, etc. or any other area or article on MHA premises.

Any employee who is found to be responsible for threats of or actual violence or other conduct or action that is in violation of these guidelines will be subject to prompt corrective action, up to and including discharge.

MHA encourages employees to bring their disputes to the attention of their supervisors or Human Resources before the situation escalates. MHA will not administer corrective action for raising such concerns if the concerns are brought in good faith.

## 407 Workplace Bullying

MHA is committed to creating and maintaining a work environment that fosters mutual respect, integrity and professional conduct. Therefore, MHA will not tolerate bullying in the workplace and will make every reasonable effort to prevent and eliminate such behavior. Employees who are found to violate this policy will be subject to corrective action up to and including discharge.

MHA defines bullying as unwanted conduct, comments, actions or gestures that affect an employee's dignity, psychological or physical health and well-being. This conduct may be carried out by one or more persons against another or others, at the place of work and/or in the course of employment.

Bullying may be intentional or unintentional. However, it is important to understand that when an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when determining appropriate corrective action. Such conduct may also violate Massachusetts law and subject the individual to criminal charges. As in sexual and other unlawful harassment, it is the effect of the behavior upon the individual that is important. MHA considers the following as examples of bullying:

- **Verbal bullying:** Slandering or ridiculing a person or his/her family; persistent name calling that is insulting or humiliating; abusive and offensive remarks; threats or pressure to overlook, accept, or not report another's actions or behavior.
- **Physical bullying:** Shoving, kicking, poking; assault or threat of physical assault; damage to a person's work area or property.
- **Gesture bullying:** Nonverbal threatening gestures or glances that convey threatening messages; mimicking a person's walk, speech, etc.
- **Cyber bullying:** The willful and repeated use of cell phones, computers and other electronic communication devices to harass, humiliate, and threaten others; instant messaging, chat rooms, e-mails, and messages posted on websites.
- **Exclusions:** Socially or physically excluding or disregarding a person in work-related activities.

### Section V

## **WORKPLACE EXPECTATIONS**

### **501 Work Assignments**

Supervisors assign duties to their employees and determine the manner in which work assignments are to be performed. As the need arises, employees may be transferred from one program or department to another or from one job to another on a temporary or regular basis. Such reassignments are based on need and/or are determined to be in the best interest of the agency. Although reassignments are not routine, employees should come to work prepared and willing to cooperate if they are needed at another location. Meeting the needs of the participants and ensuring that critical tasks are completed is expected to be everyone's priority. Employees who refuse reassignment may receive corrective action.

Employees are permitted only in those programs or work areas where their work requires them to be present, and may not interfere with the work of others. Employees should not leave their assigned work site or take leave of their duties during work hours to attend to non-work related business without permission of their supervisor.

MHA is not responsible for any damage, theft, or loss of employees' personal property or money. Employees are therefore encouraged to exercise due diligence in the protection of their personal property and money in the workplace.

## 502 Tardiness/Absences from Work

Tardiness and unplanned absences from work seriously interfere with scheduling and the operation of MHA. MHA expects employees to be ready for work each day at their scheduled time. If an employee is unable to report for work as scheduled because of an emergency, illness, or injury or expects to be late for work, he/she should notify MHA as soon as possible before the scheduled start time. If prior notice is not possible, then notice must be as soon as reasonably possible.

Employees are required to personally notify their immediate supervisor if they cannot come to work as scheduled. In the event that the supervisor is not available, employees are requested to personally notify the office during business hours or their work site. If coverage must be arranged as a result of an employee calling out, the employee must speak directly to another person. Merely leaving a voicemail message or speaking to an answering machine is not acceptable, as there is no guarantee when the message will be received.

Tardiness and absences from work related to Earned Sick Time (EST): If an employee is absent or tardy (an hour or more) and plans to use EST because it is a qualified reason, the employee must identify his/her intent to use EST and provide the following notice to their supervisor or designee:

- At least 7 days-notice for a foreseeable or pre-scheduled use of EST or as soon as the employee becomes aware of the need to use it if it is within a shorter period.
- Employees must provide as much notice as possible for unforeseeable absences, recognizing that certain situations such as accidents or sudden illness may make advance notice infeasible.
- For multi-day absences, employees are required to communicate the expected duration of the leave, or if unknown, then on a daily basis. If the employee is unable to provide such notification, then it is acceptable for an employee's adult surrogate to do so.
- If the employee is incapacitated, an adult surrogate can provide notification of the employee's inability to come to work as outline above.

Earned sick time may not be used as an excuse to be late for work without an authorized EST purpose. In addition, an employee may not accept a specific shift assignment with the intention of calling out sick for all or part of the shift.

Employees who exhibit excessive absenteeism and/or patterns of absenteeism, or who fail to provide adequate advanced notice (or reasonable notice under EST) of absences may be subject to corrective

action up to and including discharge. Any individual who fails to report to work and does not call his/her supervisor or the Human Resources Department for 3 consecutive scheduled shifts will be considered to have abandoned and therefore voluntarily terminated their employment without notice, effective at the end of their scheduled shift on the third day.



## 503 Code of Ethics

The Code of Ethics (COE) Program was established to formalize our commitment to conducting our daily business dealings with the highest level of integrity. Knowing the right thing to do may be difficult at times; even those of us with the best of intentions may have ethical issues that arise during the course of a workday. The COE Program is intended to clarify our corporate values, reinforce our commitment to act with integrity, and provide guidance in dealing with ethical concerns.

All employees are required to abide by our COE in order to ensure that our business is consistently conducted in a legal and ethical manner. The COE does not provide an exhaustive list of “do’s and don’ts,” but rather encompasses the MHA philosophy of how to conduct business. Our philosophy is incorporated into all MHA policies and procedures, as we strive to treat all employees, participants and external contacts with the utmost respect.

The standards of our COE are fundamental, and based upon the expectation that everyone associated with MHA will:

- Exercise good faith and honesty in all dealings and transactions.
- Create a workplace that fosters community, respects the inherent dignity of every person, promotes employee participation, and ensures the safety and well-being of all.
- Maintain a superior level of knowledge and skill, in order to provide the highest quality of care and support.
- Maintain and protect the confidentiality of participants, employer and organizational information.
- Exercise responsible stewardship of both human and financial resources.
- Avoid conflicts of interest and/or the appearance of conflicts of interest.

No policy or code can cover the many circumstances or situations that may raise ethical concerns or the potential for a conflict of interest. So that difficulties can be avoided, if any employee is in doubt when encountering such a circumstance, or has any question relating to this COE, the individual should seek guidance from his or her supervisor, or the Human Resources Department, or a member of the senior leadership team before a course of conduct is begun or a commitment is made.

This Code of Ethics is written for all our employees to promote the value of each person within, and outside of, the organization. As an MHA employee, you are required to report any conduct that you believe, in good faith, is an actual or apparent violation of ethical behavior.

## 504 Ethical and Professional Standards with Participants

Employees are responsible for adhering to professional and ethical standards in the performance of their duties while maintaining the trust that has been placed in them to assist participants dependent upon MHA for care and support. An essential obligation of the employees is to protect the integrity and confidentiality of participants while promoting the welfare of those whom we support. It is of the utmost importance that services are provided with respect for the human dignity and the rights of all participants.

The nature of the professional helping relationship ideally generates trust on the part of the person served, and often times a degree of dependency. Should an employee purposefully or unintentionally violate this trust, or take advantage of this dependency for personal gain, it will likely be harmful to the participant. A violation of this trust and dependency is such a serious matter that it usually results in corrective action up to and including termination of employment. To prevent this, it is essential that clear boundaries be established within the professional helping relationship and any type of dual relationships be avoided. The term "dual relationship" refers to any situation where there is some other or additional aspect of the professional helping relationship that meets a provider's need, and has a high potential for negatively affecting the person served, even though the participant may be agreeable to or encourage it.

Potential boundary violations include but are not limited to:

- Entering into a business transaction in which money, favors or services are exchanged; loaning or borrowing money; financial exploitation
- Planned encounters or contact outside of work hours
- Sexual advances or failure to respond professionally to a participant's sexual advances; dating or engaging in a sexual relationship with a participant
- Staff making threats, negative or insulting remarks to participants whether verbally or in writing or in the form of text messages etc.
- Inappropriate physical contact
- Engagement or activities with a participant that involves contact with staff's home or family. There may be a rare occasion when this may be deemed permissible with prior authorization from the Division Vice President.
- Establishing dual relationships with participants, i.e. employee assumes an additional role in the life of the participant such as business partner, customer, employer or friend
- "Friending" or corresponding with participants using social media.
- Self-disclosure; inappropriate sharing of personal information with participant

- Acceptance of gifts: Expectations arise from gifts. A participant who gives a gift may expect to obtain some form of special treatment. Employees should emphasize that gifts are not allowed. Gifts of food may be accepted on behalf of the whole team and shared with the entire team. Gifts that do not have an obvious monetary value such as a drawing or are less than \$5.00 are permissible but gifts of higher monetary value cross a line and should not be accepted. In instances where staff must decline a gift, the staff should explain the concerns with gift giving as it helps to clarify the refusal of the gift in order to avoid a feeling of rejection by the participant. Staff need to use their best judgment when given a gift by a participant; however, acceptance of any gift must be disclosed to the supervisor promptly.
- Giving of gifts: Gifts of monetary value should not be given directly to a participant. If there is a situation where a need is noted, items or gifts may be given to the person or program through the supervisor who can identify them as an anonymous donation.

Furniture, appliances, household items, etc. at the residences are to be used for the benefit of the people served in the programs and employees are expected to treat such property with care and respect. Use of appliances such as the washing machine and dryer for personal laundry is prohibited. Removing or borrowing items from the residences or from participants for personal use is also prohibited.

An employee should promptly contact a supervisor if there is a question about the appropriateness of his or her own behavior. Any hesitation to discuss a behavior or activity with a supervisor is a warning sign that it may conflict with this policy. Employees who violate professional boundaries as outlined above or take advantage of participants in any way for person gain may receive corrective action, up to and including discharge.

## **505 Employee Development**

Each employee will be encouraged and assisted to further his/her personal and career development through attendance at training workshops and conferences. Payment of fees for conferences and other training experiences will be made as funding allows and upon request by the employee to his/her immediate supervisor and the supervisor's subsequent approval. Such experiences must be deemed to be of special or needed benefit to the employee in carrying out duties in his/her current or potential future position within the agency. Requests by employees must be submitted in advance by the supervisor to the Division Vice President for final approval of compensation and payment of fees.

## **506 Employee Orientation and Training**

Employees are expected to participate in orientation and training to increase their knowledge of specific work-related tasks. Various formal in-house training is offered on a monthly basis. Employees should monitor their own training needs and register for training accordingly, utilizing MHA's Staff Training and Registration (STAR) system. Supervisors should adjust an employee's schedule as necessary so they can attend and note their scheduled training on the program schedule. Employees are expected to arrive on time for training and should call Human Resources at X181 if they cannot attend.

Employees are compensated for their participation in all approved training. Certain training for program staff (i.e. First Aid, CPR, Human Rights, Medication Administration Certification, etc.) is mandated by state or federal regulations and/or MHA and therefore, essential to performing your job functions and keeping participants safe. Additional required training may be added for employees at a particular program or department if deemed necessary. Employees who do not receive or maintain mandatory certifications and remain current with all required trainings may be subject to corrective action, suspension without pay, or termination of employment.

## 507 Employee Performance Reviews

Philosophy: MHA conducts performance reviews to determine proper fit between an individual employee and the job and to improve the effectiveness of each employee, thereby enhancing the effectiveness of the whole agency. Staff performance impacts our success and our commitment to the individuals we serve. In order to fulfill our goals, each employee must continually:

1. Uphold the agency mission, vision, and core values of respect, integrity and compassion
2. Focus his/her energies on key objectives
3. Monitor the progress of those objectives
4. Ensure adherence to state, federal, and agency guidelines
5. Develop his/her skills and competencies to meet the ever-changing needs of the people served
6. Work in a cooperative, team focused manner

Performance Review Process: MHA will conduct performance reviews annually. As part of that process, each employee will meet with his/her supervisor to review past performance and to set goals for the coming year.

Supervisors will conduct reviews for new, newly transferred or promoted employees following their Introductory Period.

Additional discussions regarding job performance between the employee and the supervisor will occur as often as necessary to encourage continuous improvement and to support high quality performance. Subpar performance may be addressed with the implementation of a Performance Improvement Plan (PIP). PIP status will last for a predetermined amount of time not to exceed 90 days. Within this time period, the employee must demonstrate a willingness to improve and maintain the conduct and/or work requirements as specified by the supervisor and the agency. At the end of the designated time period, the PIP may be extended, closed or, if established goals are not met, dismissal may occur. Ultimately it is the responsibility of the employee to improve and sustain their performance at a satisfactory level in order to maintain employment.

## 508 Dress Code and Fragrances in the Workplace

All employees are expected to dress in a manner that is suitable for the work performed. While comfort and personal style are important considerations, employees should ensure that clothing and grooming reflect an image that is professional, neat, clean, safe and appropriate.

In an effort to provide some guidelines to appropriate and professional dress, the following clothing may not be worn while working at MHA in any setting:

- Sweat pants or “work-out” clothing
- Scrubs
- Clothing that is revealing, tight or form-fitting
- Clothing that contains obscene and offensive words or pictures
- Clothing that is torn or badly soiled
- Clothing that is transparent
- Bathing suits or related apparel
- Bare feet, beach shoes or “flip flops”. This includes beach type sandals; Adidas or other sport type slide sandals are considered “flip flops”
- Under clothing that shows through outerwear, is worn as outerwear or is visible in any way
- Tank tops with spaghetti or narrow straps, halter tops, crop tops. No midriffs showing and no backless or strapless sundresses or tops
- Skirts, shorts, and skorts that are more than 3 inches above the knee

Exceptions to certain dress code restrictions may be authorized by the supervisor if work performed involves activities in which such attire would be typical. Examples may include wearing beach wear when going to the beach or some locale to swim; wearing work-out clothes to exercise with a participant or wearing sweat pants to do some deep cleaning at a residence. Standards could also be adjusted with regard to sweatpants for employees working overnight shifts.

Office Attire: Managers and office staff are expected to maintain and display a professional image by dressing in a business casual manner. They should not wear shorts unless performing direct service or outreach work. Capri pants are acceptable if they come down to mid-calf or lower. Baseball or other caps with logos may not be worn in the office. Jeans may not be worn in the office unless it's Friday or if doing direct support/outreach work or some type of physical work.

Footwear: Proper footwear is a significant aspect of MHA's Dress Code and is vital in meeting our internal safety goals. Employees should be aware of the role their footwear plays in minimizing injuries and promoting safety at work.

To reduce the risk of tripping, all employees' footwear must fit securely on their feet. Footwear that potentially impairs the balance or steadiness of an employee for any reason is prohibited.

Footwear for Outreach and Residential Settings: In an effort to promote employee safety and further reduce the risk of slips, trips and falls as well as crushing or stubbing injuries, *all employees working directly with MHA participants providing outreach or residential services must protect their feet with closed toe and closed heel footwear.* It is suggested that employees select supportive, slip resistant soled shoes. Open toed or open heeled shoes are not to be worn while working directly with participants in outreach or residential settings.

In the event an employee arrives for work in something other than appropriate clothing or footwear, he or she will be asked to change. Employees who are asked to leave and return will not be paid for time lost, however, they can access PTO if it is available to them. Violations of this dress code may result in corrective action, up to and including termination of employment.

Fragrances and Scented Products: The use of perfume, cologne, and scented products in the workplace are discouraged. Employees who choose to wear perfume and cologne are asked to keep the usage to a minimum, and to understand that they may be asked to leave meetings or trainings if their fragrance is causing a negative physical effect on another employee. Employees who do not cooperate or comply with such requests and/or who continue to use scented products to the detriment of others will receive corrective action.



## 509 Use of Computers, Software, Internet, and E-Mail

### Software

All computer hardware, software, files and data on MHA premises are considered agency property. MHA therefore has an interest in maintaining the security of this property and ensuring its proper care and use.

Agency computers should contain only software and accessories needed for the performance of business, purchased by and properly registered to MHA. No computer equipment or software applications may be installed on any company-owned computer or copied onto a flash drive, CD, tape, or computer without prior written approval from the Chief Financial Officer.

### Internet

Employees may have access to the Internet. The service may be used to access appropriate work-related information. Users are expected to be trained in accessing the Internet and to ensure the use of the Internet does not interfere with productivity. Downloading programs from the Internet is strictly prohibited and any employee accessing information of a sexual nature or other types of information considered to be offensive or disturbing to others will face corrective action up to and including termination of employment.

### E-Mail

Access to and use of e-mail is intended to increase the efficiency of business communications. Upon hire, each employee is given an email address. Consultants, volunteers, interns, sub-contracted employees or temporary staff may also be given an email address and access to MHA electronic equipment. Employees and others given access may use the email system and MHA's electronic resources to communicate with one another and others connected to MHA's business regarding work-related matters. However, MHA does not guarantee the privacy of anyone's electronic mail and reserves the right to monitor, review, intercept, access and disclose all messages created, received, or sent over the system for any purpose. The use of a password to access the system does not create an expectation of privacy in the contents of any computer information or files.

Employees and others granted access to and use of MHA's e-mail system and electronic equipment, should exercise the same discretion when using e-mail as when using any other form of communication at work. Appropriate business language must be used in all messages, and users are expected to conduct themselves in a professional and ethical manner. Employees are expected to use discretion in their e-mail communications to avoid writing anything that they would not want to be publicized by others.

Employees are expected to keep in mind that the e-mail system is to be used for business purposes during work time and that internal and external e-mails are considered business records and may be subject to discovery in the event of litigation.

The electronic communication systems should not be used for the following:

- The solicitation or persuasion of others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
- The transmission of messages, pictures or materials of a derogatory, harassing, intimidating or offensive nature, including but not limited to negative or disparaging comments about race, gender, disabilities, age, sexual orientation, religious beliefs and practices, political beliefs, or national origin. Accessing and transmitting pornographic material is specifically prohibited.
- The unauthorized sending, receiving, printing or otherwise distributing of confidential information, including but not limited to: Protected Health Information, Personal Information as defined by Massachusetts law 201 CMR 17, or participant-related data or information.
- The transmission of chain letters, gambling, or engaging in any other activity that is unlawful.
- Distribution or use of copyrighted materials, except with permission or as a single copy reference.

Employees should not open suspicious e-mails, pop-ups or downloads. Information Technology (IT) should be contacted with any questions or concerns to minimize the release of viruses or to contain viruses immediately. Failure to adhere to the standards outlined above may result in corrective action up to and including discharge.

### Workstation Security

1. To protect the confidentiality of participant information, MHA restricts the access of the computers and the system to individuals who have a need, a reason, and permission for such access. Be aware that all users do not share the same privileges and as such you should never reveal your password to another person. Your computer should be positioned on your desk so that the monitor cannot be viewed without your

knowledge, and all participant information should be stored on the fileserver and not your personal desktop.

2. To protect the confidentiality of personal and operational interests, it is critical that all employees properly sign out/log off of any MHA workstation when they leave the area. This is especially true with a shared workstation in the office or residential settings. Any employee unexpectedly finding a workstation with an active login from another employee is expected to log out that person immediately without viewing the content of their desktop, email, etc. A failure to take these actions could result in corrective action.

## 510 Social Media

MHA recognizes that employees may communicate and connect with others via social media while off duty. For purposes of this policy, social media includes all types of postings on the Internet, including but not limited to, social networking sites; blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging; and the posting of videos on media sites. Social networking also includes permitting or not removing postings by others where an employee can control the content of postings, such as on a personal profile or blog. This policy applies to social networking while off duty.

Employees who utilize social media should be mindful that their postings, even if done off premises and while off duty, could have an adverse effect on other employees, participants, or MHA's services or legitimate business interests. For example, the information you post could be confidential business information or could lead others to view you as a spokesperson for MHA. To assist you in making responsible decisions about the use of social media and to minimize the likelihood that your personal social networking will have an adverse affect on the agency or those connected with the agency, we have created the following guidelines:

- Do not engage in social networking using any of MHA's electronic resources or during work time unless authorized to do so.
- Do not post confidential financial or proprietary information about MHA, participants, employees, or applicants.
- Do not post any information about a participant that would violate the Health Insurance Portability and Accountability Act ("HIPAA"), which enforces patient privacy and confidentiality.
- Do not post any obscene, discriminatory, threatening or harassing comments directed at MHA, participants, employees, or applicants.
- Do not post information you know to be false about MHA, participants, employees, or applicants.
- Do not knowingly "friend," "LinkedIn" or otherwise connect with subordinates, participants or their guardians or family members while on or off duty through social media. Any employee may reject a social media friend or connection request from any other employee without repercussion.
- Do not post internal reports, policies, procedures or other internal confidential communications.

- If your social networking includes any information related to MHA please:
  - Express only your personal opinions and make it clear you do not represent and are not speaking for the agency in any way. Use a disclaimer such as “The views expressed in this post are my own and do not necessarily represent the views of MHA.”
  - Do not disclose personal or contact information, or post photographs of employees, including supervisors, without their permission. Never post information or photographs of participants.
  - Do not advertise any service of MHA.
  - If someone from the media or press contacts you about your social networking activities that relates to the agency, please speak to Human Resources before responding so you can avoid giving misinformation.

MHA may review your social networking activities or other content on the Internet. Please understand that this policy applies even if your use of social media is anonymous or under a pseudonym. If you do engage in social networking, please be aware that in appropriate circumstances the agency will take steps to determine your identity.

Retaliation: MHA prohibits taking negative action against any employee for reporting possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another for reporting a possible violation or for cooperating in an investigation will be subject to corrective action, up to and including discharge.

Employees should contact Human Resources with any questions regarding this policy.

Failure to comply with this policy may lead to corrective action, up to and including discharge and if appropriate, MHA will pursue all available legal recourses. MHA also may report suspected unlawful conduct to appropriate law enforcement authorities. Please note, however, that nothing in this policy will be interpreted to limit or interfere with your rights under the National Labor Relations Act.

## 511 Use of Phones and Other Technological Devices

### Personal Calls and Text Messages

Employees are expected to make personal phone calls or to text only during break times. Understandably, there may be times when a quick personal phone call is necessary, but employees are expected to exercise common sense and consideration when making or receiving phone calls at work. Frequent or long calls are not acceptable, and employees may not use any phone to defame, disrupt, harass, intimidate or threaten others. Employees are expected to communicate the agency's policy regarding personal calls to friends and family to avoid unnecessary interruptions. **Additionally, MHA is not responsible for the loss of or damage to personal cellular phones or any other mobile technology device in the workplace.**

### Cellular Phones

Whether personal or agency-issued, cell phones must be turned off or set to silent or vibrate mode during meetings, trainings and in other settings where incoming calls and texts may disrupt normal workflow and business communication. Employees are expected to demonstrate respect and professional courtesy by remaining engaged and attentive at meetings, trainings and in the company of participants. As such, unless there is a pressing business need, employees must refrain from checking or sending emails, texting, accepting or making personal phone calls at these times.

### Cellular Phones and Driving

Employees may not use their phone/communication devices when driving on agency business during working hours.

Drivers must comply with all federal, state and local laws and regulations regarding the use of mobile technology devices including cell phones. Incoming or outgoing calls are not allowed while driving participants or while driving agency vehicles during working hours. Sending or reading text messages, e-mails, dialing cellular phones, viewing television, videos, or DVD's and inputting data into laptop computers, personal digital assistants or navigation systems are prohibited while driving. The cellular phone voicemail feature must be on to store incoming calls while driving and all message retrievals and calls must be made after the vehicle is safely parked.

If acceptance of an emergency call is unavoidable while you are driving alone in your vehicle, and pulling over is not an option, you are expected to keep the call short, use hand-free options if available, refrain from complicated or emotional discussions and keep your eyes on the road.

Accidents that occur while the driver is using a cellular phone may be considered to be preventable and the driver may be subject to corrective

action. Employees who are charged with traffic violations resulting from the use of their phone while driving will be responsible for all financial liabilities (fines associated with citations) that result from such actions.

Failure to follow this policy may result in corrective action, up to and including termination of employment.

## **512 Privacy and Confidentiality**

MHA is committed to safeguarding the confidentiality and privacy of personal and health-related information concerning both participants and employees. Such information will be stored and destroyed in a manner that ensures its privacy. Personal information includes but is not limited to: social security numbers, account numbers, driver's license numbers, state or municipal identification numbers, alien registration numbers, health insurance identification numbers, or any other personal identifiers that are not part of the public record. Additionally, the fact that someone receives services from MHA is considered confidential and therefore may not be publically disclosed.

Internally, confidential information will only be accessed by or provided to individuals deemed to have a legitimate business need for the information. Appropriate signed consent forms will be secured prior to sharing any personal or health-related information.

Any misuse or disclosure of personal or health related information or confidential information not otherwise available to persons or entities outside of MHA may lead to corrective action, up to and including discharge. Employees are expected to promptly self-report unintended breaches of private information, which will be taken into account when determining appropriate action.



## **513 Protection of Personal Information**

To combat the threat of identity theft and security breaches, we are required by law to ensure the security and integrity of the personal information of Massachusetts residents. "Personal information" is defined as a Massachusetts resident's first name (or first initial) and last name, in combination with the resident's: (a) Social Security number; (b) driver's license number or state-issued identification card number; or (c) financial account number or credit/debit card number.

Employees with access to personal information must be careful to protect it and to report any breaches of the security of personal information. In addition, employees must return all records containing personal information (including all such information stored on laptops or other portable devices or media, and in files, records, work papers, etc.) upon their termination from employment.

MHA has developed a comprehensive written information security program ("WISP") to meet our legal obligations. If you access or handle personal information, a copy of the WISP will be distributed to you and you may be required to attend an annual education session on the WISP, the proper use of the computer security system, and the importance of personal information security.

We have also designated the Director of Quality and Performance Improvement as the Data Security Coordinator to implement, supervise, and maintain the WISP as well as the WISP education. Any questions or concerns regarding the WISP, security breaches, identity theft, or other issues regarding the protection of personal information should be directed to him/her.

Because it is so important that we safeguard the personal information in our possession, violations of the WISP policy or the rules relating to protecting personal information may result in disciplinary action, up to and including, termination.

## **514 No Solicitation/No Distribution/No Access**

1. Employees are prohibited from soliciting financial contributions, selling merchandise or otherwise engaging in solicitation of other employees during the working time of the employee making the solicitation and the employee(s) to whom the solicitation is directed and/or in residential care areas or other assigned work areas where participant services are provided.
2. Employees may not distribute literature or printed materials in any working area of the Agency or during their working time.
3. Persons not employed by MHA are not permitted to distribute materials or to solicit employees for any purpose whatsoever at any time on the Agency's property or inside any MHA building.
4. Employees while off-duty are not allowed access to the interior of MHA's buildings or to other work areas except when conducting official business directly related to their employment. Off-duty employees are permitted access to their particular work site to attend parties or cookouts sponsored by MHA for the benefit of MHA participants subject to supervisory approval.
5. Soliciting for the benefit of MHA participants and MHA sponsored events is allowed as these activities are in support of MHA's mission, however, such solicitation efforts must have prior approval of the appropriate Division Vice President.
6. As used in this policy, the term "working time" means the period of time that is spent in the performance of actual job duties and does not include breaks or time spent on agency premises traveling from the parking lot to the work area and back.

## **515 Bulletin Boards**

In addition to information being emailed to all employees or mailed to your home, information is posted on bulletin boards that are located throughout MHA's main office. These bulletin boards are used to communicate official government information on equal employment opportunity, wage and hour, health and safety and other matters. They are also used to communicate information about training, agency-sponsored or related events, and other general information relevant to employees or to serving our participants. Employees are not permitted to post anything on these bulletin boards without prior approval from their Division Vice President or Human Resources.

## **516 Automobile Use**

MHA Employee Handbook Updated 02.2017; Rev 04.2018 (sections 214, 301, 508, 509, 601, 602, 604, 701,811, 812)

Many positions at MHA require the operation of motor vehicles as part of their essential functions while others may necessitate occasional use. MHA strives to ensure that employees who drive have a current, valid driver's license and satisfactory driving record. MHA provides agency-owned or leased vehicles for some programs to be used to transport participants and for other business-related errands. Employees are expected to receive training in the use of these vehicles before operating them.

Employees who routinely use privately owned vehicles for MHA-related business are required to carry personal insurance protection related to the operation of the vehicle and to be listed as a driver on the policy. Employees should notify their insurance company that they are using their vehicles for work to ensure they receive the appropriate protection, such as Business Class 30. All vehicles used to conduct agency business must be currently registered, insured at minimum state-mandated compulsory levels, and possess a current inspection sticker if required by the state in which the car is registered. If an employee's license or auto insurance expires or becomes invalid, the employee must discontinue driving duties and promptly notify their supervisor. Such an occurrence, or an unsatisfactory driving record, may lead to reassignment or termination of employment if driving is an essential part of the employee's job.

## **517 Parking at the Main Office**

Parking is available for employee vehicles during work hours. MHA is not responsible for any damages, stolen cars or articles. Employees are advised to lock their cars and keep valuables out of sight.

MHA has four (4) spaces designated for 30-minute parking at the Main Office as well as four (4) handicapped parking spaces that may only be occupied by individuals whose vehicles display state-issued handicapped parking permits. MHA also has designated special parking for employees who, due to an acute medical condition, temporarily need to park closer to the building. A special parking permit can be obtained from the Human Resource Director. Vehicles parked in one of the Handicapped or MHA restricted parking spaces without displaying the applicable permit will be subject to towing. Employees who utilize the 30-minute parking spaces for longer periods of time may be subject to corrective action.

## 518 Standards of Conduct and Corrective Action

All employees are expected to conduct themselves in a professional manner. Each employee has an obligation to adhere to MHA policies and procedures and to maintain proper standards of conduct at all times. If an employee's performance, work habits, overall attitude, conduct, or demeanor becomes unsatisfactory in the judgment of MHA management, or if the employee violates standard policies and/or procedures, a progressive corrective action process will be initiated. Such steps are documented in the employee's personnel file and may include:

- Verbal warning
- Written warning
- Final written warning
- Termination

In the case of conduct that violates professional ethical standards, actions, or failure to act, that jeopardizes the well being or integrity of those receiving services, or insubordination, an employee may be immediately discharged.

Management specifically reserves the right to skip any and all of the procedures outlined above and also specifically reserves the right to issue corrective action to individuals for any conduct which management deems is contrary to the interest of MHA and those it serves. The level of corrective intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling and/or training; the employee's work record; and the impact the conduct and performance issues have on the organization and participants.

Listed below are some examples of inappropriate conduct which could lead to corrective action, up to and including termination of employment. This list is not intended to be all-inclusive.

1. Failure to follow defined job requirements and procedures.
2. Sleeping on duty or attempting to sleep on the job unless it is an approved function of the position and therefore authorized during specified hours during a shift.
3. Failure to attend to or complete assigned duties.
4. Leaving the premises or work area during work hours without the prior approval of the supervisor or management, including abandoning participants whom MHA is required to supervise.
5. Allowing unauthorized visitors into MHA residences or participants' homes.
6. Mistreatment of participants, including verbal, sexual or physical abuse or neglect.

7. Conduct in the workplace that is construed as violent, dangerous, intimidating, or disrespectful toward participants, staff, or supervisors
8. Lying or intentional omission of critical information during investigations, internal reviews and/or the performance of job duties.
9. Insubordination, such as failure to follow instructions of supervisor.
10. Theft, attempted theft, destruction, misuse, unauthorized use or negligent use of agency, staff or participant property or funds.
11. Unauthorized use or breach of confidentiality of agency's personnel files, contracts, participant records, or other agency information.
12. Falsification of any MHA records or documents, such as time sheets, mileage forms, employment applications, service notes, reports, logs, etc.
13. Failure to exercise common sense and sound judgment in the discharge of responsibilities.
14. Dishonest, unlawful, unethical conduct.
15. Intimidating, provoking a fight, fighting, using obscene or abusive language or gestures or other conduct that could be perceived as violent.
16. Possession or use while on duty and/or on MHA property, of any object whose primary purpose is to inflict injury and/or which creates danger to others; such as firearms, weapons, fireworks or explosives.
17. Harassment of any kind.
18. Use of, possession of, or reporting to work under the influence of alcohol or non-prescribed drugs.
19. Conviction of a crime that seriously undermines the Agency's faith and confidence in the employee's ability to perform his/her job.
20. Refusal to cooperate with workplace searches deemed necessary by management to ensure safety, security and adherence to Drug-Free Workplace policy.
21. Failure to maintain conditions of employment such as required certifications or driving-related standards.
22. Excessive personal use of television, internet, cell phone, tablet, etc. while working.

Suspension: Employees may be suspended without pay during the internal investigation of an incident if the incident is one that could lead to immediate discharge. If the results of the investigation warrant no corrective action, the employee will be paid for regularly scheduled hours not worked during the suspension. This includes the reinstatement of benefit time the employee may have chosen to use while suspended.

Appeal: Employees may appeal a final written warning or termination of employment by submitting a written letter or request to the President and CEO within ten (10) business days of the date of corrective action or discharge. This letter should include why the employee disputes such action, reasons for reconsideration and a suggested alternative outcome. The

decision of the President and CEO is final. Lesser levels of corrective actions may be appealed to the Human Resources Director.

## 519 Complaint Procedure

Employees are encouraged to resolve their disputes on an informal basis whenever possible with the assistance of their direct supervisor. If the employee feels that further assistance is required to resolve the issue, the employee should bring his or her concerns to the Vice President or Director of their respective division or department. When this process fails to bring resolution, or if the problem or dispute involves someone in that position, employees are entitled to use the following procedure.

1. Submit a written complaint to the Human Resources Director within ten (10) business days of consulting with the Division or Department Director.
2. If the matter is not resolved at the Human Resources level, it may be submitted in writing by the employee, within five (5) working days, to the President and CEO. The President and CEO may appoint a designee or include other management members to review the complaint.
3. If the complaint is not resolved at the President and CEO level, the employee may submit the complaint to the Personnel Committee Chairperson of the Board of Directors, who will normally present it to his/her Committee within ten (10) working days.
4. If the Personnel Committee is unable to resolve the complaint, the employee, within ten (10) working days, may submit the complaint in writing to the President of the Board of Directors for presentation to the full Board of Directors. This will normally occur within thirty (30) calendar days. The Board of Directors' decision is final.

## **520 Personnel Files**

MHA conforms to M.G.L. C. Section 149/ 52c. A confidential personnel file is maintained on each employee in the Human Resources department and may not be taken outside of the department. Managers and supervisors may only have access to personnel file information on a need-to-know basis. The personnel record contains information required by regulations including: applications, performance reviews, promotion, transfer, additional compensation, corrective action and any other correspondence or information deemed appropriate. Medical information is kept in a separate file.

Employees have the right, upon written request to the Human Resources Manager or designee, to examine and/or to receive a copy of any and all material in their personnel file within 5 business days of their request. Employees may view their file, but may not take the file out of the Human Resources Office. Employees will be charged a standard per copy fee for copying their file.



Section VI

**TIME OFF**

**601 Paid Time Off (PTO)**

Full-Time & Part-Time Regular Employees

Paid Time Off is the time that an employee accrues to be used when an employee needs/wants to take time off from work, including holidays. Each employee may take PTO with full pay at such time as is mutually agreed upon with his/her supervisor. Each program or department may determine its own timelines with respect to the receipt and approval of time off requests.

Available PTO must be used when an employee calls out sick but does not have enough sick time to cover their absence so that the total number of hours on their weekly timesheet is the same as the number of regularly scheduled hours worked each week. Some exceptions may apply.

Below is a chart of monthly PTO accrual rates according to standard assigned hours. PTO will accrue on the first pay date of every month. For the purposes of PTO accrual only, an employee's "anniversary date" is determined by **their length of service as a full time or part time regular employee**. Any periods of employment in which an employee was part time, relief or temporary will not be included when determining the "anniversary date". Each increase in accrual rates starts the month following the employee's third, fifth, and tenth "anniversary date."

<b>Weekly Hours Assigned</b>	<b>1-3 yrs PTO</b>	<b>3-5 yrs PTO</b>	<b>5-10 yrs PTO</b>	<b>10+ yrs PTO</b>
40	16.5	20	23.25	26.5
38	15.75	19	22.25	25.25
36	15	18	21	24
35	14.5	17.5	20.25	23.25
34	14	17	19.75	22.5
32	13.25	16	18.75	21.25
30	12.5	15	17.5	20

The maximum number of PTO hours will be capped at 160 and employees are expected to manage their PTO balances accordingly. Employees are expected to use PTO in a manner that utilizes accrued time on a regular basis with supervisor approval and in cooperation with program needs. If employees need to reduce their balance to accommodate an upcoming addition of PTO, they must use PTO before the end of the current PTO benefit month. The PTO benefit month begins on the Monday before the first Friday payday, and ends on the Sunday before the next benefit month starts. Employees also have the

option of using the PILOT program to get paid for some of their PTO time. See Policy #809 for details.

When using PTO, employees cannot exceed their weekly assigned standard hours. For example: If a 35-hour per week employee takes PTO on Monday but works 33 hours the rest of the week, the employee will be expected to use only two hours of PTO in order to be paid their standard 35 hours for the week.

Any earned PTO at the time of separation or a change of status to part time or relief will be paid at 100%.

Only an employee rehired within 12 months of their separation date will receive "anniversary date" credit for previous time spent as a full time or part time regular employee.

#### Consequences of Not Working Full Work Week

Full time and part time regular employees are expected to work their assigned number of hours per week, using benefit time when applicable to meet this expectation. If an employee does not have enough benefit time to maintain the assigned number of hours in a given week and is therefore unpaid for more than one hour during the payroll periods that represent the pay dates of a given month, the employee's accrual of PTO the following month will be reduced as follows:

- If the total number of weekly assigned hours worked for all pay periods comprising all the pay dates of the month in which the unpaid leave occurred is at least 93% of the assigned hours for that same period of time, the employee will accrue 90% of his/her designated PTO hours on the pay date of the following month.
- If the total number of hours worked/paid during said time period falls between 75% and 93% of the assigned hours, the employee will accrue 50% of his/her allotted PTO hours.
- If the total number of hours worked/paid during said time period falls below 75% of the assigned hours, the employee will not accrue any PTO hours the following month.

This practice will not be implemented until an employee receives his/her first accrual of benefit time or after the first month an employee returns to work from a FMLA, Medical, Parental, Domestic Violence, Military Leave, or Workers Compensation leave.

## 602 Sick Leave

Earned Sick Time (EST) is provided to all employees at the rate of .0334 hours for each hour worked. Employees will earn this benefit weekly, based on the number of hours that they have worked in that week. "Hours Worked" shall include regular work hours, overtime hours, PTO hours, and Jury Duty. It DOES NOT include sick hours, workers compensation, bereavement, or FMLA (unless PTO is used). Employees will be allowed to utilize this benefit once EST is accrued, beginning on the first day of employment.

There are caps on the total number of hours that can be accrued in a given benefit year, as well as caps on the maximum accrual that an employee is allowed to attain. Employees are allowed to "carry-over" their balances from one benefit year into the next, but cannot exceed the current maximum accrual. The "benefit year" for the EST program runs from July 1<sup>st</sup> until June 30<sup>th</sup> of the next year.

<b>Employee Status</b>	<b>Annual Max</b>	<b>Max Carry-Over</b>	<b>Max Accrual</b>
Full Time	64	520	520
Part Time Regular	56	520	520
Part Time	40	40	40
Relief	40	40	40
Temporary	40	40	40

EST will be paid at the wage that they would have been paid, had the employee worked. It shall not include overtime, holiday pay or any other premium rate. EST must be utilized in increments of 15 minutes. The smallest allowed amount of EST is 1 hour.

EST hours are not considered "hours worked" in the calculation of overtime. Employees utilizing EST must identify the amount of their agreed upon benefit time on their electronic time sheet. By taking that action, they are verifying that the time was used for one of the following authorized purposes:

- The employee or employee's child, spouse, parent, or parent of a spouse is sick or has a medical appointment.
- The employee has to address the psychological, physical, or legal effects of domestic violence.

Should the employee record EST for an unauthorized purpose, or if they fail to follow MHA's reasonable notice and verification procedures, they will be

subject to corrective action. The employee must notify their program BEFORE they use EST for an unforeseeable purpose, except in an emergency. Employees are also required to provide 7 day advance notice for pre-scheduled and foreseeable absences, such as scheduled doctor's appointments. EST cannot be used as an excuse to be late for work without advance notice of an authorized use.

There are several instances when an employee may be required to provide authorized documentation from a medical provider:

- Employee is out of work for more than 3 consecutive days.
- Employee has used more than 40 hours of protected sick time in that benefit year.
- Employee wants to use EST within 2 weeks prior to leaving the agency.
- Employee has more than 4 unforeseeable and undocumented absences within a 3-month period.

If the use of EST during a week results in an employee exceeding their weekly assigned standard hours, the employee shall have the option to only utilize enough EST to reach their standard hours. For example, a 35-hours employee working 32 hours and calling in sick for a seven-hour shift has two choices: 32 regular hours plus 7 EST hours or 32 regular hours plus 3 EST hours.

Employees rehired within one year of their last day worked will be assigned the EST hours that had accrued at the time of their separation, up to a maximum of 40 hours. EST is forfeited for all other rehired employees, and is not compensable at the time of separation.

Employees, whose status changes from FT/PTR to Relief/PT, will forfeit all EST hours over 40, and must adhere to the maximums for their status.

Employees on FMLA will be required to utilize their accrued EST concurrently. A medical certificate from an attending physician certifying an employee's fitness for a return to work may be required by the supervisor.

Whenever an employee calls out sick, state law allows an employer to count the following hours when calculating protected sick leave time: EST used; unpaid hours, even if the hours are made up elsewhere in the week; and hours used when only PTO was available to be applied.

## **603 Bereavement Leave**

Upon request, a full time or part time regular employee will be granted up to three (3) consecutive working days with pay upon the death of any member of the employee's immediate family or household. Immediate family is defined as spouse, parent, grandparent, brother, sister, child, grandchild, and current parent-in-laws. Member of the household is defined as anyone living in the employee's home/household.

Bereavement leave may be taken nonconsecutively if subsequent days requested are necessary to plan and/or attend funeral/memorial services. Employees are responsible for communicating to their supervisor which days they need off related to Bereavement Leave.

Bereavement time used should reflect the employee's regularly scheduled hours but may not exceed 10 hours per day or shift. When using bereavement leave, employees cannot exceed their weekly assigned standard hours. For example: If an employee's standard work week is five 8-hour shifts and she requests Wed through Friday off for Bereavement but works Monday, Tuesday and Sunday for 8 hours each day she will be paid for 16 hours of leave for a total of 40 hours for the week.

## 604 Jury Duty

MHA supports all employees to fulfill their civic responsibility by serving on a jury when summoned. Employees who are summoned and report for jury duty *on a day they are normally scheduled to work* shall receive their regular base pay from MHA for the first three (3) days of jury service. On the fourth day, and each day thereafter, each trial juror will be compensated by the court system. MHA will pay each employee the difference between what he or she receives for jury duty and their regular daily pay up to 20 working days in a 12-month period. To qualify for pay during the period in which the jury duty is performed, employees must comply with the following requirements:

1. Give a copy of your jury duty summons to your supervisor within three (3) days after receiving it so that any necessary staffing arrangements can be made. Please note that whether the summons directs you to call the previous day to confirm that you must report for jury duty. **If you learn that you do not have to report, you will not be eligible for jury duty pay.** You will be expected to either work your shift, use PTO or if part time, to take the shift off unpaid.
2. Submit the Juror Service Certification to Human Resources as confirmation of attendance. The state typically mails this document within two weeks of service.
3. If you serve more than three days, please furnish Human Resources with satisfactory evidence of the amount of compensation you received from the court system for the performance of jury duty.

Overnight Shifts: Employees will not work or be required to work beyond midnight on the day preceding their first day of juror service. Employees selected for a trial shall not work nor shall they be required to work an overnight shift during their term of juror service. Employees may be required to work an overnight shift on the day on which they have been finally discharged from juror service provided such discharge occurs no later than 4:00 P.M.

No employee who is excused for jury duty shall be penalized in any way.

Employees who are eligible to receive pay during the period of jury duty will receive their pay for their ordinary work schedule less the compensation they received for jury duty that week.

MHA will comply with the State jury law in which the employee resides and with other Massachusetts State, County and Federal jury laws.

## **605 Family and Medical Leave of Absence**

MHA provides up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness) of job protected leave to eligible employees. The 12 month period is a rolling period, measured by looking backwards from the first date of requested leave. FMLA leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in MHA's full Family and Medical Leave Act (FMLA) policy.

### **Basic Leave Entitlement**

Eligible employees will be granted leave for family and medical reasons in accordance with the Family and Medical Leave Act (FMLA). The leave will be granted for any of the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### **Military Family Leave Entitlements**

#### *Qualified Exigency Leave*

An eligible employee with a spouse, son, daughter, or parent on active duty or who has been notified of a call to covered active duty in the US Armed Forces, whether as a member of a regular component of the Armed Forces or as a member of the National Guard or Reserves, may use their 12-week leave entitlement to address certain qualifying exigencies that arise from the military member's covered active duty. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, care for the military member's parent who is incapable of self care, addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperation, and attending post-deployment reintegration briefings.

#### *Military Caregiver Leave*

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. For purposes of this leave, an eligible employee includes the servicemember's parent, spouse, son or daughter, or nearest blood relative, or individual designated as next of kin in writing by the servicemember.

A covered service member is:

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list; or
2. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness if the veteran was discharged or released from the Armed Forces under circumstances other than a dishonorable discharge at any time during the period of 5 years prior to the first day that the eligible family member needs to take leave.

For the purposes of Military Caregiver Leave, a serious injury or illness means

1. A serious injury or illness that was incurred by the member in line of duty on active duty; or
2. A serious injury or illness that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or
3. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
4. A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or
5. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
6. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

### **Benefits and Protections**

During FMLA leave, MHA will maintain an employee's health insurance coverage on the same terms as if he/she continued to work, if an employee has



indicated the intent to return to work at the end of FMLA leave. Arrangements to pay the employee share of such benefits must be made by contacting the Human Resources department. If an employee does not return to work upon the completion of FMLA leave, MHA may recover the cost of any payments made to maintain health insurance coverage, unless the failure to return to work was for reasons beyond the employee's control. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of FMLA leave.

Employees who return to work on or before the expiration of their FMLA leave will be restored to their original or an equivalent position with equivalent pay, benefits, and other employment terms. Employees on FMLA leave are, however, not entitled to any greater rights than they would otherwise have been entitled, had they continued as active employees at MHA. Some key employees may not be entitled to reinstatement at the conclusion of their FMLA leave. Key employees will be notified of their status as such at the time of their leave request.

### **Eligibility Requirements**

Employees are eligible for FMLA if they have been employed by MHA for a total of 12 months within the previous seven years and have worked at least 1,250 hours during the 12 months prior to the start of the requested leave.

### **Definition of Serious Health Condition**

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 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may also meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt MHA's operations. Intermittent leave is not, however, available to care for a child during the first

12 months after the birth, adoption, or placement in foster care. Leave due to qualifying exigencies may also be taken on an intermittent basis.

If employees use intermittent leave, they must comply with MHA's regular call-out procedure for each day on which they are absent, including specifically referring to the FMLA- qualifying reason for the leave.

### **Substitution of Paid Leave for Unpaid Leave**

Employees eligible for FMLA leave must use accumulated benefit time concurrently with their FMLA leave until all such paid leave is exhausted unless they are receiving compensation from another source, such as workers compensation or short term disability benefits. Employees must comply with MHA's normal paid leave policies.

### **The Leave Year**

MHA has designated a rolling 12 month leave year, which determines FMLA leave eligibility by reference to the amount of FMLA leave taken during the twelve months immediately preceding the first date of requested FMLA leave. This 12-month rolling leave year does not apply to Military Caregiver Leave. The leave year for Military Caregiver Leave is a single 12-month period that begins on the first day of the employee's leave.

### **Employee Responsibilities**

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, the employee must provide notice as soon as practicable and generally must comply with MHA's normal call-in procedures.

Employees must provide sufficient information for MHA to determine if the leave may qualify for FMLA protection, as well as the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; a covered family member is unable to perform daily activities; the need for hospitalization or continuing treatment from a health care provider; or circumstances supporting the need for Military Family Leave. Employees also must inform MHA if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

Employees will be required to provide a fitness for duty statement before they return after an FMLA leave for their own serious health condition. If the employee will be required to provide this statement, he/she will be notified at the time that leave is approved.

### **Employer Responsibilities**

MHA will inform employees requesting leave whether they are eligible under

FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, MHA will provide a reason for the ineligibility.

MHA will also inform employees if leave will be designated as FMLA-protected and the amount of leave for which the employee is eligible. The employee will be notified if MHA determines that the leave is not FMLA protected.

MHA will also comply with the FMLA by not:

- Interfering with, restraining , or denying the exercise of any right provided under FMLA;
- Discharging or discriminating against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **FMLA Question and Concerns**

Questions concerning FMLA rights or responsibilities or disagreement with a decision MHA makes regarding FMLA leave entitlement should be addressed with Human Resources as soon as possible.

### **Enforcement**

To enforce rights under the FMLA, an employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

Please consult Human Resources for any additional information relating to FMLA leave.

## **606 Personal Leave of Absence**

MHA may grant unpaid or paid leave of absence for personal reasons unrelated to an individual's personal medical condition. Personal leaves of absence of three or more days may not be considered job-protected leave. Requests for personal leave must be in writing and submitted to the Program Director or Division Vice President. The particular Program Director or Division Vice President, Human Resource Director, and the President and CEO will review any request for personal leave and make the decision to grant or deny the leave request. Every effort will be made to accommodate these leave requests, but decisions must be made in the best interest of the department or program. Factors to be considered include the employee's performance, anticipated operational requirements and staffing considerations during the proposed period of absence.

If a personal leave is granted, employees will be required to exhaust all their applicable benefit time while on their leaves of absence. After the employee has exhausted all of his or her benefit time, any additional leave will be unpaid. MHA will continue to pay its percentage of the health insurance, dental insurance, life insurance and long term disability insurance premiums for up to two months of leave. If the leave is unpaid, the employee will be responsible for paying his/her portion of the premiums and may choose to pay them in advance or once per week. If an employee fails to keep up with the payment of insurance premiums and becomes two weeks in arrears, the applicable insurances will be canceled retroactively to the last day of paid insurance coverage.

An employee who is not eligible for FMLA leave and who needs a personal leave to care for a family member is required to provide medical certification indicating the date leave is to begin and the date the employee is expected to return to work.

To the greatest extent possible, employees on a personal leave of absence will be reinstated to the same or equivalent position. The employee will be informed of his or her status at the end of the leave period.

If an employee fails to report to work at the end of an approved personal leave, it will be considered a voluntary resignation of employment.

## **607 Medical Leave of Absence**

Employees who are not eligible for Family and Medical Leave and who are absent for work because of their own physical or mental impairment that substantially limits a major life activity and is not temporary and minor may be entitled to a job-protected Medical Leave of Absence. If an employee applies for and is granted a Medical Leave of Absence, the employee will be reinstated to the employee's previous job at the end of that leave, unless changed business circumstances make reinstatement impossible or an undue hardship to the company.

Employees who are seeking a Medical Leave of Absence will be required to submit their requests to the Human Resources Director with medical documentation of their need for the leave and a return to work date. Employees may be asked to provide updates during the course of their Medical Leave. Prior to returning to work, employees on a Medical Leave of Absence will be required to provide a medical note attesting to their fitness for duty and describing any restrictions that may apply to their ability to perform the essential functions of their position, together with any accommodations that might be necessary to permit them to perform those essential functions.

Employees on a Medical Leave of Absence will be required to exhaust all paid leave, including PTO and sick time while on their leaves of absence. After the employee has exhausted his/her benefit time, any additional leave will be unpaid, unless the employee qualifies for Short or Long Term Disability or Workers Compensation benefits. MHA will continue to pay its percentage of the health insurance, dental insurance, life insurance and long term disability insurance premiums for up to two months of leave. If the leave is unpaid, the employee will be responsible for paying his/her portion of the premiums and may choose to pay them in advance or once per week. If an employee fails to keep up with the payment of insurance premiums and becomes two weeks in arrears, the applicable insurances will be canceled retroactively to the last day of paid insurance coverage.

If the employee fails to report to work at the end of an approved medical leave, it will be considered a voluntary resignation of employment.

## **608 Massachusetts Parental Leave**

Pursuant to the Massachusetts the Parental Leave Act, employees who have been employed for a period of three months are entitled to eight weeks of unpaid leave for: 1) the birth of their child, 2) their adoption of a child under the age of 18, 3) their adoption of a child under the age of 23 if that child is physically or mentally disabled, or 4) the placement of a child with an employee pursuant to a court order. To be eligible for this leave, the employee must give MHA at least two weeks' notice of the anticipated date of departure and the employee's intention to return to work at the end of the leave or, if delayed notice is beyond the employee's control, as much notice as is possible. Requests for leave should be submitted on forms available from Human Resources.

Parental Leave is unpaid, but employees may use their accrued paid sick, PTO or flex time in order to receive pay during this leave, if they wish to do so. Parental Leave will run concurrently with leave under the Family and Medical Leave Act, if the employee is eligible for such leave. Employees on Parental Leave will be required to pay the full amount of any health insurance premium while on leave. If both parents are employed by MHA, they, together, will be eligible for a total of eight weeks. Employees who take more than eight weeks of leave will not be guaranteed reinstatement unless otherwise required by state or federal law. If the leave is to give birth to a child, the employee is required to provide a fit for duty note from her physician before returning to work.

At the conclusion of Parental Leave, employees will be restored to their previous or a similar position unless business conditions have eliminated their position or restructured their job in their absence. If an employee fails to report to work at the end of an approved Parental Leave period, he or she will be considered to have voluntarily resigned from employment.

Questions about Parental Leave may be addressed to the Human Department.

## **609 Small Necessities Leave Act**

Employees who are eligible for FMLA leave (see FMLA policy at Section 605) are entitled to twenty-four (24) hours of leave under the Massachusetts Small Necessities Leave Act (SNLA).

This leave is available for eligible employees who need time off from work

- to participate in school activities directly related to the educational advancement of their child;
- to accompany their child to a routine medical or dental appointment;  
or
- to accompany an elderly relative to a routine medical or dental appointment or appointments related to coordinating that relative's care.

Eligible employees may take SNLA leave in one hour increments. Eligible employees are expected to provide at least 7 days' advance notice to their supervisor and supporting documentation of the event for which the leave is necessary. Employees are required to use their benefit time to cover such leaves.

## **610 Military Duty**

MHA will comply with all State and Federal regulations regarding military leave.

## **611 Domestic Violence Leave Act**

MHA complies with the Massachusetts Domestic Violence Leave Act. This policy provides employees with a general description of their rights under the Act.

If you have any questions regarding this policy, please contact Richard Merchant, Human Resources Director or Lynn Greguoli, Director of Administrative Services.

### Employee Eligibility

Under this policy, an employee who is a victim of domestic violence or who is a covered family member of a victim of domestic violence is entitled to take up to 15 days of leave within a rolling, 12-month period, counting backwards from the first date of requested leave. For purposes of this policy, a covered family member includes: spouse, fiancée, of a victim of domestic violence, or individual with whom the victim of domestic violence has a substantive dating relationship and who resides with the individual; someone with whom the victim of domestic violence has a child in common or the parent, step-parent, child, step-child, sibling grandparent, grandchild, or guardian to a victim of domestic violence.

An employee who is a victim of domestic violence or who is a covered family member of a victim of domestic violence is entitled to leave beginning on the employee's first day of employment. Alleged perpetrators of domestic violence are not entitled to leave under this policy.

### Eligible Reasons for Leave

To qualify for leave under this policy, an employee must be taking leave for one of the reasons listed below:

- 1) When the employee is a victim of abusive behavior or a covered family member of the employee is a victim of abusive behavior. Abusive behavior under this policy includes any behavior constituting domestic violence; stalking; sexual assault; and kidnapping.
- 2) When the employee is using the leave to: seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior, whether or not the employee is a victim of domestic violence or the employee's covered family member is a victim of domestic violence.



### Notice of Leave

If an employee's need for leave is foreseeable, s/he must give 7 days' notice before the date the leave is to begin. The employee must provide notice of his/her need for leave to the Human Resources Director.

If the need for leave is due to a threat of imminent danger to the health or safety of the employee or the covered family member of an employee, the employee is not required to provide advance notice of the leave; provided, however, that the employee must notify the Human Resources Director within three (3) workdays that the leave was taken or is being taken under this policy. Notice may be communicated to MHA by the employee, a family member of the employee, or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior.

### Documentation Required

MHA will require documentation establishing the need for leave under this policy and establishing that the leave is taken for eligible reasons.

If the employee requests a scheduled absence under this policy, MHA will request documentation in writing supporting the employee's need for leave under this policy. The employee must return this documentation within 15-days of the employer's written request or provide a reasonable explanation for the delay.

If an employee's need for leave is not foreseeable because it is the result of a threat of imminent danger to the health or safety of the employee or the employee's covered family member, the employee must provide documentation evidencing the need for leave within 30-days from the unauthorized absence or within 30 days from the last unauthorized absence if the absence is for consecutive days.

An employee may provide any of the following in support of his/her need for leave:

- 1) A protective order or other documentation issued by a court as a result of the abusive behavior;
- 2) A document under the letterhead of the court, provider, or public agency that employee consulted for the purposes of acquiring assistance related to the abusive behavior;
- 3) A police report or statement of a victim or witness provided to the police documenting the abusive behavior;
- 4) Documentation that the perpetrator has admitted to sufficient facts to support a finding of guilt; has been convicted; or has been adjudicated a juvenile delinquent;

- 5) Medical documentation of treatment as a result of the abusive behavior;
- 6) A sworn statement, signed under the pains and penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other professional who assisted in addressing the effects of the abusive behavior; or
- 7) A sworn statement, signed under the pains and penalties of perjury, from the employee attesting that the employee either is a victim of abusive behavior or is the family member of a victim of abusive behavior.

The appropriate documentation must be provided to the Human Resources Director. Failure to provide the documentation may result in a denial of the leave.

#### Use of Paid and Unpaid Leave

An employee who takes leave under this policy must use all paid time off (PTO) prior to being eligible for unpaid leave. PTO will run concurrently with leave under this policy. After PTO is exhausted, sick leave will run concurrently with leave under this policy if the reason for the leave is covered by the MHA's established sick leave policy. Once all PTO and sick leave (if applicable) is exhausted, any remaining leave under this policy will be unpaid.

#### Employee Status During and After Leave

While an employee is on leave, MHA will continue the employee's health and benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

Under current company policy, the employee pays a portion of the health and dental care premiums. While on paid leave, MHA will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail.

Any employee who takes leave under this policy will be returned to his or her same or substantially similar position at the end of the leave.

#### Confidentiality

All information obtained by the employer related to the employee's request for leave will be treated as confidential and will not be disclosed unless:

- 1) Requested or consent to, in writing, by the employee;
- 2) Ordered to be release by a court;
- 3) Required by state or federal law;
- 4) Required in the course of an investigation authorized by law enforcement, including an investigation by the attorney general; or

- 5) Necessary to protect the safety of the employee or others employed at the workplace.

## Section VII

### **INSURANCE BENEFITS**

MHA makes every effort to provide all eligible employees with a comprehensive benefit package. Benefits and eligibility for benefits is as follows:

#### **701 Health and Dental Insurance**

MHA offers comprehensive health and dental plans to all full time and part time regular employees, their domestic partners, and eligible dependents. Coverage begins following a 30-day waiting period from the date an employee assumes a qualifying position. MHA pays a portion of the plan premium, and the balance will be paid by the employee via payroll deduction. The deduction amounts are determined annually based on premium rates issued by the applicable insurance carriers. Employees may elect to have their share of the medical and dental premiums withheld from their paychecks on a before tax premium basis. Specific details of premium costs and MHA's Before-Tax Premium Plan are also available through Human Resources.

**OPEN ENROLLMENT:** Open enrollment is held annually prior to the renewal of health and dental insurances on July 1<sup>st</sup>. The Open Enrollment Period is the time during which employees may add, drop or change their health/dental insurance coverage. Employees are notified well in advance of Open Enrollment and are expected to declare their choice or waiver of coverage during this time.

Changes in insurance coverage are not permitted during the plan year unless there is a qualifying event related to an employee's family status, such as marriage, divorce, death, birth or adoption of a child, loss of other insurance coverage, etc. Employees should contact Human Resources for a full list of qualifying events and/or within 30 days of a qualifying event if they wish to make any changes.

**EXTENDED COVERAGE:** When an employee terminates or changes status and is no longer eligible for health or dental insurance through MHA, coverage ends on the last day of employment as a qualifying employee. However, employees will be offered the option to continue health and/or dental insurances through COBRA provided the employee pays the full cost of these insurances plus a 2% administrative fee. An employee will be notified in writing of all costs and information related to COBRA as indicated.

Under the Affordable Care Act, part time or relief employees may qualify for and be offered health insurance based on the number of hours they work in a given measurement period and are notified accordingly.

## **702 Life Insurance**

Full time employees are eligible to participate in MHA's Life Insurance Program 30 days following their full time date of hire. Life insurance coverage is provided equivalent to an employee's base annual salary. MHA pays 100% of the premium for life insurance. Employees are expected to keep their beneficiary selections updated in their personnel benefit file.

When an employee terminates or changes status and is no longer eligible for life insurance coverage pursuant to these policies, life insurance coverage terminates but the employee may have the ability to convert the coverage to an individual policy.

## **703 Long Term Disability Insurance**

MHA offers long term disability insurance for all full time employees. The plan provides a monthly income benefit of up to 60% of one's monthly salary if an employee becomes disabled. Employees are eligible to participate 30 days following their full time date of hire. MHA pays 100% of the premium for disability insurance.

When an employee terminates or changes status and is no longer eligible for long term disability insurance coverage pursuant to these policies, disability coverage terminates.

Specific details on all the plans identified above are available from Human Resources.

## Section VIII

### **SPECIAL BENEFITS AND PROGRAMS**

#### **801 403B Retirement Plan**

MHA has a 403(b) Retirement plan. All employees will receive a Summary Plan Description upon hire and have the ability to open a retirement account and to contribute via payroll deduction. Employees may opt to make pre-tax deferrals or Roth deferrals, which are subject to income tax in the year of the deferral. MHA's plan includes a discretionary employer match and annual contribution feature. Employees must meet specific requirements to be eligible to receive a match or annual contribution. Specific questions regarding the plan should be addressed with the Human Resources Department.

#### **802 Flexible Spending and Dependent Care Plans**

MHA offers eligible employees an opportunity to establish a Dependent Care Reimbursement Account and/or a Medical Flexible Compensation Account in order to experience significant tax savings.

The Dependent Care Plan allows employees who incur expenses for the care of their dependents to have such expenses withheld from their paycheck on a before tax basis. The Medical Flexible Compensation Plan allows employees who incur expenses for out-of-pocket medical expenses such as co-payments, deductibles, vision expenses, etc. to have such expenses withheld from their paycheck on a before tax basis as well. Details on both types of Reimbursement Accounts are available from Human Resources.

#### **803 Employee Assistance Program**

All employees and their immediate family have access to MHA's Employee Assistance Program (EAP) at no cost. The EAP provides confidential, professional short-term counseling and referral. The EAP is designed to assist individuals and families with emotional stress, family issues, relationship difficulties, financial concerns, grief, family violence, depression and alcohol or drug abuse. Information on how to contact the EAP is available at each work site or from Human Resources at the main office.

## **804 Education Reimbursement**

MHA promotes and actively supports the personal development of staff through the RISE (Reimbursement In Support of Education) Program. . It is the belief of MHA that an educated and well-trained work force will result in the provision of optimal services. The program offers eligible full time and part time regular employees attending college some reimbursement for supplies, books and other associated expenses. The amount of the awards is determined on an annual basis and depends on availability of funds. More information is available from the Human Resources Department.

## **805 Credit Union**

All employees at MHA are eligible to join the Freedom Credit Union which has locations in the greater Springfield area. The credit union offers a variety of financial services. Employees can join by opening a checking or savings account. When an employee becomes a member, any of his/her relatives are eligible to join as well.

## **806 Service Awards**

Service awards are given to employees in recognition of service at five-year intervals. These employees receive a check at the time of their anniversary and are honored publically and given a gift of appreciation at an annual gathering. In addition, employees who work beyond ten years will receive monetary recognition annually. The amount of service awards will be adjusted for employees who do not average 20 hours of work in the previous year.

## **807 First Time Homebuyers Grant**

MHA strongly believes in assisting and supporting homeownership of its employees. The First Time Homebuyers Grant provides monetary assistance to employees to be used to help with the costs associated with the purchase of a first home. Some of the eligibility requirements include having been employed by MHA for at least one year, being a full-time or part-time regular employee who has averaged working at least 30 hours per week during the previous 12 months and having completed a first time homebuyer's course. Please contact Human Resources for additional eligibility information and required documentation.

## 808 Computer Reimbursement

MHA offers 10% reimbursement of the total purchase price of a computer, laptop, tablet, monitor and/or printer. The maximum reimbursement is \$150. All employees who have completed 6 months of employment and who have worked an average of 16 hours per week in the last six months are eligible to participate. An employee must complete a requisition voucher and attach the bill of sale with the name and date and submit to the Fiscal Department within 3 months of the purchase. Employees may take advantage of this reimbursement once every three years.

## 809 Pay in Lieu of Time (P.I.L.O.T.) revised 7/1/2016

P.I.L.O.T. allows full time or part time regular employees who have been accruing PTO for at least six consecutive months to "cash in" some of their accumulated PTO benefit, provided they retain a balance of at least 40 hours of PTO. Requests of more than 40 hours at a time require that an employee retain a balance of *at least* the same number of PTO hours being requested. The request for pay in lieu of time may be made up to two times per fiscal year but combined cannot exceed a maximum number of hours as indicated below.

Tiers	Monthly Accrual Rate	Maximum # of Hours in Fiscal Year
Tier 1	12.5 hrs - 16.5 hrs	40
Tier 2	17.0 hrs – 21.0 hrs	50
Tier 3	21.25 hrs – 23.25 hrs	60
Tier 4	24.0 hrs – 26.5 hrs	70

## 810 Core Values Awards

MHA recognizes up to four employees annually who have been identified and nominated for outstanding adherence to MHA's core values of Respect, Integrity and Compassion.

Employees are eligible for consideration after they have completed one year of employment and if they have averaged at least 20 hours per week in the previous 12 months. Members of Senior Leadership and Directors are not eligible for nomination. Nominations are solicited annually. Division Vice Presidents review nominations within their Division and submit approved candidate(s) to the Core Values Awards Review Committee. Awards are announced and presented at the MHA summer picnic. Winners receive a commemorative plaque and a \$500.00 check.



## **811 Supplemental Voluntary Insurance** (added 4/2018)

Part time regular and full time employees are eligible to purchase additional voluntary insurance plans through payroll deduction. Available plans include short term disability, life, accident, and Hospital Confinement insurances. The plans are 100% employee funded. Please contact Human Resources for more information.

## **812 Discounted Auto & Homeowners** (added 4/2018)

MHA has partnered with Liberty Mutual in order to offer all employees the opportunity to purchase discounted auto and home owners insurance. Full time and part time regular employees may receive the added benefit of paying via payroll deduction. Employees can obtain contact information for the Liberty Mutual representative from Human Resources.