

# BOLIVAR COUNTY COMMUNITY ACTION AGENCY, INCORPORATED

---



HEAD START



EARLY  
HEAD START



## Personnel Policies & Procedures

**Elnora F. Littleton - Executive Director**

**This Agency is an Equal Opportunity Employer  
We do not discriminate, regardless of race, creed, color,  
Sex, age, disability, or national origin**

Revised: 2/25/2020

## **PREFACE**

**Employment with Bolivar County Community Action Agency, Inc. is at will. This handbook is not a contract of employment. Unless you have an individual written employment agreement for a definite period of time, signed by you and the Executive Director, your employment is at-will and may be terminated by you or the Agency at any time, for any reason, with or without cause, with or without notice, and without further obligation.**

**Absence such an agreement, the only contract between you and the Agency is the agreement that your employment is at-will. No representative of the Agency has the authority to offer or promise you anything different.**

**The Personnel Policies and Procedures Manual of Bolivar County Community Action Agency Incorporated, spells out the rights, privileges and framework within which all employees can function with adequate protection and fringe benefits and provide the organizational ingredients necessary for creating and maintaining a viable community service organization. The Personnel Policies and Procedures Manual of Bolivar County Community Action Agency Incorporated provides staff, volunteers, consultants, policy council and Board of Directors with guidance and direction to ensure compliance with Federal, State and Local Laws and Regulations.**

## TABLE OF CONTENTS

<b>I.</b>	<b>CHAPTER I: MISSION .....</b>	<b>1</b>
<b>II.</b>	<b>CHAPTER II: INTRODUCTION .....</b>	<b>2</b>
	2.0 FACTS ABOUT BOLIVAR COUNTY COMMUNITY ACTION AGENCY .....	2
	2.1 PURPOSE .....	2
	2.2 COMPLIANCE WITH LAWS, RULES AND REGULATIONS .....	3
	2.3 ORGANIZATION .....	3
<b>III.</b>	<b>CHAPTER III: EQUAL EMPLOYMENT OPPORTUNITY .....</b>	<b>4</b>
	3.0 POLICY.....	4
<b>IV.</b>	<b>CHAPTER IV: EMPLOYMENT CLASSIFICATIONS.....</b>	<b>5</b>
	4.0 POSITION CLASSIFICATIONS.....	5
<b>V.</b>	<b>CHAPTER V: RECRUITMENT AND SELECTION PERSONNEL.....</b>	<b>7</b>
	5.0 RECRUITMENT.....	7
	5.1 SCREENING APPLICATIONS.....	9
	5.2 INTERVIEW OF APPLICANTS.....	10
	5.3 EMPLOYMENT PREREQUISITES .....	12
	5.4 RECRUITMENT AND SELECTION OF THE EXECUTIVE.....	15
	DIRECTOR/HEAD START DIRECTOR	
	5.5 PROCEDURE FOR EMPLOYMENT OFFERS.....	17
	AND APPLICANTS NOT SELECTED	
	5.6 NEPOTISM.....	18
	5.7 RELOCATION.....	18
	5.8 PROBATIONARY STATUS PERIOD.....	18
<b>VI.</b>	<b>CHAPTER VI: LEAVE AND FRINGE BENEFITS .....</b>	<b>20</b>
	6.0 HOLIDAY .....	20
	6.1 LEAVE POLICY .....	21
	6.2 EFFECT ON EMPLOYEE BENEFITS DURING LEAVE.....	30
	6.3 ACCRUAL OF LEAVE .....	30
	6.4 FRINGE BENEFITS .....	31
	6.5 FAMILY AND MEDICAL LEAVE .....	32
<b>VII.</b>	<b>CHAPTER VII: POSITIONS AND COMPENSATION .....</b>	<b>40</b>
	7.0 JOB DESCRIPTIONS .....	40
	7.1 SALARY SCHEDULE .....	40
	7.2 SALARY DECREASES .....	41
	7.3 PAYROLL PROCEDURES .....	41
	7.4 SALARY ADVANCES .....	42
	7.5 INCENTIVE AWARDS .....	42
<b>VIII.</b>	<b>CHAPTER VIII: EMPLOYMENT PRACTICES .....</b>	<b>44</b>
	8.0 AGENCY WORK SCHEDULE .....	44
	8.1 WORK ENVIRONMENT .....	46
	8.2 SEARCHES .....	46

<b>IX.</b>	<b>CHAPTER IX: PERFORMANCE EVALUATIONS .....</b>	<b>47</b>
	9.0 GENERAL .....	47
<b>X.</b>	<b>CHAPTER X: PROMOTIONS AND TRANSFERS.....</b>	<b>51</b>
	10.0 PROMOTIONS .....	51
	10.1 TRANSFER .....	51
<b>XI.</b>	<b>CHAPTER XI: CAREER DEVELOPMENTS AND TRAININGS.....</b>	<b>53</b>
	11.0 ORIENTATION PRE/IN-SERVICE TRAINING FOR.....	53
	NEW/CURRENT EMPLOYEES, CONSULTANTS AND VOLUNTEERS	
	11.1 TECHNICAL ASSISTANCE AND TRAINING PLAN .....	54
	11.2 CAREER DEVELOPMENT (PROFESSIONAL DEVELOPMENT PLAN) .....	56
	11.3 EDUCATIONAL ASSISTANCE .....	58
<b>XII.</b>	<b>CHAPTER XIII: STANDARDS OF CONDUCT .....</b>	<b>60</b>
	12.0 POLICY.....	60
	12.1 ATTENDANCE .....	61
	12.2 EMPLOYEE BEHAVIOR .....	61
	12.3 WORK PERFORMANCE .....	61
	12.4 CORPORAL PUNISHMENT AND ISOLATION .....	61
	12.5 DEMOTIONS .....	62
	12.6 RESIGNATION .....	62
	12.7 CONFLICT OF INTEREST .....	62
	12.8 POLITICAL ACTIVITY .....	63
	12.9 SUPERVISION OF RELATIVES .....	65
	12.10 OUTSIDE EMPLOYMENT.....	65
	12.11 REPORTING CASES OF SUSPECTED OR KNOWN .....	66
	CHILD ABUSE/NEGLECT	
	12.12 CONFIDENTIALITY .....	66
	12.13 OTHER RESTRICTIONS .....	66
	12.14 SEXUAL HARASSMENT .....	66
	12.15 WHISTLEBLOWERS .....	69
	12.16 DRESS CODE .....	70
<b>XIII.</b>	<b>CHAPTER XIII: DISCIPLINARY AND CORRECTIVE ACTIONS.....</b>	<b>74</b>
	13.0 GENERAL .....	74
	13.1 SCHEDULE OF DISCIPLINARY OFFENSES .....	74
	13.2 ADMINISTRATION OF DISCIPLINARY ACTION .....	80
<b>XIV.</b>	<b>CHAPTER XIV: TERMINATIONS .....</b>	<b>84</b>
	14.0 VOLUNTARY TERMINATION .....	84
	14.1 INVOLUNTARY TERMINATION .....	84
	14.2 IMMEDIATE TERMINATION .....	86
	14.3 PROBATIONARY OR TEMPORARY EMPLOYEES.....	86
	14.4 TERMINATION BECAUSE OF GARNISHMENT .....	86
	14.5 EXIT INTERVIEW .....	86

<b>XV.</b>	<b>CHAPTER XV: APPEALS ADVERSE ACTIONS .....</b>	<b>87</b>
	15.0 GENERAL .....	87
	15.1 RIGHT TO APPEAL.....	87
	15.2 NOTICE OF APPEAL.....	87
	15.3 UNTIMELY FILED APPEALS.....	87
	15.4 REVIEWS BY THE POLICY COUNCIL (HEAD START AND EARLY HEAD START STAFF) .....	88
	15.5 REVIEWS BY THE BOARD OF DIRECTORS (ALL STAFF) .....	89
<b>XVI.</b>	<b>CHAPTER XVI: GRIEVANCES .....</b>	<b>91</b>
	16.0 GENERAL.....	91
	16.1 DISGRUNTLED EMPLOYEES.....	91
	16.2 REVIEW OF GRIEVANCES.....	92
<b>XVII.</b>	<b>CHAPTER XVII: DISCRIMINATORY COMPLAINT PROCEDURES.....</b>	<b>96</b>
	17.0 GENERAL .....	96
	17.1 SPECIAL GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT.....	97
	17.2SPECIAL GRIEVANCE PROCEDURE FOR AMERICANS WITH DISABILITIES.....	98
<b>XVIII.</b>	<b>CHAPTER XVIII: TRAVELS AND REIMBURSEMENT.....</b>	<b>100</b>
	18.0 GENERAL.....	100
	18.1 LOCAL TRAVEL.....	100
	18.2 OUT-AREA-TRAVEL.....	100
	18.3 TRAVEL ADVANCES .....	101
	18.4 TRAVEL REIMBURSEMENT .....	101
	18.5 NON-REIMBURSABLE TRAVEL ITEMS .....	103
	18.6 OFFICIAL DUTY STATION .....	103
	18.7 AGENCY-OWNED VEHICLES .....	103
<b>XIX.</b>	<b>CHAPTER XIX: RECORDS FOR STAFF (PERSONNEL) AND VOLUNTEERS.....</b>	<b>104</b>
	19.0 MAINTENANCE OF RECORDS.....	104
	19.1 EXAMINATION OF PERSONNEL FILES.....	106
	19.2 SEPARATE FILES .....	107
	19.3 RECORD RETENTION .....	107
<b>XX.</b>	<b>CHAPTER XX: DETAILS TO SPECIAL DUTY.....</b>	<b>108</b>
	20.0 GENERAL.....	108
<b>XXI.</b>	<b>CHAPTER XXI: REDUCTION IN FORCE.....</b>	<b>109</b>
	21.0 GROUNDS.....	109
	21.1 METHOD OF REDUCTION IN FORCE.....	109
	21.2 ORDERS FOR REDUCTION IN FORCE.....	110
	21.3 RETENTION POINT FORMULAS FOR REDUCTION IN FORCE.....	110
	21.4 NOTICE .....	112
	21.5 CALL BACK .....	112
<b>XXII.</b>	<b>CHAPTER XXII: COMMUNICABLE DISEASE; STAFF AND .....</b>	<b>113</b>
	<b>VOLUNTEER HEALTH AND STAFF MENTAL HEALTH AND WELLNESS</b>	
	22.0 COMMUNICABLE DISEASE .....	113
	22.1 HEALTH EXAMINATION/RE-EXAMINATION.....	114
	22.2 MENTAL HEALTH AND WELLNESS.....	117

**XXIII. CHAPTER XXIII: DRUG-FREE WORKPLACE ..... 118**  
23.0 POLICY STATEMENT..... 118  
23.1 CONDITIONS OF EMPLOYMENT AND DRUG TESTING..... 118  
23.2 EMPLOYMENT ASSISTANCE PROGRAM..... 124  
23.3 ON THE JOB SUBSTANCE USE..... 124

**XXIV. CHAPTER XXIV: ADDENDUMS .....125**  
24.0 Leave Donation Policy .....125  
24.1 COVID 19 VACINATION POLICY - Mandatory Policy.....125  
24.2 INTENTIONAL VIOLATIONS OF ERSEA REGULATIONS.....125

## **CHAPTER 1 MISSION**

Bolivar County Community Action Agency, Incorporated is a private non-profit corporation established to serve Bolivar County in the area of human services. Our main objectives are:

To develop and implement, through direct sponsorship or delegation, programs that meet specific needs in the major areas of health, education, housing, outreach and community food services for those persons best characterized as poor in terms of economic, social, medical, educational and/or environmental resources.

To offer programs which provide self-help opportunities for the enhancement of a participant's own resources, capacities, and aspirations for becoming and/or remaining a self-sufficient member of society; and optimal growth and development of the pre- school child and their families; and continued independence and self-reliance of persons over 60 years of age.

To improve the quality of life of the participants served through provision of direct health service and educational opportunities which are basic to primary health needs, and through enhancement and support of existing health services.

To strengthen community capacities for planning and coordinating services, so that local officials, organizations and individuals can be more aware of and responsive to the local needs and conditions of the target population served.

To assist in the identification of community needs, and plan strategies to meet those needs, through better organization of existing services and the implementation of new services.

To serve as the principal non-profit agency of Bolivar County for the solicitation of and contracting for Federal funds-available under the Head Start Economic Opportunity and Community Partnership Act of 1974, and other Federal funds which are directed toward the poor and the problems of poverty.

## **CHAPTER 2 INTRODUCTION**

### **2.0 FACTS ABOUT BOLIVAR COUNTY COMMUNITY ACTION AGENCY**

The Personnel Policies and Procedures Manual of Bolivar County Community Action Agency Incorporated, spells out the rights, privileges and framework within which all employees can function with adequate protection, fringe benefits, provide organizational ingredients necessary for creating and maintaining a viable community service organization.

ALL EMPLOYEES ARE REQUIRED TO READ THE ENTIRE HANDBOOK AND TO FUNCTION IN ACCORDANCE WITH THE POLICIES AND PROCEDURES SET FORTH IN THIS MANUAL.

As an employee, you represent our organization and the community. The way you do your work and the manner in which you conduct yourself will determine, in a large manner, what individuals and the public will think about Bolivar County Community Action Agency, Incorporated.

This Manual is the product of the deliberations of the staff, the Board of Directors, Policy Council and the Agency Personnel Policies and Procedures Committee. The Board of Directors will periodically review the Manual in order to update it in line with future personnel policy developments. Therefore, the Personnel Committee of the Board of Directors will consider the revisions. Should the Board of Directors make changes, you will be furnished with the appropriate revisions.

All questions or interpretations regarding the contents of this Manual should be addressed to: (1) your immediate supervisor; (2) the Equal Opportunity Officer/the Human Resources/Training Director; (3) The Executive Director/Head Start Director; or (4) the Personnel Committee of the Board of Directors as the final authority.

### **2.1 PURPOSE**

This Manual contains Policies and Procedures for BCCAA. Its purpose is to provide staff, volunteers and consultants with policies and procedures that are necessary to efficiently and effectively manage the organization's personnel. It will also serve to provide one basic source of information for use and reading by all staff, volunteers and consultants.

The Personnel Policies and Procedures as described herein apply to the staff, volunteers and consultants of BCCAA. Each staff member, upon his or her employment by the agency, shall be furnished a copy of BCCAA's Personnel Policies and Procedures Manual. Further, each employee will be provided with any revision or change to the Manual. Each employee's statement acknowledging receipt of the Manual will be placed in his or her personnel file.



## **2.2 COMPLIANCE WITH LAWS, RULES, AND REGULATIONS**

The policies and procedures set forth in this Manual have been designed in compliance with federal, state, and local laws, rules, and policies. Nevertheless, to the extent that changes in applicable federal, state, and local rules, regulations, and/or statutes are inconsistent with these policies and procedures, such rules, regulations and/or statutes will control.

## **2.3 ORGANIZATION**

The corporate powers of BCCAA are vested in the Board of Directors. The Board sets objectives and issues policy statements pursuant to applicable regulations of the Administration for Children and Families, United States Department of Health and Human Services and the Mississippi State Department of Human Services. There shall also be established a Policy Council that shall assist in the planning, coordination, and operation of the Head Start and Early Head Start Programs pursuant to the requirements of the Head Start Performance Standards and other applicable federal, state and local laws and regulations.

Head Start/Early Head Start: The Board of Directors, Policy Council and Parent Committee structure shall include a Personnel Committee that assist in administering the procedures and policies required by the Board and Policy Council.

The Personnel Committee's responsibilities are defined in the bylaws of the Board of Directors, Policy Council and Parent Committee.

The Executive Director/Head Start Director shall have the responsibility to implement the Personnel Policies and Procedures at the program level. In accordance with the record-keeping and reporting and communication systems, the Executive Director/Head Start Director shall regularly provide information to the Board of Directors and Policy Council relating to the implementation of the personnel policies and procedures manual. He/she shall ensure that all staff, consultants and volunteers are familiar with and trained on the personnel policies and procedures.

## **CHAPTER 3 EQUAL EMPLOYMENT OPPORTUNITY**

### **3.0 POLICY**

Equal employment opportunity for all individuals regardless of race, color, creed, sex, religion, national origin, age, physical handicap, disability, or political affliction is the policy of Bolivar County Community Action Agency (BCCAA). To assure nondiscriminatory personnel administration, BCCAA prohibits any form of unlawful discrimination based on the foregoing and other considerations made unlawful by federal and/or state laws. This policy shall be extended in areas of employment, promotion, demotion, transfer, recruitment, advertisement, layoff, termination, salary adjustment, and selection for training.

The American with Disabilities Act (ADA) prohibits discrimination based on a disability in all employment practices. As used herein, individuals with disabilities are defined as those who “have a physical or mental impairment that substantially limits one or more major life activities, have a record of such an impairment, or are regarded as having such an impairment. “A qualified individual with a disability is a person who meets the relevant legitimate skill, experience, education, or other requirements of the position that he or she holds or seeks, and who can perform the “essential functions” of the position with or without reasonable accommodation.” Individuals who are disabled and who are “otherwise qualified” for employment with BCCAA shall not be discriminated against, and no adverse employment action shall be taken against them. BCCAA will make “reasonable accommodation” in employing such an individual related to his or her ability to perform in the job without endangering the health and safety of himself or herself or others without an unduly burdensome cost to BCCAA. In order for BCCAA to make “reasonable accommodation,” the individual must first make BCCAA aware of what accommodations are needed to enable the individual to perform his or her job.

## **CHAPTER 4 EMPLOYMENT CLASSIFICATIONS**

### **4.0 POSITION CLASSIFICATIONS**

The agency has in its employment permanent full-time, permanent part-time, substitute and consultants.

#### **A. PERMANENT FULL-TIME EMPLOYEES**

A permanent, full-time employee is one who has been hired without a predetermined terminal point of employment and hired to work between thirty (30) and forty (40) hours per week according to the position work schedule. A permanent full-time employee is eligible for all employee benefits described in this Manual.

#### **B. PERMANENT PART-TIME EMPLOYEES**

A permanent part-time employee is one who has been hired without a predetermined terminal point of employment and who works thirty (30) hours or less per week. A permanent part-time employee is eligible for all employee benefits described in this Manual.

#### **C. CONSULTANT**

A consultant is one who has been hired with a predetermined termination point for the duration of a specific project or assignment and who works on a contractual basis. A consultant isn't eligible for employee benefits described in this Manual. A consultant shall have expertise in the area in which the contract is awarded. A consultant shall work directly with the Content Area Specialist in the area of expertise. The contract shall not exceed the period of the grant award.

#### **D. SUBSTITUTE**

A substitute is a temporary employee hired to fill a vacancy until the regular staff returns or the vacancy is filled with a permanent employee. A substitute shall work according to the schedule of the permanent employee. A substitute shall meet the credentialing and background requirements as a permanent employee. A substitute isn't eligible for employee benefits described in this Manual.

#### **E. TEMPORARY EMPLOYEES**

A temporary employee is an individual who is hired full/part-time for a limited period. Once a permanent employee (whose position has been filled by a temporary employee) exhausts all their benefits and does not return to work, the temporary employee may be moved to a permanent temporary status and therefore will be eligible for all benefits as

outlined in this manual as specified by the various position's classifications. Requests for temporary employees should be submitted to the personnel department by the department head. Should the request for a temporary employee appear justified, the personnel department shall attempt to satisfy such request. If it is necessary to hire additional personnel from outside the agency, the agency's established hiring procedures shall be used. An employee who is transferred temporarily to a higher paying job will be compensated at the higher rate of the new job only after the permanent employee has been out for thirty days. If the employee has not been returned to his or her regular job at the end of thirty days from the date of the temporary transfer, the personnel department shall review the situation and either return the employee to his or her former position, extend the period of transfer or make the transfer permanent.

F. **EMPLOYEES IN ACTING POSITIONS**

Occasionally, administrative positions in the organization are vacant that require immediate attention. Such vacancies must be filled in order for BCCAA to remain in compliance with applicable Federal, State and/or Local Laws and Regulations. Therefore, the Executive Director/Head Start Director shall be responsible for approving current employees to act in a position until the position is filled permanently. The acting employee shall assume the same roles and responsibilities of a permanent employee. The acting employee's salary shall be adjusted to correspond to the position in which they are acting in accordance with 4.E above. An acting employee must meet the education and credentialing requirements of the position assigned.

G. **LIST OF ORGANIZATIONAL POSITIONS**

Refer to the agency's current organizational chart for all current positions.

## **CHAPTER 5 RECRUITMENT AND SELECTION OF PERSONNEL**

### **5.0 RECRUITMENT**

#### **POLICY:**

The Agency shall recruit and fill vacancies in a timely manner. A vacancy shall be declared by the Human Resource Department. Positions shall be advertised in-house first at the Centers, Central Office and other appropriate BCCAA Offices for a period of not less than 10 days. Current employees interested in applying for a position must submit a letter of application or an official application to the Human Resource Department within the time frame for the advertisement. Positions remaining after the in-house advertisement and selection process has been completed will be advertised to the public. All positions shall be posted for a period of not less than ten (10) days. Advertisement to the public shall be posted in the central office, newspaper and the Mississippi Employment Security Commission. The policies and procedures are applicable to substitutes.

NOTE: Positions funded through the Division of Community Services, Mississippi Department of Human Services shall be filled within a sixty (60) day time frame.

#### **PROCEDURES:**

1. The Human Resources Department shall be notified immediately when a vacancy occurs. The supervisor of the vacant position shall be responsible for notifying (in writing) the Human Resources Department. If the vacancy is a result of an involuntarily termination, the personnel staff shall not initiate the recruitment activities until the Policy Council and/or Board of Directors approve(s) the termination.
2. The Personnel staff shall be responsible for developing an advertisement containing the following:
  - a) The position title;
  - b) The education, experience and credentialing requirements;
  - c) Where to apply;
  - d) The length of time the position is advertised; and
  - e) Other required documentation.
3. The Personnel staff shall post the advertisement at the central office and newspaper. Also, the personnel staff shall send a copy of the advertisement to the Mississippi Employment Commission for posting. A copy shall be sent to each Center Director, who shall be responsible for the following:
  - a) Posting the advertisement on the center bulletin board;

- b) Posting the advertisement on the parent bulletin board (if different from the center's bulletin board); and
  - c) Provide the Parent Committee Chairperson a copy of the advertisement if applicable.
4. If applicable, the Parent Committee Chairperson shall include the advertisement on the next center committee meeting agenda. NOTE: If the deadline for accepting applications is prior to the next center committee meeting, the Center Director shall provide the parents who pick their children up at the center with a copy of the notice. For children riding the bus, the monitor shall provide the individual who receives the child a copy of the advertisement.
  5. All applications, letters of application and/or resumes shall be forwarded to the Personnel Department.
  6. For center positions, the personnel staff shall review and log each application and forward the applications to the Center Director for the Parent Committee to screen. For Central Office positions, the personnel staff shall review, log and forward the applications to the department with the vacancy for screening.

NOTE: The terms Policy Council; Parent Committee; Center Director and Center Positions are applicable to Head Start and Early Head Start positions only.

## **5.1 SCREENING APPLICATIONS**

### **POLICY:**

Applicants for positions at Bolivar County Community Action Agency shall be screened prior to the interview process. The parent committee shall be involved in the screening of the staff and substitutes at the center(s) where the vacancy exists (Head Start and Early Head Start). The screening process for the Central Office staff shall be implemented by the Content Area Specialist or Program Director and a representative from the Human Resources Department. For the position of Program Director, the Executive Director/Head Start Director shall assist the Human Resource Department in screening the applications. For the position of Executive Director/Head Start Director, the Board of Directors shall implement the screening procedures. If the screening process identifies Nepotism, the applicant shall not be considered for the position. The screening shall document the nepotism on the screening form.

NOTE: The terms Policy Council; Parent Committee; Center Director and Center Positions are applicable to Head Start and Early Head Start positions only.

### **PROCEDURES:**

1. The Supervisor and the Human Resource Department shall screen the applicants for interview using the applicant screening form. For center positions, the Center Director shall request a meeting of the Parent Committee in order to screen the applications, letters of applications and/or resume.
2. The Human Resource Department and/or Parent Committee shall compare education, experience and credentials of each applicant to the requirements on the job descriptions using the applicant screening form.
3. After completing the screening process, all qualifying applications shall be forwarded to the appropriate individuals and/or departments.

NOTE: If no applicant meets the requirements, the Human Resources Department shall re-initiate the recruitment procedures.

4. All applicants selected based on the screening shall be contacted for an interview. The Human Resource Department shall contact the candidate regarding the interview.
5. The Human Resources Department shall prepare a list of the candidates selected for interview and submit to the Executive Director/Head Start Director.

## **5.2 INTERVIEW OF APPLICANTS**

### **POLICY:**

Bolivar County Community Action Agency shall interview each applicant selected by the parent committee, Content Area Specialist and Program Directors. The interview shall be conducted according to the following procedures and guidelines:

- Center Staff and Central Office Support Staff: The interview shall include the Center Director, Content Area Specialist corresponding to the position interviewed and Human Resource Department.
- Center Directors: The interview shall include the Executive Director/Head Start Director and Content Area Specialist corresponding to the position interviewed and Human Resource Department.
- Content Area Specialist and Program Directors: The interview shall include the Executive Director/Head Start Director and Human Resource Department.
- Executive Director/Head Start Director: The interview shall include the Board of Directors and Policy Council.

NOTE: If necessary, a second interview may be conducted for all positions as deemed necessary.

NOTE: The terms Policy Council; Parent Committee; Center Director and center positions are applicable to Head Start and Early Head Start positions only.

### **PROCEDURES:**

1. Based on the recommendations from the screenings, the Human Resource Department shall contact each applicant to schedule the interview. The initial contact shall be by telephone, with a follow-up e-mail if e-mail address is provided. For all vacancies, a copy of the e-mail will be forwarded to the appropriate individuals.
2. Prior to the interview, the Human Resource Department shall complete a package of information on each applicant. The package shall include the application, resume, and any supporting documents along with the screening form.
3. The applicants shall be interviewed by the staff identified in the policies. The interview committee shall document the interview on the applicant interview form.
4. At the conclusion of the interviews, the committee members or staff shall discuss the results of the interview and recommend the first; second and third choice. The committee members or staff shall rank the applicant's credentials, education and



experience based on the information from the interview, resume and/or application.  
NOTE: In the event of a tie, a second interview will be required.

5. The Human Resource Department shall collect the data from the interview committee.
6. If there is need for a second interview, the Human Resource Department shall contact the applicants.
7. The Human Resource Department shall initiate the selection procedures.

### 5.3 EMPLOYMENT PREREQUISITES

#### POLICY:

Bolivar County Community Action Agency shall select the most qualified applicants as recommended by the interview committee. Prior to making the recommendation to the Policy Council and Board of Directors, the applicant's credentials, education, experience, criminal background (local, state and federal), criminal record (fingerprinting), Child Abuse Central Registry Checks, and Sex Offender Records Checks should be completed. In instances of emergencies where vacancies must be filled immediately, the Board of Directors and Policy Council shall delegate the authorization to the Executive Director to approve the applicant. However, the Board of Directors and Policy Council will be made aware of all the decisions and the actions will be presented for approval at the next scheduled meeting.

All applicants shall sign a declaration that lists;

- All pending and prior criminal arrests and charges related to child sexual abuse and their disposition;
- Convictions related to other forms of child abuse and neglect; and
- All convictions of violent felonies.

Declaration exclusions: The declaration required excludes:

- Traffic fines of \$200.00 or less (total);
- Any offense, other than any offense related to child abuse and/or child sexual abuse or violent felonies, committed before the prospective employee's 18th birthday which was finally adjudicated in a juvenile court or under a youth offender law;
- Any conviction the record of which has been expunged under Federal or State law; and
- Any conviction set aside under the Federal Youth Corrections Act or similar State authority.

The following documentation shall be used to verify the applicant's credentials, education and experience:

- **Credentials:** A certified copy of the certificate, license, CDL, etc. from the entity providing the document. The documentation can be provided by the applicant or entity.
- **Education:** The Human Resource Department shall request from the applicant's college and/or university a copy of the certificate transcript.
- **Experience:** The Human Resource Department shall send an experience verification form to no more than three (3) of the applicant's most recent employers.

- **Background Checks:** The Human Resource Department shall request from each agency with the information regarding the
  - ❖ Criminal Background (local, state and federal) checks;
  - ❖ Criminal Record (Fingerprinting);
  - ❖ Child Abuse Central Registry Checks;
  - ❖ Sex Offender Records Checks; and
  - ❖ Others.
  
- **Personal Reference Checks:** The agency shall verify three (3) personal references on each candidate. If the information collected during the verification is inconsistent with the information on the application and/or resume, the applicant shall not be recommended for the position.

NOTE: The terms Policy Council; Parent Committee; Center Director and center positions are applicable to Head Start and Early Head Start positions only.

**PROCEDURES:**

1. The Human Resource Department shall review the application of applicants recommended for the position and/or substitutes.
2. Based on the requirements in the selection policy, the Human Resource Department shall verify the applicable information for each applicant.
3. After verification is received, the Human Resource Department shall write a recommendation to approve the hiring of the most qualified candidate.  
NOTE: If the verification identifies information inconsistent with the information provided on the application and/or background check discrepancies exist on the first choice, the second choice shall be recommended for the position. The same process shall be applicable with the second choice. If all the recommended applicants' backgrounds are inconsistent with the policy, the recruitment procedures shall be re-initiated.
4. A copy of the recommendation shall be forwarded to the Executive Director/Head Start Director for review and approval.
5. The Executive Director/Head Start Director shall submit the approved recommendations to the Policy Council and/or Board of Directors for approval.
6. The Policy Council and/or Board of Directors shall be responsible for reviewing and analyzing the documentation regarding the recommendation for selection. The Human Resource Department shall work with the Policy Council to address any issues or concerns.

7. After completing the analysis, the Policy Council and/or Board of Directors shall vote to approve the hiring of the employee.
8. After the Policy Council and/or Board of Directors approves the hiring of the Content Area Specialist, Center staff, Program Directors and support staff, the agency shall implement its Procedures for Employment Offer.
9. For the positions of Executive Director/Head Start Director, Director of Finance and Deputy Director/Human Resource Director, the recommendations shall be submitted to the Board of Directors for approval.
10. For the position of Head Start Director, Director of Finance and Human Resource Director a recommendation for approval to hire a candidate shall be submitted through the Board of Directors a recommendation for approval to hire a candidate to the Office of Head Start Regional Office.  
NOTE: The recommendation shall include the name of the applicant recommended for hire, the process used to recruit for the position and why this person was determined to be the most qualified.
11. After the Office of Head Start Regional Office approves the hiring (in writing) of the Director of Finance, the Human Resource Department shall submit the recommendation to the full Policy Council and Board of Director's for approval. See Section 5.4 Recruitment and Selection of the Executive Director/Head Start Director for approval by the Office of Head Start Regional Office.  
NOTE: The request for prior approval by the Office of Head Start Regional Office shall comply with the prior approval procedures in the Fiscal Policies and Procedures Manual.
12. The Human Resource Department shall send each applicant not selected for the position, a letter informing them they are no longer being considered and their application shall remain active for a period of ninety days.

## **5.4 RECRUITMENT AND SELECTION OF THE EXECUTIVE DIRECTOR/HEAD START DIRECTOR**

### **POLICY:**

According to the by-laws for the Board of Directors and Policy Council, the Personnel Committees for each respective group shall be responsible for the recruitment of the Executive Director/Head Start Director. Furthermore, the Personnel Committees shall screen and interview the applicants for the position. To implement the recruitment, screening and interview activities, the Personnel Committees of the Policy Council and Board shall work jointly in the process.

### **PROCEDURES:**

1. The Personnel Committees shall have the responsibility of implementing the process of employing an Executive Director/Head Start Director.
2. The Personnel Committees shall advertise the position according to the recruitment procedures. Inquiries and applications for the position shall be addressed to the attention of the Personnel Committees.
3. The Personnel Committees shall screen the applications using the application screening form.  
NOTE: The interview won't change the original recommendation, unless new information is identified that violates applicable federal, state and/or local laws and regulations. Under those circumstances, the second choice shall be recommended for the position. If only one applicant, the position must be re-advertised.
4. After the screening process is complete, the Personnel Committees shall set a date, time, and place for the interview of the applicants according to the interview policies and procedures. Each member of the Personnel Committees shall rate all applicants for the position of Executive Director/Head Start Director.
5. The applicants shall be ranked based on the rating of each member of the Personnel Committees. The Personnel Committees shall use the interview form to rank the applicants during the interview.
6. After each member has ranked the applicants, the Personnel Committees shall complete the applicant recommendation form. The Personnel Committees shall recommend no more than three (3) candidates for the position.
7. The Personnel Committees shall forward the candidates to the Human Resource Department which shall be responsible for verification of the information according to the selection procedures.

8. After the verification activities are complete, the Human Resource Department shall forward the results to the Personnel Committees, including a recommendation for the candidate based on the results of the verification.
9. The Personnel Committees shall schedule a second interview with the candidates in order to allow other members of the Board of Directors and Policy Council the opportunity to ask additional questions of the candidates.
10. Upon completion of the second interview, the Personnel Committees of the Policy Council and Board of Directors shall forward the recommendation to the full body of the Policy Council and Board of Directors. Upon approval by the full body of the Policy Council and Board of Directors the candidate shall be recommended to Head Start Regional Office. The recommendation shall include the name of the person being recommended to be hired, the process used to recruit for this job and why this person was determined to be the most qualified. The request for prior approvals by the Office of Head Start Regional Office shall comply with the prior approval procedures in the Fiscal Policies and Procedures Manual.
11. After the Office of Head Start Regional Office approves the hiring (in writing) of the candidate, the Human Resource Department shall implement the Procedures for Employment Offer.
12. The Human Resource Department shall send each applicant for the positions, a letter informing them they are no longer being considered for the position and their application shall remain active for a period of ninety (90) days.
13. The new Executive Director/Head Start Director shall report to the Central Office according to the instructions in the letter. Prior to starting the work assignment, the employee, must complete all paper work relating to the position. Tax forms (federal and state); emergency contact; benefit forms (insurance, retirement, etc.) others.
14. The Personnel Committee of the Board of Directors shall implement the orientation/probationary policies and procedures and assist the employee in development of the Professional Development Plan.

## **5.5 PROCEDURE FOR EMPLOYMENT OFFERS AND APPLICANTS NOT SELECTED**

### **POLICY:**

The Human Resources Department shall implement the following policies for employment and applicants not selected for employment. The procedures are developed and implemented to ensure all candidates approved for hiring have the opportunity to complete all necessary documents required by the agency. Additionally, the procedures address the applicants who are not recommended for hiring.

1. Send the candidate a letter informing the individual of being hired by the program.
2. The offer shall include a request for the applicant to provide documentation of a Health Examination according to the procedures for Staff/Volunteer Health, Examination (For Head Start and Early Head Start candidates), an I-9 Form, a drug test, the hourly/annual salary for the position, the work site, work hours per day, and the employee's immediate supervisor.

NOTE: If the first choice for the position Health Examination or I-9 Form or drug test isn't consistent with the requirements for the position and/or fails the drug test, the next choice will be contacted for the position. If the recommendation didn't include a second and third candidate, the agency shall implement the recruitment, screening and selection procedures.

3. When the positions are filled, retain the remaining applications for the position in the active file for three (3) months, after which transfer from the active file to the inactive file.

## 5.6 NEPOTISM

A person is ineligible for employment for any position over which any member of their immediate family exercises direct supervisory authority or while their immediate family serves on the Board of Directors and/or Policy Council of the agency. If that body has authority to order personnel actions and screening pertaining to that family member, that person will not be eligible for employment with the agency. Immediate family is defined as follows:

Husband	Wife	Daughter-in-law
Father	Mother	Father-in-law
Brother	Sister	Mother-in-law
Son	Daughter	Brother-in-law
Grandfather	Grandmother	Sister-in-law
Uncle	Aunt	Son-in-law

## 5.7 RELOCATION

The agency shall not assume responsibility for transportation costs for interviews or the cost of relocation for new employees.

## 5.8 PROBATIONARY STATUS PERIOD

All new employees of the agency excluding temporary employees will be considered on probationary status until the completion of ninety (90) days of employment. The agency has the option of extending the time of the probationary status for a period not to exceed a total of six (6) months if the employee shows promise, but has not reached the expected achievement level.

If at any time during the probationary status period, it is determined that the employee will not prove to be satisfactory, resulting from poor attendance, unsatisfactory job performance, abuse of policies and procedures, and any other reasons deemed unsuitable for employment by the immediate supervisor or the department head, the probationary status employee will be dismissed accordingly. This type of termination will not be subject to appeal unless the employee alleges discrimination or dismissal without cause.

Upon completion of the probationary period, all annual and sick leave days accrued from the date of employment shall be credited to the employee.

NOTE: Although time has been accrued and visible on an employee's check stub, it will be unavailable for use until after the completion of the probationary period. And if terminated within the probationary period an employee will not be compensated for any accumulated time.



A previously terminated employee who is re-employed will be considered a new employee from the date of re-employment unless his or her break in service/employment with the agency is less than thirty (30) days. If the break in service for a re-employed person is less than thirty (30) days, her or she shall retain accumulated seniority and other applicable benefits.

An employee who is promoted or transferred to another program/department within the agency will be placed on probationary status for a period of ninety (90) days. If at any time during the probationary status period the employee is deemed unsuitable for the position, they may be subject to termination.

## CHAPTER 6 LEAVE AND FRINGE BENEFITS

### 6.0 HOLIDAYS

Holidays granted to employees shall be those authorized as official holidays. The agency observes the following holidays:

Holiday	Observance
Labor Day	First Monday in September
Veteran's Day	On the day off, unless on the weekend
Thanksgiving	Celebrated Last Thursday & Friday in November
Christmas	December 25 (Two days)
New Years	First Day of the Year
MLK Holiday	Third Monday in January
Washington's Birthday	Monday in February
Good Friday	Friday before Easter
Easter	Monday after the Holiday
Memorial Day	Fourth Monday in May
Independence Day	July 4

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

### ELIGIBILITY REQUIREMENTS FOR HOLIDAY PAY

An employee who is on payroll on the day on which a holiday is observed shall be eligible for holiday pay provided the employee works the scheduled work day before and after the holiday or is absent one or both such days for one of the following reasons:

1. Annual leave: When a designated holiday is observed during an employee's approved annual leave period, the employee shall be eligible for additional time off with pay equal to the holiday time for which the employees is eligible, or the employee may elect to receive pay for that if approved by the immediate supervisor and the agency's personnel director;
2. Paid Medical Absence/Leave: An employee who otherwise qualifies for holiday pay but who is absent and is receiving sick pay when the holiday is observed shall receive holiday pay for the holiday;
3. Military/Education/Funeral Leave: An employee who is on a paid military, education or funeral leave when the holiday is observed shall receive pay for that holiday; and
4. Jury Duty: An employee who is serving on jury duty when the holiday is observed shall receive holiday pay for that holiday.

## **INELIGIBILITY FOR HOLIDAY PAY**

Employees who do not work the day before, the day of, or the day after the holiday for one of the following reasons shall not be eligible for holiday pay.

- 1 Unauthorized Absence: An employee who is otherwise eligible but who is absent without approval on the scheduled work day before or after a designated holiday shall not receive pay for that holiday.
- 2 Unpaid Absence/Leave: If a designed holiday is observed during an eligible employee's authorized but unpaid absence/leave, the employee shall not be eligible for holiday pay if the day before and the day after the holiday.

### **6.1 LEAVE POLICY**

All requests for leave must be submitted in advance. The leave request shall be completed according to the leave procedures in the Fiscal Policies and Procedures Manual. An employee may request leave at any time; however, the granting of leave is at the discretion of the employee's supervisor based on work load needs. Requests for leave in unforeseen circumstances that do not receive advance approval must be completed upon returning to work. Leave is requested and approved or disapproved using the agency's prescribed leave form. Leave is not earned and credited until the end of the pay period. If an employee is on approved leave and a need to work occurs while the employee is on approved leave the employee shall have an option of working or remaining on approved leave. If the employee chooses to return early from an approved medical leave a revised doctor's release statement must be submitted to the Human Resource Department before the employee is allowed to return to work.

#### **A. ANNUAL LEAVE**

Annual Leave with pay may be granted to a permanent salaried employee in accordance with the following schedule:

- 1 Less than one (1) one year of service, one (1) day for each month up to a maximum of twelve (12) days (96 hours).
- 2 One (1) or more years of service, one and one half (.5) days per month worked up to a maximum of eighteen (18) days (144 hours).
- 3 Permanent salaried employees (excluding temporary and substitute employees) who are budgeted to work less than 48 weeks will be granted ten (10) agency leave days per program year. Those ten (10) days must be utilized for the following calendar days only:
  - i. November: 2 days
  - ii. December: 4 days (Four days during the Christmas season)
  - iii. March: 4 days (Spring Break)
- 4 These employees must be actively working before and on payroll during the designated days listed above in order to receive the agency leave days granted above.

- 5 All employees are required to take the full amount of accrued annual leave days within the program year. If work requirements disallow an employee from taking full annual leave, the Executive Director/Head Start Director may authorize a carry-over up to a maximum of ten (10) days (80 hours) annual leave from one (1) program year to the next.
- 6 Time off with pay may be granted to a permanent or temporary employee whose position is budgeted for less than forty-eight (48) weeks in the program year.
- 7 Employees who are on Leave of Absence will not be eligible for program benefits other than benefits which have been accrued.

#### PROCEDURAL APPLICATION

##### Application

In determining employee eligibility for annual leave days, the anniversary date will be the date of employment for a specified period of time, usually two (2) or more weeks. Substitute and Temporary employees are not eligible for benefits. Permanent Temporary employees' eligibility will be evaluated on a case by case basis.

##### GENERAL

A paid annual leave period shall be allotted to every permanent full and part-time employee (Full year permanent part-time employee whose work schedule is 20 plus hours per week for 12 months will be eligible to accumulate annual leave at a lower accrued rate than a permanent full-time employee).

1. The annual leave pay rate will be equal to the hourly rate received on the last day worked before annual leave. This shall be the daily annual leave pay rate.
2. An employee who dies, the annual leave allowance will be treated as wages owing to the employee and payment will be made accordingly.

##### CONDITIONS

Annual leave will be subject to the following conditions. Unless stated otherwise, routine approvals to exceptions from these conditions must be by the Executive Director/Head Start Director (for permanent salaried employees budgeted for 48 weeks or more).

1. Annual Leave will be scheduled so as not to disrupt or hinder the program in its operation and must be approved as indicated above;
2. Annual leave will normally be taken in consecutive one-half (.5) or full day increments; however, annual leave may be scheduled otherwise with the Executive Director/Head Start Director's approval;

3. When one of the nine (9) legal holidays occurs during the annual leave, the day shall be considered a holiday and not an annual leave day;
4. When an unforeseen event occurs during annual leave as personal illness or death in the immediate family, the time may be charged to the appropriate leave with approved documentation;
5. Annual Leave may be used for military encampments (summer camp). However, the employee will not receive a military pay differential in addition to the annual leave pay; and
6. Service credits are not transferrable between programs for annual leave purposes.

## **PROCEDURES**

1. The Human Resource Director will make the provisions of this instruction known to the new employees during the hiring procedure.
2. Each employee will determine his preferred annual leave as early as possible in the grant year and confirms the plans with his immediate supervisor.
3. The Immediate Supervisor will obtain the appropriate approval and forward the annual leave information to the Director of Finance.
4. The Immediate Supervisor will compile a complete annual leave schedule, checking for and resolving any conflicts which would hinder operations of the program.

### **B. SICK LEAVE**

1. All sick leave requests shall be approved in writing by the employee's immediate supervisor and initialed by the Director. Employees who are absent for reasons other than pregnancy shall report the period of their sick leave by written request on the day they return to work.
2. Each full-time permanent employee accumulates one (1) day of sick leave for each calendar month of employment completed, commencing after the first full calendar month of employment.
3. Permanent part-time employees shall be credited with sick leave per month at the rate of one time the number of hours regularly worked per day. (I.E. 4 hours/day – 1 = 4 hours per month).
4. No allowance for sick leave shall be made until an employee has completed their probationary period.

5. Sick leave shall be granted for the employee's personal illness, injury, or pregnancy, or because of the illness of a member of the employee's immediate family. Sick leave in excess of three (3) working days for each illness or injury will be authorized only when certified by a physician.
6. Unused sick leave is cumulative from one grant year to another consecutive grant and a maximum of 320 hours may be transferred from one grant year to another consecutive grant year.
7. Annual Leave may be used to supplement sick leave, but sick leave may only be used to supplement annual leave with the appropriate approved documentations.
8. Sick Leave may accumulate while an employee is on authorized and approved annual or sick leave. Sick leave cannot accumulate while an employee is on leave without pay.
9. Official agency holidays, Saturdays, and Sundays do not accrue sick leave and are not deductible from sick leave when they fall within the period in which sick leave may be charged.
10. A full-time permanent employee leaving agency employment will receive no payment for accrued sick leave.
11. Sick Leave is charged against employee absence from work. Cases of chronic absenteeism or apparent abuse of sick leave provisions will be reviewed by the immediate supervisor to determine what disciplinary action will be taken. Any proposed disciplinary actions should be submitted to the Executive Director and Human Resource Department.
12. It is the responsibility of the employee to contact their Supervisor or Program Director to report a sickness or illness. The employee must report the expected time they will be unable to report to work. All sickness must be reported during the first half-hour of the regular work shift. Failure to do so will result in disciplinary action.

C. **MATERNITY LEAVE**

Maternity Leave shall be considered a temporary disability and is treated the same as sick leave. The employee should complete the required forms to request maternity leave and notify their immediate supervisor of the earliest possible date of intent to return. Before returning to work, the employee must submit a written statement from the physician that she is physically and emotionally able to perform her work effectively. The employee is then entitled to re-employment at the same or similar position, status, and pay. Re-employment is also contingent upon program funds and program continuation. Maternity Leave is applicable only for permanent employees. Maternity Leave entitles the employee to use their accumulated annual leave after all accumulated sick leave has been exhausted, or leave without pay may be granted up to a maximum of six (6) weeks.

D. **MILITARY LEAVE**

The agency shall administer the leave required by this section according to applicable provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 and following Sections, the Military Affairs law of the State of Mississippi, Section 33-1-1 and following Sections of the 1972 Mississippi Code Annotated, as amended, and/or all other applicable state and federal laws, rules, and regulations that presently exist or may later become effective.

1. Employees who are members of any reserve components of the armed forces of the United States, or former members of the service of the United States discharged or released therefrom under condition other than dishonorable, shall be entitled to leave of absence with pay up to 14 days in a fiscal/program year to participate in training at encampments, field exercises, maneuvers, outdoor target practices, or for other military exercises, training of service. For a part-time employee, the rate at which leave accrues under this section shall be a percentage of the rate prescribed in the previous sentence that is determined by dividing 40 into the number of hours in the regularly scheduled work week of that employee during the fiscal year.
2. An employee who has exhausted the 14-day paid military leave may, upon their request, use their accrued annual leave to continue their military service. The period of absence may not be charged to sick leave.
3. An employee when relieved from military duty, shall be restored to the position held by the employee when ordered to duty, or a position of like seniority, status and pay provided that person:
  - a) When discharged or released from the armed forces, received a certificate of satisfactory completion of service.

- b) Remains qualified to perform the duties of such position; and
  - c) Reports back to work or makes application for re-employment with the agency within the following time frame:
    - (i) For periods of military service of less than thirty (30) days, or examination to determine fitness for military service, the employee must report back to work for the first regularly scheduled work day following the completion of the period of service and the expiration of 8 hours for safe transportation home.
    - (ii) After a period of service of more than 30 days but less than 180 days, the employee must submit an application for re-employment with the agency not later than fourteen (14) days after the completion of the period of service.
    - (iii) After a period of more than 180 days, the employee must submit an application for re-employment not later than ninety (90) days after such person was relieved from such training or service.
  - d. A returning employee who was absent for more than thirty (30) days, or was hospitalized or convalescing from an injury or illness incurred or aggravated during the performance of military service, must provide the agency with documentation that establishes the timeliness of the application for re-employment, and length and character of service.
- 4 BCCAA may not be required to re-employ the returning employee, if:
- a. The agency's circumstances have so changed as to make such re-employment impossible or unreasonable;
  - b. In the case of an employee who has a disability incurred in, or aggravated during military service, or who is no longer qualified for the position, the re-employment would impose an undue hardship on BCCAA; or
  - c. The job that is held by the employee before leaving for military service is for a brief, no recurrent period with no reasonable expectation that the job will continue indefinitely or for a significant period.

If any of the circumstances occur in section four (4), the Human Resource Department shall submit a written communication to the employee relating to the situation. The communication shall clearly explain the agency position for not re-employing the employee.



To receive the rights and benefits under this section, the employee must provide the agency, through the Human Resources Department, with advance written notice of the military service. A copy of the military orders must be submitted along with the request for military leave.

**E. FUNERAL LEAVE**

1. Leave with pay, not to exceed three (3) working days in the funding period, will be approved for an employee in the case of death in the immediate family. The employee must contact their supervisor within 24 hours of the death of an **\*immediate family member** and complete a Request for Leave. Probationary employees are not eligible for funeral leave; however, they are eligible for leave without pay.
2. Should circumstances arise out of the death require additional time off, the employee may use the following leave a). sick leave, b). accrued annual leave or c). leave without pay at the employee’s request.
3. If the need for additional time off arises, the employee must notify his or her immediate supervisor as soon as possible

**\*IMMEDIATE FAMILY MEMBERS IN THIS SECTION IS DEFINED AS FOLLOWED**

Husband	Father-in-Law
Wife	Mother-in-Law
Father	Sister-in-Law
Mother	Brother-in-Law
Daughter	Daughter-in-Law
Son	Son-in-Law
Sister	Grandparents
Brother	Grandchild
Niece**	Nephew**
Aunt**	Uncle **

\*\* Leave with pay, not to exceed one (1) working day in the funding period, will be approved for an employee in the case of death in the immediate family.

**F. LEAVE WITHOUT PAY**

An employee may take up to twelve (12) work weeks during a twelve month period from the effective date of the leave without pay for (1) the birth of a child, (2) the adoption of a child or placement of a foster child, (3) care of a spouse, child, or parent who is ill, (4) an employee's serious illness, (5) emergencies, (6) or other necessary reasons while enabling the agency to plan work schedules and to maintain continuity in the employees' length of service.

Agency-paid group insurance benefits shall be continued for a maximum of three (3) months; however, if the employee has exhausted all of their leave, they are responsible for the employee portion of their insurance cost. If disability continues beyond six months, employees may elect to continue benefits for the duration of the approved leave by paying the full cost of the premium at the beginning of each month.

An employee on leave without pay is not entitled to accrue annual or sick leave for any calendar month or part thereof, in which the absence occurred. An employee on leave without pay is not entitled to holiday pay.

At the end of the approved leave without pay, the agency shall return the employee to the position held prior to the leave or to a comparable position and wage level.

G. **ADMINISTRATIVE LEAVE**

An absence approved by the Executive Director/Head Start Director at no charge to any type of leave and at no charge to the agency other than salary is known as Administrative Leave. Examples include: (a) attendance at a conference, meeting, or training session (b) educational leave (c) reasonable time to vote (d) purpose of donating blood to an authorized blood program (e) adverse weather conditions which prevent the employee from coming to work.

Administrative employees are permitted to work in excess of the approved number of work hours when it becomes necessary to complete a work assignment. Administrative leave will be considered for excess time worked over the normal working hours. Prior approval to work excess time must be granted by immediate supervisor.

H. **AGENCY LEAVE**

When the agency has a work stoppage in a program and the staff has not had an opportunity to accrue adequate annual leave since the start of the program's funding period, the employee shall be granted agency leave to cover the hours the employee didn't accrue adequate annual leave.

Employees who have worked sufficient payroll periods to cover the work stoppage, but have used their annual leave shall not be granted agency leave.

The finance department shall provide the supervisors in each program the employees and the amount of agency leave that will be granted to each employee. The employee shall record "AG" on the time sheet/personnel activity in the box with the hours.

I. **COURT LEAVE**

An employee whose presence has been summoned or subpoenaed to serve as a witness, juror, party litigant, or whose presence has been otherwise requested by judicial order as verified by the clerk of the court will be granted leave with pay. Such services or necessary appearance in any court shall not be counted as personal leave. The following procedures govern court leave:

1. Leave with pay will be approved for an employee for jury duty, witness duty, or otherwise.
2. An employee must give his or her immediate supervisor prior notification of the summons or judicial order for court, including a completion of the agency leave request with an estimated return date.
3. The employee must also provide the supervisor with a copy of the jury summons, subpoena, or court order.

J. **EDUCATIONAL LEAVE**

An approved absence to continue education at the college or graduate level may be granted under the following conditions.

1. Such leave shall be without pay and required by the agency for a period not to exceed six (6) consecutive months in a funding period.
2. Proposed courses of study must be directly related to the credential and education of the position in which the employee is employed.

Leave approved for employees under these circumstances must comply with the employee's Professional Development Plan.

## 6.2 EFFECT ON EMPLOYEE BENEFITS DURING LEAVE

1. Medical and Life Insurance: Group insurance shall be continued on the following:

Medical Leave: Agency-paid group insurance benefits shall be continued for a maximum of three (3) months however, if the employee has exhausted all of their leave, they are responsible for the employee portion of their insurance cost. If disability continues beyond three (3) months, employees may elect to continue benefits for the duration of the approved leave by paying the full cost of the premium at the beginning of each month. An employee who plans to take extended leave may be eligible for extended insurance (COBRA) at their own expense.

Personal Leave: Agency-paid group insurance benefits will be continued for a maximum of thirty (30) days. If approved leave continues beyond the thirty (30) days, employees may elect to continue benefits by paying the full cost of the premium at the beginning of each month.

Military Leave: Group insurance benefits shall be suspended for leaves in excess of thirty (30) days and shall be reinstated immediately upon return to work.

2. Annual and Sick Leave: Annual and sick leave hours shall not be accrued for any calendar month or part thereof in which an employee's absence from work during any part of that month was due to leave of absence without pay. Annual leave may accrue while an employee is on approved annual or sick leave. However, annual shall not be accrued from one funding period to the succeeding funding period.
3. Holidays: If a holiday occurs during an approved leave of absence without pay, the employee shall not be eligible for holiday pay. When a termination date has been administratively established to permit an employee to take accrued annual leave, the pay status of the employees shall not be extended for the purpose of granting any holidays or other approved non-work days.

### **6.3 ACCRUAL OF LEAVE**

Leave is accrued and accruals are calculated after an employee has worked a pay period, beginning with the date of initial employment. If a former employee is reemployed after a break in service, he or she shall be considered a new employee with leave accrual calculated accordingly. The employee who returns to work after a break in service loses any leave balance that he or she may have accrued from previous employment with the agency.

### **6.4 FRINGE BENEFITS**

WORKERS COMPENSATION: Workers' compensation provides fixed benefits to employees in the event an employee is injured in the course of employment. These benefits may include compensation for medical expenses, partial compensation for income lost because of injury or illness, retraining for new skills when necessary, and certain other related benefits. These benefits are available at time of employment.

UNEMPLOYMENT COMPENSATION: If an employee becomes separated from a job, for reasons beyond his or her control, that employee may be eligible for unemployment compensation. These benefits are available at time of employment.

FEDERAL INSURANCE CONTRIBUTION: Every employee of BCCAA is required to participate in the federal social security program. These benefits are available at time of employment.

INSURANCE: Designated employees are eligible to participate in the health and life insurance and retirement programs offered by BCCAA. Such employees are eligible for insurance after completion of the 90-day probationary period. Employees may select coverage for dependents at reduced group rates under the agency health policy. Employees on leave without pay may pay the premiums themselves in order to keep insurance coverage.

RETIREMENT: Bolivar County Community Action Agency offers each employee the opportunity to participate in its money purchased pension plan. An employee is required to enroll in the plan upon completion of their Orientation/Probationary period. The plan allows the employee to contribute a percentage of their pre-tax income and the agency shall match a percentage of the contribution. Additionally, an elect shall have the opportunity at minimum once per year to enroll in the retirement plan. Additionally, an employee may elect to enroll in the voluntary retirement contribution program at any time during the year.

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), eligible employees may, at their own expense, be able to temporarily continue their group health insurance

coverage after termination or other “qualifying event.” Under COBRA, BCCAA’s group health insurance plan coverage must continue from 18 to 36 months for former employees and/or their family members who were covered under BCCAA’s health plan on the date of a qualifying event (including an employee’s termination, reduction in work hours, death, divorce or legal separation, and Medicare entitlement). In the case of termination or reduction in hours, the employee and covered family members are entitled to continued coverage for 18 months after the qualifying event. Covered family members are entitled to 36 months of continued coverage if the employee becomes legally separated or divorced from his or her spouse. If an employee becomes eligible for Medicare, covered family members are entitled to 36 months of continued coverage. An employee or qualified beneficiary, who is disabled under the Social Security Act at the time of the qualifying event, is allowed 29 months of continued coverage. Coverage for a dependent child may continue for 36 months after the child ceases to qualify for coverage under the group health plan.

## **6.5 FAMILY AND MEDICAL LEAVE**

**PURPOSE** In accordance with the Family Medical Leave Act of 1993, agency-paid group insurance benefits shall be continued for a maximum of 12 weeks. If disability continues beyond three months, employees may elect to continue benefits for the duration of the approved leave by paying the full cost of the premium at the beginning of each month. The Act makes it unlawful for an employer to discharge or discriminate against any person for opposing any practice made unlawful by the Act or for involvement in any proceeding under or relating to the Act. Further, the agency shall not interfere with, restrain, or deny the exercise of, or the attempt to exercise any right provided by the Act.

**ELIGIBILITY** An eligible employee is one who has been employed by BCCAA for at least a total of 12 months and has worked for at least 1,250 hours over the prior 12 months.

**ENTITLEMENT** The Family Medical Leave Act (FMLA) entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave during any 12-month period for the following reasons:

- A. For the birth of the employee’s son or daughter, and to care for such son or daughter.
- B. For the placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child.
- C. To care for an immediate family member with a serious health condition.
- D. When the employee is unable to perform one or more of the essential functions of the employee’s position because of a serious health condition.

Entitlement to leave for reasons (A) and (B) above shall expire at the end of the 12-month period beginning with the date of the birth or placement of a child. For reason (C) and (D), the entitlement begins with the date that the employee first takes FMLA leave.

**LEAVE BENEFITS AND CONDITIONS** The following special conditions apply only to leaves for the birth, adoption, or placement of a child.

- A. As previously mentioned, the entitlement to leave for birth, adoption, or placement of a child expires 12 months from the birth, adoption, or placement of the child.
- B. Eligible employees may not take intermittent leave or leave on a reduced schedule for birth, adoption, or placement of a child unless prior approval is received from the agency. If such leave is granted, the employee may temporarily be transferred to an available position with equivalent pay and benefits that better accommodates the employee's need for intermittent leave.
- C. Spouses employed by BCCAA are jointly entitled to a combined total of twelve (12) work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a sick parent (not a parent "in-law") who has a serious health condition. However, if the leave is to care for a sick child or the serious health conditions of each other or for the employee's own serious illness, this limitation does not apply.

#### **SUBSTITUTION OF PAID LEAVE**

The Family Medical Leave shall be leave without pay. Prior to requesting FMLA an employee must ensure the following conditions regarding agency provided leave are met:

- A. The employee must use all accrued sick leave.
- B. After using all accrued sick leave, the employee must use their accrued Annual Leave, prior to using any FMLA.

A serious health condition may result from injury to the employee "on or off" the job. Either the employee or BCCAA may choose to have the employee's FMLA 12 weeks leave entitlement run concurrently with a worker's compensation absence when the injury is one that meets the criteria for a serious health condition. However, if the health care provider treating the employee for the workers' compensation injury certifies that the employee is able to return to a "light duty job," but is unable to return to the same or equivalent job, the employee may decline the agency's offer of a "light duty job." As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA until the 12 weeks entitlement is exhausted.

## **NOTICE**

Employees are required to provide BCCAA with written notice setting forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave. Failure to follow established agency policy may result in disciplinary action, but will not permit the agency to disallow or delay an employee's taking of FMLA leave, if the employee gives timely verbal or other notice.

If the need for leave is not foreseeable, an employee must provide notice to the agency within two (2) working days of learning of the need for leave, except in extraordinary circumstances. If the need for leave of a serious health condition for the employee or an immediate family member is foreseeable, the employee must make a reasonable effort to schedule treatment so not to disrupt unduly the operation of the agency. If the need for leave is foreseeable based on an expected birth placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, an employee must provide notice to the agency at least thirty (30) days before the leave is to begin. However, if the date or placement or treatment requires leave to begin in less than thirty (30) days, the employee must provide notice as soon as possible.

If an employee fails to give at least thirty (30) days' advance notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least thirty (30) days after the date of the notice.

Upon receipt of notice of leave, the agency may, for justifiable cause, require the employee to attempt to reschedule treatment, subject to the ability of the health care provider to schedule the treatment and to the approval of the health care provider as to any modification of the schedule.

If intermittent leave or leave on a reduced leave schedule is requested, the employee must also provide the organization with the reasons why such a leave is necessary along with the schedule of the treatment, if applicable.

## **DESIGNATION OF LEAVE AS FMLA AND NOTIFICATION TO EMPLOYEE**

If the agency knows the reason for leave is an FMLA reason at the time leave begins, the leave must be designated by the agency in writing at that time. If the leave time, after exhaustion of all medical and annual leave, has not been officially designated as FMLA it may not be retroactively counted as such. However, if there is justifiable cause for the FMLA designation not being made such as an employee inability to do so then the time may be retroactively counted as FMLA.

Leave may be designated as FMLA after the employee has returned to work in only two (2) circumstances:



1. The leave is short-term and the agency is awaiting medical certification, or
2. The agency did not know the reason for the leave, but learns upon the employee's return to work. The designation must be made within two (2) business days of the employee's return to work at the employee's request.

If any employee takes paid or unpaid leave and the agency does not designate the leave as FMLA leave, it may not be counted against the employee's FMLA entitlement.

The agency must provide written notice detailing the specific expectations and obligations of the employee and explaining any consequence of failure to meet these obligations. Such specific notice must be provided to the employee within five (5) days after notice of the need for leave is given, and must include, as appropriate:

- A. That the leave will be counted against the employee's annual FMLA leave entitlement;
- B. Any requirements for the employee to furnish medical certification of a serious health condition and the consequences of failing to do so;
- C. Any requirements for the employee to make any premium payments to maintain health benefits, the arrangements for making such payments, and the consequences of failure to make such payments on a timely basis;
- D. Any requirement for the employee to present a fitness-for-duty certificate to be restored to employment;
- E. The employee's status as "a key employee," the potential consequence that restoration may be denied following FMLA leave, and the conditions required for such denial;
- F. The employee's right to restoration to the same or an equivalent job upon return from leave; and
- G. The employee's potential liability for payment of health insurance premiums paid by the agency during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave.

## **MEDICAL CERTIFICATION**

An employee, requesting leave to care for a family member or due to his or her own serious health conditions, is required to provide a medical certification of the need for leave from the health care provider at the time leave is requested. In the case of a foreseeable need, leave will not be granted until the medical certification is provided. When the leave is foreseeable and at least thirty (30) days notice has been provided, the employee should provide the medical certification before the leave commences. When this is not possible, the employee must provide the requested verification within the time requested (which must allow at least (15) calendar days after the agency's request) unless such is not practicable under the circumstances despite the employee good faith efforts to secure the certification. In the case of an unforeseeable need, continuation of leave will be denied until the medical certification is provided.

The medical certification must be completed by the health care provider for the ill employee or family member and must contain the following information.

- A. The date on which the serious health condition began.
- B. The probable duration of the condition.
- C. The diagnosis and appropriate medical facts regarding the condition;
- D. If the leave is for the care of an immediate family member, a statement that the employee is needed to provide care for the family member and an estimate of the amount of time such need will continue;
- E. If the need is due to the employee's serious health condition, a statement that the employee is unable to perform the essential functions of his or her job; and
- F. The dates of any intermittent treatment and the duration of such treatment.

If the validity of the medical certification is questionable, the agency may require the employee to obtain a second medical opinion from an independent health care provider selected by the agency and at the agency's expense. If the first and second opinions differ, the agency may require the employee to obtain certification from a third health care provider jointly designated or approved by the agency and the employee and at the agency's expense. The parties will be bound by the third medical opinion. The agency may require recertification, at the employee's expense, monthly. Failure to provide recertification may result in revocation of leave.

## **INTERMITTENT LEAVE OR LEAVE ON A REDUCED LEAVE SCHEDULE**

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave immediately or on a reduced leave schedule only if the agency approves. BCCAA will allow intermittent leave for the aforesaid reason upon receipt of an advance written request from the employee. The agency's approval is not required, however, for leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.

An employee may take FMLA leave on an intermittence or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from serious health condition. It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition.

Only the time actually taken as FMLA may be charged against the employee's leave entitlement when leave is taken intermittently or on a reduced schedule. For part-time employees and those who work variable hours, the FMLA leave entitlement is calculated on a prorated basis by comparing the new schedule with the employee's normal schedule. Schedules will be based on changes in employee's work hours due to medical needs.

## **RESTORATION**

Should the employee discover after beginning leave that the circumstance have changed and the amount of leave needed is shorter than originally anticipated, the employee may not be required to take more FMLA leave than necessary. If the employee desires to return to work earlier than anticipated, the agency may require the employee to provide notice of at least two (2) business days.

BCCAA may require periodic reports from an employee on FMLA leave regarding the employee's status and intent to return to work. If the employee provides a statement of intent to return to work, even if the statement is qualified, entitlement to leave and maintenance of health benefits continue. However, if the employee gives an unequivocal notice of intent not to return to work, the agency's obligations to provide health benefits and to restore the employee end.

An employee returning to work from a family or medical leave shall be reinstated to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An eligible employee who takes family or medical leave will not lose employment benefits accrued prior to the date leave began. The employee,

however, will not accrue any employment benefits during any unpaid leave. The employee will not be entitled to any right, benefit, or position other than those rights, benefits, or positions to which they would have been entitled prior to taking leave.

If leave was taken because of the employee's own serious health condition, the employee must provide a fitness-for-duty certification from their health care provider before returning to work.

The agency may deny job restoration to key employees. A "key employee" is a salaried employee who is among the highest paid 10% of employees employed by the agency. BCCAA may deny restoration to a key employee if such denial is necessary to prevent substantial and grievous economic injury to BCCAA's operation. To do so, however, BCCAA must:

- A. Notify the employee of their status as a key employee when the employee requests leave that he or she is a key employee and that he or she may be denied restoration of employment.
- B. Notify the employee of the intent to deny restoration on such basis at the time the agency determines that such injury would occur.
- C. Offer the employee a reasonable opportunity to return to employment after receiving such notice.
- D. If the employee was notified when leave was first requested, make a final determination that the taking of leave by the key employee would result in substantial and grievous economic injury to the agency's operation.

## **MAINTENANCE OF BENEFITS**

### **GENERALLY**

At the end of an employee's FMLA leave, benefits must be resumed in the same manner and at the same levels as provided when the leave began, and subject to any changes in benefits levels that may have taken place during the period of FMLA leave affecting the entire agency, unless otherwise elected by the employee. Upon return from FMLA leave, an employee cannot be required to re-qualify for any benefits the employee enjoyed before FMLA leave began.

## HEALTH INSURANCE

An agency is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken, and on the same terms as if the employee had continued work.

For purposes of FMLA, the term Group Health Plan does not include an insurance program providing health coverage under which employees purchase individual policies directly from insurers provided that 1) no contributions are made by the agency, 2) the employee's participation in the program is completely voluntary on his or her part, 3) the agency's sole function is endorsing the program to allow the insurer to publicize the program to its employees, collect premiums through payroll deductions and remit them to the insurer, 4) the agency receives no consideration, other than reasonable compensation in the form of cash or otherwise in connection with the program, and 5) the premium charged for the coverage does not increase if the employment relationship terminates.

BCCAA may recover premiums paid by it for maintaining group health plan coverage during any period of unpaid FMLA leave if the employee fails to return to work after the employee's leave entitlement has expired. The agency will not have the right to recover such premium, however, if the employee's failure to return to work is due to the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave for his or her serious health condition or that of the immediate family or other circumstances beyond the employee's control. The agency may require that the employee furnish a medical certification to support his or her claim that he or she is unable to return to work. If the employee fails to furnish the requested certification within thirty (30) days of the agency's request, the agency may recover the health insurance premiums it paid during the unpaid FMLA leave.

## OTHER INSURANCE

If an employee desires to continue life insurance, disability insurance, or other types of benefits for which he or she typically pays during unpaid FMLA leave, BCCAA is required to follow established policies or practices for continuing such benefits for other instances of leave without pay.

## SENIORITY, ANNUAL AND SICK LEAVE

An employee is not entitled to accrue any additional benefits or seniority during unpaid FMLA leave. Sick and Annual leave accruals shall be used prior to using any portion of the 12 weeks of FMLA leave.

## **CHAPTER 7 POSITIONS AND COMPENSATION**

### **7.0 JOB DESCRIPTIONS**

Job descriptions are developed for each position in the agency. At least annually, the agency shall review and revise the job descriptions as needed. The basis for revising the job descriptions are the results of on-going monitoring, the annual self-assessment, performance appraisals, state (USDA) and federal monitoring and changes in Federal, State and/or Local laws and regulations. Each job description shall contain the following information, the title of the position, the salary range, the credentials, education and work experience requirements and the job roles and responsibilities for the position. Each employee is provided a copy of his or her job description upon employment.

### **7.1 SALARY SCHEDULE**

Bolivar County Head Start Program (BCHP) has developed and implemented a salary schedule to ensure wages paid are consistent with wages paid for similar work in the labor markets in which BCHP competes. The salary scale shall be based on the completion of a wage comparability study. The wage comparability study shall be structured to collect information for comparable positions based on credential, education and experience. After collecting the data in the wage comparability study, BCHP shall analyze the salaries data collected to the salaries paid in the organization. If a position on the organization's salary schedule is below the wages for similar work based on the wage comparability study, the agency shall adjust the salary schedule to comply with the wage comparability study. BCHP shall complete the wage comparability study at least once every three (3) years (more frequent if circumstances require) and compare it to BCHP's salary schedule annually. If the wage comparability study supports an adjustment in the salary schedule, the finance staff shall make the adjustments. All permanent BCHP employees shall be placed on the salary schedule according to their credentials, education and experience.

#### **A. INITIAL EMPLOYMENT – SALARY DETERMINATION**

The base salary of each employee is fixed initially at the time of hire. The authorized salary for a newly hired employee shall be consistent with the starting salary according to the job classification to which the employee is hired. Adjustment in the salary may occur due to promotions/demotions, reallocations, or reclassifications. Similar adjustments may be made with increases such as realignments, cost-of-living or educational benchmarks.

#### **B. EDUCATIONAL/CREDENTIAL BENCHMARKS**

To be eligible for an educational/credential salary increase, an employee must complete a requirement that exceeds the minimum qualifications for education, licensure, or

certification listed for the employee's present job class that the employee possessed at the time of appointment into their present job class. The educational and/or credential increase must be consistent with the class of the position in which the employee is hired. An employee who on their own, receives credentials and/or education above the requirements for the position shall not be compensated. Employees who receive educational or credential improvements during the funding period may not receive a salary increase if funds aren't available. However, during the next funding period that increase may be made effective on the beginning day of the new funding period, as grant funds permit.

## **7.2 SALARY DECREASES**

Salary decreases shall be applicable to staff who are demoted or transferred to a position with a lower salary than the salary of their current position. The salary shall be adjusted on the first day the employee assumes the new position. An employee affected by salary decrease under circumstances outlined in this section may not appeal the decision. However, if mandatory budget cuts are required an employee's salary may be decreased in their current position.

## **7.3 PAYROLL PROCEDURES**

### **A. PAY PERIOD**

1. The payroll period shall be based on a two (2) week work period.
2. The employees shall be paid the second Friday after the payroll period ending date. The pay period maybe modified if a Holiday falls on the pay date.

### **B. PAYROLL DEDUCTIONS**

#### **Mandatory Deductions**

The agency will deduct from each employee's pay check those amounts required by law including, but not necessarily limited to, social security and income taxes. The agency shall deduct 3% of each employee's salary for contribution to the employee's agency retirement plan.

The amount of the federal tax deduction is based on the number of dependents/exemptions claimed on the W-4 Form filed by the employee.

The amount of the state tax deduction is based on the number of dependents/exemptions claimed on the W-4 Form of the employee. Social Security (FICA) taxes are withheld according to the United States Internal Revenue Service's guidelines.

## Voluntary Deductions

Employees' contributions to Health/Life Insurance, Retirement above the required 3%, and any other benefit programs are withheld only upon an employee's request.

## **7.4 SALARY ADVANCES**

Bolivar County Community Action Agency will not provide for salary advances to its employees.

## **7.5 INCENTIVE AWARDS**

### GENERAL

BCCAA may provide for the award of incentive compensation to its employees based on cost reduction, efficient performance, suggestion awards, safety awards and other innovative performance when funds are available.

### PURPOSE

BCCAA may provide cash incentives to encourage and recognize employee excellence, innovative, diversity, and/or perseverance in the execution, management, or implementation of the mission and responsibilities of BCCAA. Awards may be made on the basis of certain agency programs, components, subcomponents, and categories of service, groups or other subdivision. BCCAA may also make incentive awards based on individual performance of its employees.

### ELIGIBILITY/EFFECT OF RECEIVING INCENTIVE AWARDS

1. Employee's eligible to receive incentive awards must be, at the time of the award, permanent, full/part-time employees of BCCAA.
2. Employee's eligible to receive the incentive award are employees who have been employed by BCCAA for twelve (12) months or more immediately prior to the date of the award and who have a valid performance appraisal rating of above average in their personnel file. The performance appraisal must be done during the agency's most recently scheduled performance evaluations.
3. BCCAA may award each eligible employee an amount not to exceed a 3% salary increase or \$1,000.00 which ever is less during the funding period. Incentive increases shall depend on the availability of funds.
4. Incentives shall be one-time increases and shall not become a permanent increase in the employee's salary.



## SELECTION CRITERIA

1. Eligible employees, groups, components or other subdivision must have contributed to the improvement, productivity, efficiency, or effectiveness of BCCAA. Prior to the implementation of the monetary incentive activities, the management team shall develop and implement with consultation and participation from the Board of Directors and Policy Council a plan to conduct the incentive activities. The plan shall include the objectives, strategies, timeframe, documentation, selection criteria, number of incentives to be awarded and amount of the incentive for each eligible employee.
2. Recommendations shall be made by the employee's supervisor to the management team.
3. Measurable results of activities shall be considered. For example, reduction in expenditures while maintaining quality, utilization of additional resources, excellent/outstanding performance, improvements in delivery of quality services to children, families, and others.
4. Selections shall consider aspects of the agency's overall operations, such as;
  - a) Improving or strengthening the agency management systems;
  - b) Strengthen the agency communication with federal, state and/or local government agencies;
  - c) Improvements and additional collaborations with agency and providers in the services area.

## PROCEDURES GOVERNING INCENTIVE AWARDS

1. Staff that receives incentive shall follow the guidelines contained in the incentive plan.
2. The information on the recipient of the incentive shall include the name, social security number, performance, length of service and the statement of achievement. The incentive plan shall include the requirements for documentation.

## CHAPTER 8 EMPLOYMENT PRACTICES

### 8.0 AGENCY WORK SCHEDULE

A. GENERAL: The agency shall operate an eight (8) hour work day; forty (40) hour work week. There shall be two (2) hourly schedules for daily and weekly operations at the central office and centers. Below are the schedules for the Central Office and Centers. The period for which the centers shall be operating is: Head Start; Mid-August – Mid-May (Centers are closed for 12 weeks) and Early Head Start; September – August (Centers are closed for 5 weeks).

Sites	Daily Schedule	Operating Weeks
Central Office	8:00 AM to 4:30PM	52 Weeks
Centers (Head Start)	7:30 AM to 5:30PM	40 Weeks
Centers (Early Head Start)	7:30 AM to 5:30PM	47 Weeks

5

Employees shall work the following daily and weekly schedules.

Employees	Hours Per Day	Hours Per Week
Full-time I	8	40
Full-time II	7	35
Part-time I	6	30
Part-time II	4	20

The weeks per year shall vary by position. Full-time Non-Classroom employees shall receive a one- hour lunch break. Part-time Non-classroom employees will be allowed a 30-minute lunch break. The lunch break must be taken between the hours of 11:30 A.M. and 1:30PM.

Staff shall be compensated for lunch and breaks. Employees who choose to remain at work during rest breaks shall not be entitled to leave before the end of the scheduled work day unless approved by their immediate supervisor. If an employee is required by management to work during lunch and/or scheduled breaks, the employee shall be allowed to leave early at the end of the work day.

A daily sign-in/sign-out sheet shall be maintained at the central office and at each center. Each employee shall be responsible for signing in and out at the beginning and end of each work day.

Employees who report to work late or violate other working regulations will be subject to disciplinary actions according to the disciplinary and corrective action procedures. Further, if an employee must be late or leave work early, it is the employee's responsibility to receive prior approval from their supervisor or the supervisor's designee of the reason for being late or leaving early.

B. ABSENTEEISM/TARDINESS Employees must report to work on time and maintain regular attendance at work. Employees must call their immediate supervisor when tardy or unable to come to work as scheduled. When the employee will be late at the beginning of the work day, the employee must obtain the approval of the immediate supervisor or designee at least thirty (30) minutes prior to the beginning of the work day. Excessive absenteeism and tardiness will result in disciplinary action and/or termination.

C. OVERTIME/COMPENSATORY TIME It is the policy of BCAA that all work be accomplished within the normal workweek as defined in Section A; Chapter 8. However, circumstances may arise, where for unusual reasons an employee may be asked to perform their duties during overtime hours. Emergency and Extenuating Circumstances means:

- parent failure to pick a child up according to the center schedule;
- no one at the bus drop point in the afternoon;
- accidents at the center and bus that require staff; or
- staff participation in training and/or educational activities required by the program.

1. The Fair Labor Standards Act (FLSA) and applicable rules and regulations promulgated hereunder govern the method of compensation for all hours worked in excess of the normal work week. Thus, employees employed in a bona fide executive, administrative, or professional capacity and employee receiving at or above a prescribed annualized salary amount shall not be paid for overtime work. Determination for these employees will be based on Department of Labor Standards. Such employees aren't subject to overtime requirements according to Fair Labor Standards Act. Employee's may be granted time-off with the approval of immediate supervisor and Executive Director/Head Start Director.

2. Employees not classified as exempted in Section C: 1 shall be subject to the overtime provision under the Fair Labor Standards Act. Those employees shall be compensated for overtime for any portion of time worked over a forty (40) hour work week. Under emergency (as defined in this section) circumstances where a nonexempt employee must work in excess of an eight (8) hour day, they will be granted an equal amount of time off during the work week so that the total hours worked do not exceed forty (40) hours during the work week. If a nonexempt employee is required to work in a work week beyond forty (40) hours, they will be compensated at the rate of one and one half time of the hourly rate for hours

worked in excess of the forty (40) hours. If possible, prior to the authorization of the overtime, the supervisor must submit to the Executive Director/Head Start Director or designee a written request for the approval of the overtime. If the overtime is because of an emergency situation (as defined in this section), the supervisor must submit to the Executive Director/Head Start Director or designee within twenty-four hours (24) a written justification for the overtime. The Executive Director/Head Start Director or designee shall notify the Director of Finance immediately after receiving the request or justification. The Director of Finance shall immediately analyze the budget to identify the funds for the overtime compensation.

3. All overtime and compensatory time must be approved in advance by the employee's supervisor. Further, the time sheets must be signed by the supervisor prior to payment of overtime.
4. Overtime/compensatory time must be recorded on the time sheet as a separate entry.
5. Employees who are terminated can't be compensated for compensatory time. Therefore, any compensatory time must be used during the work week in which it was accrued.
6. Compensatory time can't be carried over from one grant year to the succeeding grant year, unless the work week crosses into the next grant year.

### **8.1 WORK ENVIRONMENT**

BCCAA seeks to provide employees with a work environment free from hazards to their health. Smoking and secondary tobacco smoke is considered to be health hazards. Therefore, employees and visitors may not smoke inside the agency's offices or center premises, in the agency vehicle(s), or in the presence of those served by the agency. Guests of the agency will be made aware of the policy against smoking and asked to extinguish any lighted cigarettes, electric cigarettes/vapors, cigars, and pipes. Employees may leave the building in order to smoke during their breaks or lunch hours. Smoking on center premises is prohibited.

An employee who is under any degree or influence of a drug or alcohol on the job poses serious safety and health risks to the user and to all those who come in contact with the user. Therefore, an employee may not report to work or perform any duties as a BCCAA employee while under the influence of drugs or alcohol.

## **8.2 SEARCHES**

Searches of employees and their personal property on agency premises may be conducted when circumstances or work place conditions justify them. An employee's consent to a search is required as a condition of employment and the employee's refusal to consent may result in immediate disciplinary action, including termination, even for a first refusal. Searches of BCCAA's facilities and property can be conducted any time and must be witnessed by the supervisor and one other employee. BCCAA does not guarantee any expectation of privacy.

## CHAPTER 9 PERFORMANCE EVALUATIONS

### 9.0 GENERAL

A progress review for non-probationary employees is done in January and an annual evaluation is performed in April as otherwise needed or deemed necessary or specific programmatic requirements. An orientation/probationary employee shall be evaluated every 30, 60, and 90 days. A periodic review of an employee's performance is made at the end of the orientation/probationary period. The evaluation is based on the employee's performance of their duties according to their job requirements, as outlined on the position's job description. The monitoring reports and self-assessment shall be the basic documentation used to conduct the performance evaluation.

Each employee should specifically understand that circumstances may arise when they are required to perform program-related services not specifically stated or included in the job description. The employee's ability to adjust and perform such services forms a definite part of the employee's value to BCCA and their evaluation.

The performance evaluation shall be conducted by the employee's immediate supervisor. Each employee subject to the evaluation process is given the opportunity to make comments and to sign the final evaluation to indicate that they received a copy of the evaluation. Evaluations are a continuing process between the employee and the supervisor through formal and informal counseling and conferences. The information collected from the appraisal shall be used to identify staff training in the Training and Technical Assistance Plan (T/TA), and the Professional Development Plan, and assist staff in improving their skills and professional competencies. The employee may review their evaluation upon request. Evaluations become part of the employee's personnel file.

Evaluations are not to be construed as granting any employee a guarantee or right to continued employment. However, if an employee receives two (2) consecutive unsatisfactory evaluations and received appropriate training and technical assistance, the employee's position with the organization shall be evaluated to determine their continued employment in the position.

The Performance Evaluations shall be ranked according to the following criteria:

Evaluation	Rank
Outstanding	225 - 216
Excellent	215 - 141
Satisfactory	140 - 66
Un-satisfactory	65 or Below

#### **PROCEDURES: Progress Review**

1. Annually, in the month of December, the Human Resource Director shall send a notification to each supervisor regarding the timeframe for completing the employee Progress Review.
2. Supervisors will meet with each employee they supervise in order to conduct the progress review.
3. Documenting the progress review form requires writing details of the employee's performance during the specific time period. Comments must be made on the progress review form, especially for zero (unsatisfactory) rating, indicating recommending training, improvements, etc. The comments may be short or long depending on the element and situation, using specific statements. Statements such as "progress has been great" or "progressing satisfactorily" are too broad and should not be used. There are two basic approaches to documenting the progress review.
  - Summarize and document the conference so that the supervisor and employee can sign the form at the end of the conference.
  - Document the progress review form before the conference and go over the written comments with the employee during the conference. This method should be used when an employee is on extended leave, located at a remote site or when a similar situation exists.

NOTE: If a review has been requested by the supervisor or employee, the progress review form must be signed by the designated reviewer prior to employee conference/signature.

4. The employee must know in advance how the progress review will be documented and that they will be allowed to sign the form and make comments.

#### **PROCEDURES: Annual Performance Appraisals**

1. Annually, in the month of March, the Human Resource Director shall send a notification to each supervisor regarding the timeframe for completing the annual Performance Evaluations. Additionally, the Human Resource Director shall provide a current copy of the performance evaluation, evaluation instrument and professional development plan for each employee to the supervisor.
2. The supervisor shall use the records of the monitoring activities and self-assessment from the beginning through the end of the evaluation period.
3. Using the monitoring, self-assessment results and professional development plan, the supervisor shall complete a performance evaluation for each employee. Based on the information from the monitoring, self-assessment activities and professional

development plan, the supervisor shall rank the employees based on the criterion for the position. For the areas identified as a weakness, the supervisor shall identify training and technical assistance activities to support the employee. This may require consultation with a manager and/or specialist.

4. After ranking their employees, the supervisor shall schedule an individual conference (at minimum 30 minutes) with each employee to discuss the results of the evaluation.
5. During the conference the employee shall be provided a copy of the evaluation and the opportunity to discuss the strength(s) and weakness(es) in the evaluation. For the weakness(es), the supervisor shall inform the employee of the specific training and technical assistance activities that will be provided over a specific period of time for improvement. In addition, the supervisor shall discuss the professional development plan. The discussion shall include progress toward meeting objectives and updating the objectives as needed.
6. After completing the evaluation, the supervisor shall request a signature from the employee. If the employee refuses to sign the evaluation, the supervisor shall indicate refused to sign. There will be no repercussion for the employee's refusal to sign.
7. At the conclusion of the scheduled performance evaluations, the supervisor shall sign the evaluations.
8. The supervisor shall identify the strength(s) and weakness(es) for each employee. The supervisor shall develop a list of the weakness(es) in order to develop the Training and Technical Assistance and Professional Development Plan.
9. After completing the analysis, including developing the list of weakness(es), the supervisor shall submit the evaluation to the Human Resource Department.
10. The personnel staff shall make a copy of the evaluation, place the original in the employee's personnel file and submit the copy to the supervisor.
11. The supervisor shall provide the staff with the copy of the performance evaluation.

NOTE: The Progress Review is a mid-performance review allowing the employee to be informed of strengths and weaknesses to be addressed before the actual Performance Appraisals in March.



**PROCEDURES: Orientation/Probationary Employee Appraisals**

1. The immediate supervisor shall conduct a performance evaluation of the new employee every 30, 60 and 90 days. NOTE: The 90-day evaluation shall be conducted at least two (2) weeks prior to the end of the Orientation/Probationary period in order to receive all necessary approval for termination, if necessary.
2. The supervisor shall use the standard performance evaluation form used to evaluate permanent employees.
3. The supervisor shall monitor the performance of the employee at minimum once per week and use the results in the performance appraisal.
4. If the appraisal identifies a need for training and/or technical assistance, the supervisor shall immediately (within two (2) working days) provide the T/TA or identify the needed resources to provide the T/TA.
5. The third appraisal shall be used for one of the following:
  - a) To determine if the employee becomes a permanent employee;
  - b) To determine the need to extend Orientation/Probationary period; or
  - c) To recommend termination based on performance.
6. If the employee is recommended for termination by the employee's immediate supervisor, the supervisor shall provide the personnel department with the results of the appraisal so a recommendation of termination can be submitted to the Executive Director/Head Start Director, Policy Council and Board of Directors (as applicable) for their approval or disapproval.
7. After approval is received, the Human Resource Department shall send a letter of termination to the employee.
8. If the employee is recommended for a permanent status, the Human Resource Department shall send a letter congratulating the employee for their permanent employment status. Additionally, the letter shall provide guidance to the employee in order to develop a Professional Development Plan.
9. Upon receipt of the letter of permanent employment, the supervisor shall initiate the development of the Professional Development Plan.

## **CHAPTER 10 PROMOTIONS, TRANSFERS, AND RESTRUCTURING**

### **10.0 PROMOTIONS**

When possible, BCCAA will fill vacancies within the agency with qualified employees of the agency. A promotion is defined as a movement of a current employee to a position with more responsibility and a higher salary. Announcements of vacant positions will be distributed and posted according to the recruitment procedures. The personnel files of employees qualified for the vacant positions will be reviewed by the Selection Committee (as defined under Chapter 5, Recruitment and Selection). The Selection Committee will implement the selection procedures.

**NOTE:** The advertisement will not be sent to the newspaper or the Mississippi Employment Commission.

Employees promoted to a new position shall be in a probationary status for ninety (90) working days. Fringe benefits shall not be affected. Evaluations shall occur monthly during the probationary period. Should the employee's evaluation or performance be unsatisfactory, when possible, the employee may be returned to the former position held, an equivalent position or terminated.

A promoted employee will be compensated at the rate consistent with the salary grade for the new position.

A promoted employee who successfully completes the probationary period will be assigned regular status in the new position.

A promotion shall not be approved if the result of the promotion causes nepotism.

### **10.1 TRANSFERS**

Transfer shall mean a movement to any position within the agency not defined as a promotion in the preceding section. Reason for the transfer may include, but shall not necessarily be limited to fluctuations in the department/unit's workloads or production flow, the more efficient utilization of personnel, increased career opportunities, personality conflicts, health reasons, cost effectiveness, program quality, and personal situations that may require temporary or permanent relocation. The Program Director/Content Area Specialist will review the proposed transfers and make recommendations to the Executive Director/Head Start Director for approval.

Employees shall be considered for transfers based on the following order:

- a) Eligible employees in the same department or unit.
- b) Eligible employees in other departments/units who have submitted requests to transfer to or to be considered for transfer to another department/unit.
- c) Eligible employees who are being considered for termination due to a reduction in force in their present position or due to the elimination of their job.
- d) The transfer doesn't result in nepotism.

When an employee desires a transfer to another job, they must submit a written request for transfer to their department/unit head. The request must be forwarded to the Human Resources Department, and must include the reason for the desired transfer and the specific job (if applicable) being sought. If the desired job or a suitable job opening exists, the Human Resources Director will arrange an interview between the employee and the Program Director/Content Area Specialist in which the job opening exists.

An employee who is transferred to a comparable-paying job will continue to receive his or her existing rate of pay. A non-temporary employee who is transferred to a higher paying job will be paid at the higher rate effective as of the date of transfer. An employee who is transferred to a lower paying job will be paid at the lower rate effective as of the date of transfer.

Transferred employees who are not on temporary transfer, will be given up to ninety (90) working days as a probationary period. During this period, they will be assisted in adjusting to their new job. Transferred employees shall be evaluated by the immediate supervisor at 30, 60, and 90 days of continuous employment. Unsatisfactory job performance will be cause for returning a transferred employee to his or her regular job, if available, or termination, if appropriate.

## **10.2 RESTRUCTURE**

In the event of financial restraints and/or the need to improve the agencies operational efficiency, the Executive Director/Head Start Director shall recommend to the governing bodies his/her proposed restructuring plan. This plan shall be implemented only after approval from the Policy Council and/or Board of Directors, as appropriate.

## **CHAPTER 11 CAREER DEVELOPMENTS AND TRAINING**

### **11.0 ORIENTATION PRE/IN-SERVICE TRAINING FOR NEW/CURRENT EMPLOYEES, CONSULTANTS, AND VOLUNTEERS**

New employees, volunteers and consultants: All new employees, volunteers, and consultants shall receive orientation on their roles and responsibilities according to the job descriptions. Additionally, they will be orientated on the mission, goals, objectives, and underlying philosophy of the program and the ways in which they are implemented by the program. In addition, T/TA activities shall be provided at minimum bi-weekly throughout the probationary period. If regularly scheduled Pre/In-service activities occur during the probationary period, the new employee shall participate fully.

Current employees (non-probationary): At the start of the program year current employees non-probationary shall participate Pre/In-service training activities. In addition, teachers, teacher assistants and other designated employees (Head Start/Early Head Start) shall participate in a minimum of fifteen (15) Pre/In-service hours during the program year. For teachers and teacher assistants, the Pre/In-service training shall be high-quality, sustained, intensive, and classroom-focused.

Consultants: Individuals providing consultant service shall be requested to participate in Pre/In-services activities in the area(s) the services are provided.

Volunteers: Regular volunteers shall be requested to participate in Pre/In-service activities in the areas where the volunteer services are provided.

At the beginning of the grant period/fiscal year, the management team with consultation and participation by the Board of Directors and Policy Council shall develop a T/TA Plan (for Head Start/Early Head Start staff and/or the CAA staff) that identify the training that shall be provided to the staff consultants and volunteers throughout the funding period. The plan shall include all pre-service and in-service training activities for the funding period.

## **11.1 TECHNICAL ASSISTANCE AND TRAINING PLAN**

### **POLICY:**

Bolivar County Community Action Agency shall develop an annual T/TA Plan. Such plan shall be based on the agency's self-assessment, monitoring activities, communitywide strategic planning and needs assessment, needs of parents and children to be served by such agency, results of the monitoring review and the annual staff performance appraisals. In addition, the plan shall consider requirements of the applicable Federal, State and Local Laws and Regulations. The plan shall be developed to support the technical assistance and training needs of the staff, volunteers and consultants in the areas listed above. Finally, the plan shall support the technical assistance and training needs included in the staff Professional Development Plan. NOTE: The agency may require the BCCAA staff to participate in the T/TA activities as needed.

### **PROCEDURES:**

1. Annually, in the month of April, the Human Resource Director shall notify the management team, Board of Directors and Policy Council (for Head Start and Early Head Start) regarding the annual planning for the T/TA plan.

NOTE: The plan cannot be developed until performance evaluations and self-assessments are completed. Also, the Professional Development Plan for each employee shall be used in the determination of the T/TA plan activities.

2. The management team, Board of Directors and Policy Council (for Head Start and Early Head Start) planning sub-committee members shall meet in the month of May to develop the T/TA Plan.
3. The members of the planning committee shall meet and develop training and technical assistance activities for staff, consultants, volunteers, Board of Directors and Policy Council members.
4. After completing the T/TA plan, the Human Resource Director shall be responsible for presenting the plan to the Policy Council and Board of Directors for approval/disapproval. If the agency elects to develop a T/TA plan for the CAA staff, it will be submitted to the Board of Directors for approval.
5. After receiving approval of the T/TA plan (for Head Start and Early Head Start), the plan shall be submitted to the Office of Head Start Regional Office for approval in the annual application for funding.
6. After the funding/refunding application (including T/TA Plan) is approved by the Office of Head Start Regional office, the Human Resource Director shall meet with

the management team, Planning Sub-Committee from the Policy Council (Head Start/Early Head Start T/TA plan only) and Board of Directors in order to review and develop strategies for the implementation of the T/TA plan activities.

NOTE: The activities in this step shall include the CAA staff T/TA plan.

7. Next, the Human Resource Director or designee shall review each employee's Professional Development Plan and update the plan according to the activities in the T/TA Plan.
8. Monthly, the Human Resource Director or designee shall document the results of the activities in the T/TA plan both as a group and individual employee. The individual T/TA activities shall be documented in the employee's personnel file. When T/TA activities are provided to consultants and volunteers (including Board of Directors and Policy Council), the Human Resource Director shall document the activities in a file for each group (a file for consultants, volunteers, Policy Council and Board of Directors).
9. The Human Resource Director shall provide a progress report monthly to the management staff, Board of Directors and Policy Council regarding the progress in meeting the objectives in the T/TA plan. The report shall identify the following:
  - The activity schedule for the month
  - The staff
  - The consultant
  - The Policy Council & Board of Directors who participated
  - The number and position of the staff who did not participate
  - The consultant, Board of Directors, and Policy Council who did not participate
  - The objectives met in the staff Professional Development Plan

## **11.2 CAREER DEVELOPMENT PROFESSIONAL DEVELOPMENT PLAN**

### **POLICY:**

Bolivar County Community Action Agency shall provide an opportunity for all staff to develop and implement a Professional Development Plan. The “professional development plan” shall provide for high-quality activities that will improve the knowledge and skills of staff, as relevant to their roles and functions, in program administration and the provision of services and instruction, as appropriate, in a manner that improves service delivery to enrolled children and their families. The plan shall identify the employee’s objectives for education, credentials and training. In addition, the plan shall include the timeframe, strategies, responsibilities of the employee and agency, financial resources needed to meet the objectives included in the plan. The agency shall create in consultation with the employee a professional development plan. The agency and the employee shall implement the plan to the extent feasible and practical.

Training includes formal course work offered by educational institutions, workshops, conferences, and seminars conducted by professional, private, or public organizations. Course work included in the professional development plan shall be from an accredited college or university. If T/TA approved training is included in an employee professional development plan it will be indicated that it is part of T/TA.

NOTE: The agency may require the BCCAA staff to participate in the T/TA as needed.

### **PROCEDURES:**

1. Immediately after being hired, all new employees shall meet with their immediate supervisor to develop a Professional Development Plan. Annually current employees shall meet with their immediate supervisors to develop a Professional Development Plan.
2. After developing the Professional Development Plan, the Human Resource department shall ensure the training in the plan is included in the T/TA Plan. In addition, the Human Resource department shall make a copy of the plan for the employee and maintain the original copy of the plan in the employee’s personnel file.
3. The employee shall be responsible for providing documentation to the Human Resource department after the completion of all professional development activities not directly sponsored by the agency. The employee shall submit to the Human Resource department the appropriate content area documentation within five (5) calendar days of the completion of the activity.

4. The Human Resource Department shall be responsible for the following:
  - a) documenting the activities identified in the plan; and
  - b) communicating any needs for documentation to employees required by the plan.
5. At least one per year, the supervisor shall schedule a conference with each employee to review the progress of the activities in the Professional Development Plan.
6. If the plan contains activities requiring college work, the employee shall be responsible for providing a written notification to the immediate supervisor regarding the completion of the course work.
7. The supervisor shall forward the notification to the **Human Resource Department**. The Human Resource department shall request an official copy of the transcript from the college or university.
8. The transcript shall be included in the employee's file and documented in their Professional Development Plan.
9. Annually as part of the performance appraisal, the supervisor and employee shall analyze the progress in the Professional Development Plan. The analysis shall consider:
  - a) Progress toward meeting the plan's objectives;
  - b) Strategies implemented;
  - c) Additional objectives and strategies; and
  - d) Additional resources needed to accomplish objectives.
10. Changes and progress shall be documented on the performance appraisal.
11. Based on the performance appraisal, the Human Resource Department shall document on the professional development plan the changes/progress identified during the performance appraisal.



### **11.3 EDUCATIONAL ASSISTANCE**

#### GENERAL

Within the limits of available funds, BCCAA may grant small educational incentives in order for employees to develop job-related skills and to develop employees for higher-level professional and management positions. Priorities for granting Education Assistance will be based on the established need within BCCAA for staff with the educational credentials being sought and the unavailability of individuals with those credentials. All agency assistance shall be consistent with the employee Professional Development Plan.

Educational Assistance is not a right to which the employee is entitled. Rather, it is a benefit that may be granted by the agency. In addition, the agency will provide financial assistance information to all employees with a Professional Development Plan.

NOTE: Leave will not be granted for the course work during normal working hours.

#### ELIGIBILITY

1. Candidates for educational leave shall be working at BCCAA for 90 days at the time of application.
2. Candidates must agree to enter into an agreement with the agency, which shall contain the conditions upon which the paid educational leave/assistance shall be granted.
3. The employee must be accepted into a program that will lead to a degree in the area of employment.
4. The employee must maintain a performance appraisal rating at the level of above satisfactory or higher.

#### APPLICATION PROCEDURES

Any employee who meets the requirements may apply for Educational Assistance. The employee must submit a written request forty-five (45) days prior to the beginning date of registration to his or her immediate supervisor. The immediate supervisor submits the request, along with his or her written recommendation to the appropriate manager for approval or disapproval. The request should be accompanied by a written justification supporting the objectives in the Professional Development Plan.

After review, the Content Area Specialist will, route the application to the Human Resources Department for review and comparison to the professional development plan. If approved, the Educational Assistance request will be reviewed by the Human Resource department, signed, duplicated and forwarded to the Director of Finance.

Once signed a copy of the request shall be provided to the employee and the original forwarded to the Human Resources Department for inclusion in the employee's personnel file.

#### AWARD REIMBURSEMENT

Each recipient of Educational Assistance should submit their request for reimbursement to the Human Resources Department within thirty (30) days after the completion of the educational term. Supporting documentation that must accompany the request consists of and official transcript including:

1. A grade of "B" or above for graduate course(s);
2. "C" or above for undergraduate course(s); and
3. "Pass" for pass/fail course(s).

#### TRAVEL

Travel expenses, such as mileage, meals, and lodging, are not considered related fees for Educational Assistance under this part.

## **CHAPTER 12 STANDARDS OF CONDUCT**

### **12.0 POLICY**

Bolivar County Community Action Agency standards of conduct are developed and implemented to ensure staff, consultants and volunteers abide by the following program standards:

- (a) They will respect and promote the unique identity of each child and family and refrain from stereotyping on the basis of gender, race, ethnicity, culture, religion, or disability;
- (b) They will follow program confidentiality policies concerning information about children, families, clients and other staff members;
- (c) They will not leave a child alone with only one staff member, consultant or volunteer at any time;
- (d) They will use positive methods of child guidance and will not engage in corporal punishment, emotional or physical abuse, or humiliation. In addition, they will not employ methods of discipline that involve isolation, the use of food as punishment or reward, or the denial of basic needs;
- (e) They will adhere to the agency's procedures for identifying and reporting suspected child abuse and neglect.
- (f) They will immediately be removed from the classroom or center (with or without pay) during the formal investigation of an alleged child abuse or neglect complaint. Violation of the Standard of Conduct shall be subject to disciplinary actions in accordance to "Chapter 13" of this manual.
- (g) Employees, members of the Board of Directors and Policy Council shall not under any circumstances accept personal gratuities, favors, or anything not to exceed a monetary value of \$10.00 from a contractor and/or potential contractor during a 12-month period. If a contractor or potential contractor offers gratuities, favors, or anything in excess of the monetary value of \$10.00, the employee shall report the violation to their immediate supervisor, the board member shall report the violation to the full Board of Directors and the Policy Council member shall report the violation to the full Policy Council. All employees, members of the Board of Directors and Policy Council involved in the awarding and/or administration of contracts shall sign a statement that they will not accept or solicit anything of monetary value of \$10.00 or greater during the 12-month period. A copy of the statement shall be maintained in the employee's personnel file, the statement signed by the members of the Board of Directors and Policy Council shall be maintained with the minutes for each group. This applies to all BCCAA employees.

## **12.1 ATTENDANCE**

All BCCAA employees must report to and leave work at the time designated by the agency. Planned lost time is to be arranged with the employee's supervisor in advance and unexpected lost time is to be reported promptly to the supervisor before the beginning of the employee's work period (See Chapter 8 for further guidelines on absenteeism and tardiness.)

## **12.2 EMPLOYEE BEHAVIOR**

All agency employees must exhibit integrity both on and off the job. No employee shall conduct themselves at any time in such a manner as to reflect adversely upon the agency. Personal problems that affect an employee's work performance or off the job activities that negatively reflect on the image of the agency, may lead to employment termination.

No employee shall make official statements to the media or the public about policies of the agency unless such has been explicitly approved by the Executive Director/Head Start Director, Board of Directors or Policy Council as appropriate, prior to the statement being made. All communication with the general public shall comply with the agency's communication system.

## **12.3 WORK PERFORMANCE**

All employees must meet established performance standards. Any conditions or circumstances in the work environment which prevents an employee from performing effectively are to be reported to the supervisor.

## **12.4 CORPORAL PUNISHMENT AND ISOLATION**

The use of corporal punishment, total or extended isolation as disciplinary measures are absolutely forbidden in the agency. Accordingly, the use of such disciplinary measures is a major offense and constitutes grounds for dismissal even for the first offense.

Corporal punishment is the use of physical force as a discipline measure. This includes, but is not limited to spanking, slapping, and pulling the hair. Isolation refers to separating the child from normal association with classroom activities as a punishment measure. Isolation includes, but is not restricted to, confining the child in a small area, retaining or restricting the child in the classroom when other children go to play, or restricting the child from lunch with his or her class mates.

## **12.5 DEMOTIONS**

A permanent employee may be demoted because of inadequate performance, disciplinary reasons, a reduction in force or voluntarily. All demotions, except in extraordinary circumstances and upon approval by the appropriate staff and governing body shall result in a decrease in salary for the affected employee.

## **12.6 RESIGNATION**

An employee who decides to terminate employment with BCCAA should submit a written resignation to BCCAA at least ten (10) working days before the final working day.

## **12.7 CONFLICT OF INTEREST**

No employee, Board of Directors, consultant or Policy Council member shall participate in the selection, award, or administration of a contract supported by the agency if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, Board of Directors, consultant or Policy Council member, or any member of their immediate family, their partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The employee, board member, consultant or policy council member of the agency shall neither solicit nor accept gratuities, favors, or anything of monetary value (\$10.00 or greater) from contractors, or potential contractors during a 12-month period. The following employees shall be involved in the awarding and or administration of contracts or other financial award: Executive Director/Head Start Director; Director of Finance; all Directors/Specialists; Purchasing Clerk; and Center Directors.

Those employees must sign a statement that they will not solicit or accept personal gratuities, favors, or anything of monetary value from contractors or potential contractors.

## **12.8 POLITICAL ACTIVITY**

### CAA EMPLOYEES

All CAA employees of the agency are subject to the Hatch Act (5 U.S.C 1501-1508). Employees are reminded that they must comply with all federal and state regulations covering political activity of agency employees and they are responsible for knowing the specific provisions of all such regulations.

An employee may not use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.

An employee may not directly or indirectly coerce; attempt to coerce command or advise a state or local officer or employee to pay, lend, or contribute anything of value to a political purpose.

An employee may not be a candidate for an elective public office in a partisan election. Persons employed in connection with federally funded activities are subject to the Hatch Act, which requires that they resign if they wish to seek public office in a partisan campaign, although they may engage in some political activity on their own time.

No employee may take a leave of absence for the purpose of working with a political candidate, committee, or organization, or for the purpose of becoming a candidate for office with the understanding that they will resign their position if nominated or elected.

The agency will not be involved with political activity.

No employee will engage in partisan or non-partisan political activities during work hours or during sick leave unless employees use annual leave or be off without pay.

No agency funds will be used for lobbying activities.

Campaign literature or pictures of political candidates shall not be posted on agency premises.

#### PERMISSIBLE ACTIVITIES

After normal working hours, an employee may:

1. Be a candidate for public office in a nonpartisan election;
2. Campaign for and hold elective office in political clubs and organizations;
3. Contribute money to political organizations or attend fund raising functions; and
4. Participate in any activity not prohibited by law or regulations.

Any partisan candidate running for an elected public office and is running as a political representative of a political party whose presidential candidate received electoral votes should resign their position prior to announcing their candidacy or commencing substantial activities intended directly to promote said candidacy, whichever occurs first.

#### HEAD START AND EARLY HEAD START EMPLOYEES

All Head Start and Early Head Start employees of the agency are subject to the “The Improving Head Start for School Readiness Act of 2007” Sec. 656. POLITICAL ACTIVITIES [42 U.S.C. 9851]

(a) State or Local Agency- For purposes of Chapter 15 of title 5, United States Code, any agency which assumes responsibility for planning, developing, and coordinating Head Start programs and receives assistance under this subchapter shall be deemed to be a State or local agency. For purposes of clauses (1) and (2) of section 150(a) of such title, any agency receiving assistance under this subchapter shall be deemed to be a State or local agency.

(b) Restrictions-

(1) IN GENERAL- A program assisted under this subchapter, and any individual employed by, or assigned to or in, a program assisted under this subchapter (**during the hours in which such individual is working on behalf of such program**), shall not engage in--

(A) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office; or

(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election.

If an employee has an interest in participating in partisan or non-partisan political activities, the employee must submit a letter to the Executive Director/Head Start Director prior to filing qualification to participate in the political activity. The request must include a schedule of the employee's participation in the political activities outside of working hours. The Executive Director/Head Start Director shall review and approve the employee request. The employee may not participate in the political activities until written approval is received from the Executive Director/Head Start Director. Employees shall be subject to disciplinary action if they violate the approval letter of participation or participates in the political activities without the agency approval.

## **12.9 SUPERVISION OF RELATIVES**

Members of an immediate family, as defined at Chapter 6, shall not be employed to work under the same direct or indirect supervision of another family member.

Members of an immediate family shall not be employed to work under the same immediate supervisor.

This policy shall not prevent the employment of any member of an employee's family provided assignment can be made according to the provisions of this Manual.

## **12.10 OUTSIDE EMPLOYMENT**

Outside employment means any paid employment performed by an employee of BCCAA in addition to their job with the organization. If it becomes necessary for an employee to obtain outside employment, they must advise their immediate supervisor in writing. Requests for permission for outside employment must contain the name and address of

the outside employing agent. The Executive Director/Head Start Director must approve or disapprove, in writing, all requests for outside employment.

The Executive Director/Head Start Director's request for outside employment must be submitted to the Board of Directors. The Board of Directors must approve or disapprove, in writing, the Executive Director/Head Start Director's request.

Requests for outside employment must be submitted and approved by the Executive Director/Head Start Director or Board of Directors before the employee's acceptance of the outside position. Outside employment may be approved under the following conditions:

- a. Such employment shall not interfere with the efficient performance of the employee's duties at the agency;
- b. Such employment shall not involve a conflict of interest or conflict with the employee's duties at the agency;
- c. Such employment shall not involve the performance of duties that the employee should perform as part of their duties at the agency; and
- d. Such employment shall not occur during the employee's regular or assigned working hours at the agency, unless the employee is on approved annual leave, or compensatory leave.

#### **12.11 REPORTING CASES OF SUSPECTED OR KNOWN CHILD ABUSE/NEGLECT**

Pursuant to the Mississippi Code, any employee who has reasonable cause to suspect that a child has been abused and/or neglected shall immediately report such information to the Mississippi Department of Human Services. The employee shall also report such suspicion to their immediate supervisor. The supervisor shall immediately notify the Family Services or Health Service Director. The Family Service or Health Service Director shall be responsible for follow-up with the Mississippi Department of Human Services for all cases of suspected or known child abuse and neglect. The Family Service or Health Service Director shall maintain all documentation associated with the reporting suspected or known child abuse and neglect.

#### **12.12 CONFIDENTIALITY**

While performing their duties, employees may receive confidential or sensitive information about the agency's clients. Information about clients or recipients of the agency services must be treated as confidential. All information regarding recipients of services will be held in strict confidence. No information will be released to any external persons, agencies or parties, by any employee, without written authorization from the recipient and/or the recipient's legal guardian or upon order of a court of competent jurisdiction or unless such information has been made available to the public by the



agency. Violation of this policy will subject an employee to disciplinary action, up to and including termination. The Recording-Keeping and Reporting System include procedures for Confidentiality.

### **12.13 OTHER RESTRICTIONS**

No person serving as a member of the Board of Directors may be employed by the agency unless such person has resigned their position or office on the Board of Directors at least one (1) year prior to accepting such employment.

### **12.14 SEXUAL HARASSMENT**

#### INTRODUCTION

All employees of BCCAA are entitled to a workplace free from sexual harassment and intimidation. To this end, BCCAA is committed to maintaining a working and learning environment free of inappropriate and disrespectful conduct and communication of sexual nature or of any discrimination whatsoever.

#### HOW MAY SEXUAL HARASSMENT OCCUR

The harasser may be the victim's supervisor who does supervise the victim, a non-supervisory employee (co-worker), or a third party over whom they exercise some measure of control.

Sexual harassment may be overt or subtle. But, whatever form it takes, verbal, nonverbal or physical, sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the workplace. Sexual harassment by any employee, director, supervisor, or non-employee will not be tolerated. To avoid the potential for sexual harassment and conflict of interest, it is the policy of BCCAA that no sexual relationship develops in such a situation. The supervisory authority and/or responsibility for evaluation should be transferred promptly to another individual.

#### PROCEDURE

An employer, as a general rule, will be held strictly responsible for acts of "quid pro quo" harassment even if it was unaware of the unlawful conduct. In a hostile environment, the employer may be held responsible for creating a hostile work environment if the employer knew or should have known of the sexual misconduct. Therefore, BCCAA is under a duty to thoroughly investigate any form of sexual harassment and will do whatever is necessary to end the harassment and prevent its recurring.

1. An employee who has a complaint of sexual harassment or preference must report such conduct to their supervisor or the Human Resource Director. If the charge is made to the supervisor or any other person, the matter should be immediately reported to the Human Resources Department.
2. Supervisors observing sexual harassment are required to take immediate action to stop it and report any such incidents to the Human Resource Department.
3. All complaints will be investigated in a timely and confidential manner. In no event will information concerning a complaint be released by BCCAA to third parties or to anyone who is not involved with the investigation. Nor will anyone involved be permitted to discuss the subject outside of the investigation. The purpose of this provision is to protect the confidentiality of the employee who files a charge of sexual harassment, to encourage the reporting of incidents of sexual harassment and to protect the reputation of any person wrongfully charged with sexual harassment.
4. Investigation of a charge of sexual harassment will include conferring with the parties involved and any named or apparent witnesses. Employees shall be afforded an impartial and fair hearing. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.
5. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.

Prevention is the best tool for elimination of sexual harassment. BCCAA will take all steps necessary to prevent sexual harassment from occurring. The procedures for filing a complaint of sexual harassment are more fully set forth in Chapter 17 of this Manual. In addition to BCCAA's policies and procedures, employees have the right to file charges of sexual harassment with the Equal Employment Opportunity Commission.

Given the very nature of this type of discrimination, BCCAA recognizes that false accusations of sexual harassment can have serious effects on innocent individuals. Thus, BCCAA encourages all employees to work cooperatively in maintaining a pleasant working and learning environment, free of discrimination for all.

## **12.15 WHISLEBLOWERS**

### **POLICY**

Bolivar County Community Action Agency shall adhere to the highest standards of integrity and moral values. As part of the adherences, the agency shall implement whistleblowers policies and procedures. A whistleblower is an employee who reports misconduct of another employee or superior within the agency to people or entities that have the power and presumed willingness to take corrective action. Generally the misconduct is a violation of the laws, the rules, the regulations and/or a direct threat to public interest, such as fraud, health/safety violations, and corruption. The agency shall not knowingly, with the intent to retaliate, take any action harmful to any person, including interference with the employment or livelihood of any employee for providing to the Executive Director/Head Start Director, Board of Directors or the Office of Head Start any truthful information relating to violation of the laws, the rules, the regulations and/or a direct threat to public interest, such as fraud, health/safety violations, and corruption.

### **PROCEDURES:**

1. An employee who suspects or is knowledgeable (including having documentation) of another employee or director's act or intent to violate the laws, the rules, the regulations and/or a direct threat to public interest, such as fraud, health/safety violations, and corruption shall immediately report the act or intent to the Executive Director/Head Start Director in confidence.
2. The Executive Director/Head Start Director shall investigate the issue and report the findings to the Board of Directors and/or Policy Council. Additionally, the results of the investigation shall be shared with the employee reporting the accusation.
3. If the Executive Director/Head Start Director fails to investigate the issue within seven (7) working days and provide evidence of the investigation to the employee reporting the issue, the employee reporting the issue shall notify the Board of Directors and/or Policy Council regarding the issue.
4. The Board of Directors and/or Policy Council shall investigate the issue and the reason why the Executive Director/Head Start Director did not investigate the issue. The Board of Directors and/or Policy Council shall notify the employee reporting the issue about the results of the investigation.
5. If the Board of Directors and/or Policy Council fails to investigate the issue and provide a response within ten (10) working days, the employee may contact (in writing) the agency Program Specialist at the Office of Head Start Regional Office about the issue.

## Dress and Groom

It is the policy of the Bolivar County Community Action Agency that the dress and grooming of employees be appropriate to the work setting. Employees are to be neat and clean with the proper attire when reporting for work.

Inappropriate Attire Includes, but is not limited to, the following:

1. Tank tops, tube tops, midriff blouses or shirts, halter tops with spaghetti straps, off-the shoulder tops, backless tops or dresses, shirts, blouses or tops with inappropriate slogans, promotions or designs. Clothing such as shorts, skirts, dresses or tops that reveal too much skin or can cause embarrassment when bending, leaning, stooping, or sitting cross-legged on the floor, are inappropriate especially when working with children;
2. Extremely tight-fitting clothing;
3. Exposed/visible under garments;
4. Slides/flip flop shoes, shower/beach shoes;
5. Tee shirts and Jeans (Fridays Only);
6. Facial Jewelry (no eyebrow rings, nose rings, tongue studs, or lip rings);
7. Visible tattoos;
8. Leggings without a dress or skirt;
9. Baggy/sagging pants;
10. Pajamas; and
11. Mini-skirts higher than 3 inches above the knee.

Sandals should be dressy, tops and shirt tails not designed to be worn out should be properly tucked inside the pants or skirt. Messages/wording on attire should be limited to promoting the agency or its programs or mission. Jeans are permissible only on Fridays (This day is not tacky day, but business casual day). Professional appearance shall be maintained every day in the workplace. ***Radical departures from conventional dress or personal grooming are not permitted regardless of the nature of the job performed. Classroom staff is encouraged to wear socks.***

The regular attire for the office should be of a business nature to include business suits and dresses. Hair should always be properly groomed. Polo style shirts are preferred over tee shirts.

### **Specific Prohibitions:**

1. The length of ladies' attire (dresses, pants, and skirts) will be no higher than 3 inches above the knee;
2. Only properly fitted garments are acceptable (not too tight, no spandex);
3. There is zero tolerance for wearing leggings without a dress or skirt;
4. No visible body jewelry is allowed except in the ears; and
5. Excessive earrings are unacceptable, limited to two per ear.

Good Personal hygiene standards are required. Co-Workers, Clients, and Guests have the right to expect general cleanliness from co-workers. Every employee has some contact with the public and therefore *represents the Agency* in appearance (dress, personal hygiene, and grooming) as well as *actions*. The properly attired, unoffensive (body and breath) man and woman help to create a favorable image for the Agency. Accordingly, employees are expected to dress in a manner that is normally acceptable in business establishments.

**The dress and grooming of Bolivar County Community Action Agency employees shall be governed by the requirements for safety and comfort.** Long hair that hangs loosely around the head and shoulders is not appropriate for employees who work in food service facilities and must be properly restrained. In certain settings where employees work with infants and children, it may also be necessary to restrain longer hair. Employees are encouraged to use good judgement in considering the safety of infants and children and properly restrain longer hair as necessary.

### **Personal Appearance:**

Personal appearance demonstrates to clients, co-workers, and other professionals your interest and commitment to your job. In any business, cleanliness and neatness are an absolute necessity. The business-like dress of staff attests to the fact that you are here to do a professional job. In this regard, extremes of dress should be avoided.

1. Shirts/tops must not have words or pictures that promote anything inappropriate for children. Torso must be covered at all times. No so called "muscle shirts" are allowed;
2. Sport bras are considered undergarments and must be completely covered by a shirt or other acceptable item;
3. Pants must be firmly secured;
4. Tattoos which display inappropriate graphics/messages for children must be covered; and
5. Jeans may be worn on a day when "cleaning" has to be done and/or approved by the supervisor, or on Friday.

**Specifically, for Classroom/Direct Service Staff:**

1. Pants or skirts are to be loose fitting. Skirts must be below the knee. Shorts or Skirts are acceptable. They must not be shorter than three inches above the knee. Shorts must be loose fitting;
2. Footwear must be secured. Heels or sandals without straps are prohibited. All shoes must have backs to secure safety; and
3. Jewelry must be such that the length, shape and texture would not cause safety concerns for infants, children and other employees. Employees must use good judgement in wearing jewelry that does not pose potential hazards, such as dangling earrings, necklaces, pins and some rings.

**Specifically, for Kitchen Personnel:**

1. Pants or skirts and shorts dress code is the same as for the classroom. Clothing must be clean;
2. Footwear must be fully enclosed and socks must be worn. Shoes must have non-slit soles for safety reasons;
3. Hair restraints (i.e. hat and hair net) must be worn. Hair long enough to be pulled back or up needs to be braided or pulled back and a hat or hair net must also be worn. Personnel with facial hair such as sideburns, beards and/or moustaches must keep them neatly trimmed and must wear a beard restraint. Kitchen/Food employees must wear the proper restraints to keep their hair from contacting exposed food, equipment, utensils, linen, etc.;
4. Aprons must be worn. Aprons need to be removed and stored properly before taking out the garbage or using the restroom. A new, freshly washed apron must be worn daily; and
5. Nail polish and long artificial nails are not allowed. Nails should be no longer than a quarter inch as longer nails tend to rip and tear gloves. Bracelets, watches, rings with exception of a plain band cannot be worn. Nails, artificial nails, and the skin areas around jewelry tend to be a safety and infection control issue.

**Specifically, for Office (pertains to Site Supervisor and Managers):**

1. Pants or skirts are to be loose fitting. Skirts/dresses cannot be more than three inches above the knee;
2. Jeans may be worn on a day when “cleaning” has to be done and/or approved by the supervisor, or on Friday;
3. Shoes must be worn at all times. Footwear must be secured. Heels or sandals without straps are not appropriate. All shoes must have a front and back to secure safety;

4. Neat and tasteful judgement should be exercised when it comes to nail length and color; and
5. Exposure to strong scents especially scents from tobacco products and fragrances in the environment can cause discomfort as well as directly impact the health of sensitive individuals. Scents from perfume, cologne, hairspray, lotion, etc. and tobacco products on clothing should not be noticeable by others due to triggered negative health effects, including allergic responses.

**Employee Dressing Improperly:**

***If an employee reports to work improperly dressed or groomed, his/her supervisor shall instruct him/her to return home to change clothes or take other appropriate corrective action.*** The employee will not be compensated during such time away from work and violations of this policy will be cause for disciplinary action up to and including suspension and/or termination for repeat violations.

## **13.0 GENERAL**

The agency will take formal personnel action against an employee when their work or conduct necessitates doing so or when they fail to comply with rules and regulations disseminated by the agency. When offenses are committed, a conference will be held between the supervisor and the employee. A summary of the findings shall be recorded and signed by the supervisor. A copy of this document shall be provided to the employee. The original of the document shall be placed in the employee's personnel file.

Disciplinary action shall be applied in steps of increasing severity whenever practical in order to stimulate change in the behavior that activated the disciplinary process. Thus, BCCAA will attempt to correct unacceptable behavior with a verbal warning, counseling, and/or other appropriate informal means, prior to taking more stringent disciplinary action against an employee.

Documentation of all corrective action plans or disciplinary actions must be forwarded to the agency's Human Resources Department for placement in the employee's master file maintained by the Human Resources Department.

### **13.1 SCHEDULE OF DISCIPLINARY OFFENSES**

Employees of BCCAA shall be subject to disciplinary or corrective action for the offenses set forth in this section

#### **1. MINOR OFFENSES**

Minor offenses include, but are not limited to, the following:

- A. Unsatisfactory attendance or unexcused tardiness;
- B. Failure to maintain an orderly work area;
- C. Poor performance of duties, including non-timely submission of reports;
- D. Taking lunch breaks at times other than the time established by the agency without prior approval of the appropriate supervisor;
- E. Distribution of unauthorized literature or other materials during working hours;
- F. Abuse of work time, such as unauthorized time away from assigned work area or failure to notify supervisor promptly upon completion of assigned work;

Action taken against employee shall follow the "Table of Offenses and Penalties". The supervisor shall determine the appropriate penalty based on the employee's actions.



## 2. **MAJOR OFFENSES**

Major offenses include, but are not limited to, the following:

- A. Insubordination, including but not limited to, resisting or failing to follow agency directives, failure or refusal to follow supervisor/director's instruction or orders, failure or delay in performing assigned work and/or failure to comply with established policies;
- B. Use, abuse, and under the influence of intoxicating beverages or other prescribed and none prescribed chemical substances while on the job or on the agency premises;
- C. The unlawful manufacture, distribution, dispensing, possession or use of controlled substances while on the job or on the agency's premises;
- D. Absence without following proper procedures, notification or without justifiable and reasonable excuse for such absence;
- E. Failure to report for work without properly notifying the supervisor, leaving the job to which assigned, or leaving the agency's premises without proper permission;
- F. Careless use of agency property;
- G. Disorderly conduct, fighting, threatening, coercing, or attempting to inflict injury to another, acts of violence, engaging in dangerous horseplay or other improper conduct while at work or on the agency premises, endangering the safety of or causing injury to other persons;
- H. Disrespectful conduct, use of insulting, abusive and/or obscene language on the agency's premises and/or to or about supervisors, co-workers while on the job;
- I. Falsification of employment application, resume, personnel, or other records (credentials, diplomas, staff development hours, certificates, etc.);
- J. Conviction of a crime (a felony or misdemeanor). A plea or verdict of guilty, or a conviction following a plea of nolo contendere to a charge of a felony or misdemeanor will be conviction within the meaning of this offense. (Conviction of a moving or traffic violation while off the job will not be considered conviction within the meaning of this offense.);
- K. Obscene or abusive language to fellow employees or the public during working hours. Conduct outside the agency of a criminal or dishonest nature;

- L. Acts of conduct (by word or deed), on or off the job, that reflect negatively upon the agency or are averse to the agency's duties to the children other employees, or the public;
- M. Acting in excess of authority;
- N. Solicitation or acceptance of personal gratuities, favors, or anything of monetary greater than \$10.00 from contractors or potential contractors;
- O. Theft of agency property or theft from fellow workers or from others on agency property;
- P. Unsatisfactory job performance;
- Q. The use of corporal punishment and/or total or extended isolation as disciplinary measures for a child;
- R. Violating traffic regulations or improper operation of a motor vehicle while performing assigned job duties;
- S. A breach of agency security or confidentiality including, but not limited to, the unauthorized disclosure of confidential information;
- T. Unauthorized use of, possession of, loss of or damage to agency property or the property of others;
- U. Unauthorized use or possession of firearms or other dangerous weapons;
- V. Violation of properly established and published BCCAA policies, rules, and regulations;
- W. Disciplinary action up to and including termination will be taken against staff members who intentionally violate federal and program eligibility determination regulations, and who enroll pregnant women and children that are not eligible to receive Head Start or Early Head Start Services. HEAD START PROGRAM PERFORMANCE STANDARDS: 45 CFR Part 1305 ERSEA Authority:42 U.S.C. 9801 et seq., 5 U.S.C.553(b). Adopted. 12.01.22

Major offenses shall result in disciplinary action such as defined in the Table of Offenses and Penalties. An employee who has committed a major offense for which the supervisor has recommended probation or suspension will meet with the supervisor.

**TABLE OF OFFENSES AND PENALTIES**

<b>Offense</b>	<b>1<sup>st</sup> Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>
<b>1. Discrimination</b> Minor	Admonishment to Official Reprimand	Reprimand to five (5) days suspension	Reprimand to Removal
Major	Reprimand to five (5) days suspension	Removal	
<b>2. False statements, disloyalty, misrepresentation, or in-subordination</b> Minor	Reprimand to five (5) days suspension	Removal	
Major	Removal		
<b>3. Failure to follow instructions</b> Minor	Admonishment to Official Reprimand	Reprimand to five (5) days suspension	Reprimand to Removal
Major	Reprimand to ten (10) days suspension	Reprimand to Removal	Removal
<b>4. Careless work or Negligence</b> Minor	Admonishment	Reprimand	Reprimand to Removal
Major	Reprimand to Removal	Removal	
<b>5. Disorderly Conduct</b> Minor	Reprimand to five (5) days suspension	Reprimand to Removal	Removal
Major	Reprimand to Removal	Removal	
<b>6. Use of corporal punishment and/or total isolation (disciplining children)</b> Minor	Reprimand with twenty (20) days suspension	Removal	
Major	Reprimand to Removal	Removal	
<b>7. Theft, actual or attempted removing agency property</b> Major	Reprimand to removal	Removal	

<b>Offense</b>	<b>1<sup>st</sup> Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>
<b>8. Use of intoxicants/drugs</b> Minor	Reprimand to five (5) days suspension	Reprimand to Removal	Removal
Major	Reprimand to Removal	Removal	
<b>9. Loss of damage to unauthorized use or willful destruction of property, records, or information:</b> Minor	Reprimand to Removal	Suspension to Removal	Removal
<b>10. Intimidation or rudeness to clients, associates, or others</b> Minor	Reprimand to five (5) days suspension	Reprimand to Removal	Removal
Major	Reprimand to Removal	Removal	
<b>11. Consistently complaining and spreading rumors which tend to lower the morale of employees.</b> Minor	Reprimand to ten (10) days suspension	Removal	
Major	Removal		
<b>12. Solicitation or accept personal gratuities, favors, or anything of significant monetary value from contractors or potential contractors</b>	Reprimand to five (5) days suspension	Suspension to Removal	Removal
Major	Suspension to Removal	Removal	
<b>13. Child and Sexual</b>	Reprimand with	Removal	

Abuse Minor	twenty (20) days suspension		
Major	Removal		
<b>Offense</b>	<b>1<sup>st</sup> Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>
<b>14. All requirements in the Standards of Conducts</b> Minor	Reprimand with twenty (20) days Suspension		
Major	Reprimand to Removal		
<b>15. Leaving a child on the bus</b> Minor	Removal		
<b>Major</b>	Removal		
<b>16. Violations of other administrative regulations not specifically mentioned herein</b> Minor	Admonishment or Official Reprimand	Reprimand to five (5) days suspension	Reprimand to Removal
Major	Reprimand to Removal	Removal	

<b>17. Violations of Federal and Program eligibility determination regulations, and who enroll pregnant women and children that are not eligible to received Head Start or Early Head Start services mentioned herein</b> Minor	Reprimand with twenty (20) days Suspension		
Major	Reprimand to Removal	Removal	

## **13.2 ADMINISTRATION OF DISCIPLINARY ACTION**

### **POLICY**

Disciplinary actions may include one or more of the following:

- 1) counseling; placement of the document in the employee's file;
- 2) placement of the employee on probation for a period not to exceed three (3) months (90 working days);
- 3) an oral and/or written reprimand(s);
- 4) place the employee on suspension without pay for a specific period of time;
- 5) recommendation to demote an employee, and
- 6) recommendation to terminate the employee

The immediate supervisor has the authority to suspend an employee for a period of no more than three (3) working days. If it's necessary to extend the suspension, the immediate supervisor must submit a recommendation to the Human Resource Department to extend the suspension. Before an employee is suspended, the immediate supervisor must consult with the Human Resource Director. The recommendation must include justification for extending the suspension. Below are the procedures for supervisors to follow when administering disciplinary action.

NOTE: The employee shall have the right to appeal all disciplinary actions according to the Appeal Procedures in Chapter 15. All suspension shall be without pay. If the employee appeals the decision and the result of the decision is favorable to the employee, the employee shall be reinstated and paid for the period of suspension.

### **PROCEDURES:**

1. The supervisor shall meet with the employee prior to admonishing/reprimanding or suspending the employee. The supervisor shall provide the reason for the disciplinary action against the employee. NOTE: The supervisor may determine the offenses that require immediate suspension. If so, the supervisor shall suspend the employee verbally and follow steps 3 through 10 in this section.

NOTE: All action taken by the supervisor shall be consistent with the "Table of Offenses and Penalties"

2. If the disciplinary action requires written documentation, the supervisor shall provide the written documentation to the employee during the meeting or by mail.
3. The documentation shall state the reason for the discipline, the time frame (not to exceed three (3) days by the immediate supervisor) and the expected date to return

to work if a recommendation to extend the suspension or termination isn't necessary.

4. The supervisor shall submit within twenty-four (24) hours of the disciplinary action a report to the Human Resource Director containing the justification for the suspension, including the recommendation for additional disciplinary action.
5. If the documentation contains a recommendation to extend the suspension or termination, the Human Resource Director shall send the recommendation to the Executive Director/Head Start Director for approval.
6. If the Executive Director/Head Start Director approves/disapproves the extension of the suspension, the approval/disapproval is forwarded back to the Human Resource Director.
7. If the recommendation is to terminate the employee and the Executive Director/Head Start Director agrees with the recommendation, the Executive Director/Head Start Director shall submit a recommendation to the Policy Council (Head Start and Early Head Start employees only) for approval/disapproval.  
NOTE: The Executive Director/Head Start Director shall approve all action involving CAA employees.
8. If the recommendation to extend the suspension or terminate the employee is approved, the Human Resource Director shall send the employee a written communication indicating the extension of the suspension or termination of the employee. If the employee is suspended, a return to work date shall be included in the extension of the suspension.
9. If the recommendation to suspend or terminate the employee is disapproved, the Human Resource Director shall send a written communication to the employee indicating the return to work date and no further disciplinary action is taken against the employee.
10. The Executive Director/Head Start Director shall include in the monthly report to the board and Policy Council (Head Start and Early Head Start employees only), the names and the reasons for disciplinary actions against employees.

When corrective action preliminary to formal disciplinary action has been taken against an employee, a written account of such action must be placed in the employee's personnel file. Formal disciplinary actions include written reprimand, suspension, and dismissal. Documentation of corrective action, disciplinary measures shall be kept indefinitely in the employee's personnel file.

**A. COUNSELING**

Informal, oral discussion between the supervisor and the employee may occur to notify the employee that standards are not being met. The number of discussions necessary may vary from case to case, depending upon the extent of the problem and the progress made in correcting the problem.

**B. REPRIMAND**

When an employee has been reprimanded, a copy of the reprimand shall be placed in their personnel file. All such reprimands must be in writing. NOTE: Shall follow the Administration of Disciplinary Action Procedures.

**C. PROBATION**

A probation period focuses on improvement objectives for the employee, but it differs from counseling in that it specifies a time for improvement and includes a clear warning of discharge if the problem is not resolved. An employee on probation is not eligible for salary increases, promotions, or employee-initiated transfer. Salary increases granted following the end of the probation will not be retroactive.

**D. SUSPENSION**

The agency may temporarily remove an employee without pay from employment for disciplinary cause. In cases of subsequent termination, the suspension is without accrual of leave benefits. Suspension without pay shall not exceed twenty (20) working days, unless at least one of the following events has occurred:

- (i) The employee has been charged with a crime which, in the opinion of the agency, is such that the continuing presence of the employee would adversely affect the agency.
- (ii) An internal investigation of allegations of major violations of agency policies and procedures cannot be completed within the twenty (20) working day period.

If an employee has been charged with a crime such that, the documentation support, their continued presence would adversely affect the agency or if, the agency is involved in an investigation involving a major violation of agency policies, rules and regulations, the employee may be suspended immediately with pay. Such employee must be given an opportunity for a conference with the Executive Director/Head Start Director and Human Resource Director within ten (10) working days of the suspension, at which time a final decision regarding disciplinary action, if any, may be made by the agency.



If the employee has been charged with a crime for which a determination or verdict is not rendered within the ten-working-day period, the Executive Director/Head Start Director may suspend the employee without pay pending a decision/verdict on the criminal charge. If the employee is found not guilty and is acquitted of the criminal charge, the employee will be reinstated to a position within the agency. (If found not guilty, the employee may be compensated for the time of the suspension as funds permit). If a criminal trial, however, is continued at the request of the employee and/or their representative, BCCAA shall not be obligated to reinstate the employee to a position within the agency.

NOTE: The Executive Director/Head Start Director shall approve all actions involving BCCAA employees.

**E. DEMOTION**

Demotion of an employee may occur in those instances where the agency determines that such will best serve its interest. A demotion is the reduction in pay or placement in a lower class, with a lower salary and less discretion or responsibility of a permanent employee for disciplinary reason(s).

**F. TERMINATED**

A permanent employee may be terminated from his or her employment with BCCAA when their conduct is detrimental to or adverse to the effective function of the agency. A probationary or temporary employee may be dismissed at any time with or without cause and without notice. All recommendations for termination shall be made in writing to the Policy Council (Head Start and Early Head Start employees only) for approval or disapproval, the Human Resource Director shall be responsible for making the recommendation to the Policy Council.

NOTE: The Executive Director/Head Start Director shall approve all action involving BCCAA employees.

## **CHAPTER 14 TERMINATIONS**

### **14.0 VOLUNTARY TERMINATION**

Employees may voluntarily terminate their employment with the agency at anytime by resignation. At least ten (10) working days' written notice should be provided to the employee's immediate supervisor. The notice must specify the effective date of separation. The supervisor shall be provided a copy of the notice. The supervisor must forward the notice to the Human Resources Department. An employee voluntarily resigning before the end of a pay period must wait until the end of the pay period to receive their pay.

### **14.1 INVOLUNTARY TERMINATION**

#### **POLICY:**

The Executive Director/Head Start Director shall be responsible for submitting all recommendations for termination to the Policy Council (Head Start and Early Head Start employees only) and Board of Directors (if applicable). The recommendation shall include the following documentation: action by the employee justifying the recommendation for termination; the offense (according to the table of offenses and penalties) the employee violated; and the effective date of the termination. NOTE: The Executive Director/Head Start Director shall approve the Involuntary Termination involving CAA employees and notify the Board of Directors.

#### **PROCEDURES:**

1. The Executive Director/Head Start Director shall submit to the Policy Council the recommendation (including supporting documentation) to terminate the employee in advance of their meeting.
2. During the meeting, the Personnel Committee, Human Resource Director, and Executive Director/Head Start Director shall meet to discuss the documentation supporting the termination.
3. After the Personnel Committee completes their analysis, they shall submit their recommendation to the full Policy Council.
4. The Personnel Committee shall discuss their recommendation with the Policy Council. After completing the discussion, the Policy Council votes to approve or disapprove the recommendation.

NOTE: All disapprovals shall include language indicating whether or not the employee is being re-instated or the suspension is satisfactory for the actions of the employee.

5. If the recommendation is approved, the Human Resource Director shall complete the personnel action form terminating the employee, including filing a copy in the employee's personnel file.

NOTE: The recommendation for termination of the positions of Executive Director/Head Start Director, Human Resource Director or Director of Finance must be approved by the Board of Directors prior to completing step 7.

6. After completing the personnel action form, the Human Resource Director shall submit a written communication to the employee indicating their termination from the program. Also, the communication shall include instructions for the exit interview and the employee's right to appeal the decision according to Chapter 15. NOTE: The letter of termination shall be submitted to the terminated employee within two (2) working days after the Policy Council approves the termination.

7. If applicable, the Human Resource Director shall contact the employee's immediate supervisor with instructions to complete a time sheet for the remaining time owed to the employee by the agency.

NOTE: The time sheet shall be processed prior to the terminated employee's exit interview.

8. If the recommendation is disapproved, the Human Resource Director shall submit a written communication to the employee indicating their date of return to work. If the Policy Council disapproval includes reinstating the employee with pay, the communication shall indicate the period of time the employee will be compensated.

## **14.2 IMMEDIATE TERMINATION**

In extraordinary circumstances, a non-probationary, permanent employee may be suspended immediately and a recommendation by the Executive Director/Head Start Director to the Policy Council (Head Start and Early Head Start employees only) and Board of Directors (if applicable) to terminate the employee. The immediate termination activities shall be conducted according to the involuntary termination procedures.

NOTE: The Executive Director/Head Start Director shall approve the Immediate Termination involving CAA employees and notify the Board of Directors.

## **14.3 PROBATIONARY OR TEMPORARY EMPLOYEES**

A probationary employee may be terminated with or without cause at **Any Time** during his or her probationary period and without notice. A temporary employee may be terminated at any time with or without cause.

## **14.4 TERMINATION BECAUSE OF GARNISHMENTS**

It is the policy of BCCAA to adhere to the Federal and State of Mississippi garnishment laws. However, garnishments that are served on the agency cause administrative inconvenience, expense and generally impede the effective and efficient administration of the agency.

If an employee's wages have been subjected to garnishment, i.e., there have been actual withholdings of earnings, more than three (3) separate times during a grant/program year, the employee maybe recommended for termination.

## **14.5 EXIT INTERVIEW**

Upon termination, the employee will participate in an exit interview with the Executive Director/Head Start Director and the Human Resource Director. At such time, all agency property must be returned to the agency. The agency reserves the right to inspect and inventory the employee's office or work area when they voluntarily or involuntarily leave employment. The Executive Director/Head Start Director or designee will be present when the employee removes personal possessions from the agency's premises. At the conclusion of the interview, the Human Resource Director shall provide the employee with all remaining compensation for employment. If the employee doesn't return all agency property, the agency shall deduct the current depreciated fair market value of the property from the employee's remaining compensation. If the fair market depreciated value is greater than the employee's final compensation the agency shall withhold all remaining compensation and invoice the employee for the balance of the value of the property.

## **CHAPTER 15 APPEALS ADVERSE ACTIONS**

### **15.0 GENERAL**

A non-probationary, permanent employee may appeal an admonishment, reprimand, suspension or termination. However, they must follow the procedures set forth in this chapter.

### **15.1 RIGHT TO APPEAL**

Appeals are presented to the Policy Council (Head Start and Early Head Start staff) and Board of Directors. Normally, the Personnel Committee shall receive the appeals. Each non-probationary, permanent employee who receives a notice of admonishment, reprimand, suspension or termination has the right to appeal such action no later than ten (10) working days after receipt of said notice.

### **15.2 NOTICE OF APPEAL**

An employee who appeals an admonishment, reprimand, suspension or termination covered in this part must appeal in writing to the Chairperson of the Policy Council (Head Start and Early Head Start staff), Board of Directors, and/or Personnel Committee. The notice of appeal must include, at a minimum, the name of the employee, the reason(s) upon which an appeal is requested, the date of the Notice of Appeal, and the affected employee's signature. A Notice of Appeal not including the minimum information will be rejected.

The Notice of Appeal will be dated, stamped, and the date stamped thereon will be conclusively presumed to be the date that the Notice of Appeal was received.

### **15.3 UNTIMELY FILED APPEALS**

A Notice of Appeal not received or perfected within the time limit specified above in 15.1 will be considered untimely filed. Failure to appeal within the specified time limit shall operate conclusively as a waiver of the right to appeal. Under no circumstances may the right to appeal be reinstated after such waiver.

#### **15.4 REVIEWS BY THE POLICY COUNCIL (HEAD START AND EARLY HEAD START STAFF)**

1. Upon receipt of the Notice of Appeal, the Policy Council or Personnel Committee shall set a hearing date.
2. The Chairperson of the Policy Council or Personnel Committee shall, within five (5) days after receipt of the Notice of Appeal, notify the affected employee of the date, place and time of the appeal hearing. They have a right to counsel or representation at their own expense, the right to call or cross examine witnesses, and the right to produce or review documents at their own expense. The hearing date should be ten (10) to fifteen (15) working days after the date of the notification. The hearing may be held by the full Policy Council or by the Personnel Committee.
3. The Management team and the affected employee shall be entitled to attend the hearing. The Executive Director/Head Start Director may appear in person or by their designee, or submit a written statement in lieu of a personal appearance. The affected employee, however, is required to appear in person unless circumstances beyond their control prevent them from doing so. Should the affected employee fail to appear without prior written notification to the Policy Council or Personnel Committee, the appeal will be dismissed and may not be subsequently re-instated.
4. At the hearing, management team and Executive Director/Head Start Director and the affected employee will have the right to make an oral statement to the Policy Council or Personnel Committee, explaining their respective positions. In addition, both sides may present documented evidence in any form acceptable to the Policy Council or Personnel Committee. Both sides are entitled to call witnesses. The Policy Council or Personnel Committee may, at its discretion, call witnesses on its own initiative. An audio, audio-visual recording and/or transcript shall be made of the hearing.
5. Upon conclusion of the presentation by each side or upon determination by the Policy Council or Personnel Committee that no further evidence or representations are necessary, the Policy Council or Personnel Committee will immediately adjourn.
6. If the hearing is conducted by the Personnel Committee, the Personnel Committee will make a report of the findings and recommendations after a hearing on the matter. The findings and recommendations shall be presented to the Policy Council for consideration and decision. The Policy Council may accept, modify or reject the Personnel Committee recommendations.
7. The Policy Council must issue its decision not later than fourteen (14) days after the hearing.

8. The Policy Council shall send a copy of their decision to the employee filing the appeal. If the decision of the Policy Council isn't favorable to the employee, the employee may appeal to the Board of Directors.

#### **15.5 REVIEWS BY THE BOARD OF DIRECTORS (ALL STAFF)**

1. Upon receipt of the Notice of Appeal, the Board of Directors or Personnel Committee shall set a hearing date.
2. The Chairperson of the Board of Directors or Personnel Committee shall, within five (5) days after receipt of the Notice of Appeal, notify the affected employee of the date, place and time of the appeal hearing. The affected employee has a right to counsel or representation at their own expense, the right to call or cross examine witnesses, and the right to produce or review documents at their own expense. The hearing date should be ten (10) to fifteen (15) working days after the date of the notification. The hearing may be held by the full Board of Directors or by the Personnel Committee.
3. The Management team and the affected employee shall be entitled to attend the hearing. The Executive Director/Head Start Director may appear in person or by their designee, or submit a written statement in lieu of a personal appearance. The affected employee, however, is required to appear in person unless circumstances beyond their control prevent them from doing so. Should the affected employee fail to appear without prior written notification to the Board Chairperson or Personnel Committee, the appeal will be dismissed and may not be subsequently re-instated.
4. At the hearing, the management team and Executive Director/Head Start Director and the affected employee will have the right to make an oral statement to the Board or Personnel Committee, explaining their respective positions. In addition, both sides may present documentary evidence in any form acceptable to the Board of Directors or Personnel Committee. Both sides are entitled to call witnesses. The Board of Directors or Personnel Committee may, at its discretion, call witnesses on its own initiative. An audio, audio-visual recording and/or transcript shall be made of the hearing.
5. Upon conclusion of the presentation by each side or upon determination by the Board of Directors or Personnel Committee that no further evidence or representations are necessary, the Board of Directors or Personnel Committee will immediately adjourn.
6. If the hearing is conducted by the Personnel Committee, they will make a report of the findings and recommendations after a hearing on the matter.

7. The findings and recommendations shall be presented to the Board of Directors for consideration and decision. The Board of Directors may accept, modify or reject the Personnel Committee recommendations.
8. The Board of Directors shall issue its decision not later than fourteen (14) days after the hearing.
9. (Head Start and Early Head Start staff): If the Board of Directors decision is inconsistent with the Policy Council, the Board and Policy Council shall initiate the Impasse Procedures to resolve the Impasse.
10. (Head Start and Early Head Start staff): Once the Impasse is resolved the Board and Policy Council shall inform the individual of their decision.
11. (Head Start and Early Head Start staff): If the decision is to re-employ the individual, the Board of Directors and Policy Council shall inform the Human Resource Director, who shall be responsible for initiating the Procedures for Employment in Chapter 5.
12. (Head Start and Early Head Start staff): If the decision isn't favorable to the employee, the individuals shall have the right to pursue any course of action deemed necessary.



## CHAPTER 16 GRIEVANCES

### 16.0 GENERAL

A grievance is a claim by a non-probationary, permanent employee about unsatisfactory working conditions. The unsatisfactory working conditions may be a loss of some employment benefit or the employee's belief that BCCAA has imposed an unjustified burden on the employee or in the work place (which may come from a misinterpretation of the agency's policies). A probationary employee, substitute, or applicant for employment may file a grievance based only on alleged acts of discrimination based on race, color, creed, religion, national origin, sex, age, disability, or political affiliation in any personnel action or employment practice. The initial grievance filed by the employee will provide the basis for subsequent review(s) in the event of further appeal by the employee.

If the employee does not present their grievance within the specified period, the grievance is waived. Likewise, if an employee does not advance the grievance to the next level within the specified period, the last management decision stands.

If management does not act within the specified time, the employee may advance the grievance to the next level unless an extension of time is granted to management by the written mutual consent of management and the affected employee. All time limits may be extended upon mutual agreement of management and the employee.

### 16.1 DISGRUNTLED EMPLOYEES

Disgruntled employees are employees within our organization who are upset and displaying their dissatisfaction by continuous grumbling, complaining and/or causing conflict among co-workers within the organization. Such acts can be those such as creating and spreading rumors, providing poor services, refusal to carry out assigned duties, or creating a negative work environment. These actions must be addressed immediately and a resolution must be implemented before they begin to adversely affect other employees.

Disgruntled actions may include but not be limited to:

1. **Poor Performance:** A sign of an employee's dissatisfaction is when their performance drops. This is where constant feedback and performance monitoring can come in handy.
2. **Absenteeism:** An employee suddenly starts taking a lot of time off, such as increased sick days or just simply not showing up, it's a red flag. There could be other reasons,

such as harassment or even a family issue outside of the office. Either way, always check in to see what's going on.

3. **Bad Attitude:** The easiest way to tell how someone is feeling is the way they handle conversations, meetings, and their job activities. Gaging a person's attitude, especially in an in-person meeting the person's attitude changes and doesn't bounce back, it's a definite sign that something is wrong.
4. **Team Performance Drops:** If the employee's attitude changes and they appear to be unhappy with their job and/or they have begun to pull back their support when it comes to teamwork. Attention must be paid to determine how the employee works with others.

Steps to address the situation is to remain professional and avoid yelling, swearing and stooping to their level. All issues will be addressed quickly in order to identify the issue and follow-up done in the shortest amount of time possible. During the process, records of the meetings or interaction and behaviors of the employee must be kept in case the employee continues the negative actions and fails to change. Employee disciplinary actions will be implemented according to agency guidelines in case all other efforts have failed. This will include but not be limited to verbal warning, written warning, suspension and eventually a firing.

## **16.2 PROCESSING COMPLAINTS**

The Human Resources Department shall be available to assist management and the employee in implementing the Grievance process. The written statement submitted by the grievant, initially, to their immediate supervisor in Level One, shall form the only basis of the grievance throughout the Grievance process.

### **LEVEL ONE**

1. An employee who has a grievance complaint arising from an action or inaction subject to the control of management must present the grievance orally to their immediate supervisor within five (5) working days of the act or omission complained of. The immediate supervisor and the grievant will attempt to resolve the matter informally. The supervisor must respond, orally, within three (3) working days of the oral presentation. The supervisor must write a memorandum of record and must have the aggrieved employee sign it.
2. If the above step does not result in a satisfactory solution, the affected employees must, within three (3) working days after meeting with their immediate supervisor,

file a written statement with their immediate supervisor. The written statement must contain the details of the grievant complaint, the time, place and nature of the alleged act or omission, identity of witnesses, if any, the state of federal law or agency policy allegedly violated, and the remedy or relief the individual is seeking. The grievant must sign the statement.

3. The supervisor must respond, in writing, to the grievant within five (5) working days from receipt of the written grievance.
4. If the grievant does not submit to their immediate supervisor a written statement as required under this Level, their failure to do so shall be deemed an acceptance of the decision rendered by their immediate supervisor.

### **LEVEL TWO**

1. If the grievant is not satisfied with the Level One written decision, they may submit their grievance, in writing, to the Level Two supervisor (usually, the department director or program director) within three (3) working days after receipt of the Level One supervisor's written response.
2. The Level II supervisor shall investigate the matter and meet with the employee, the employee's supervisor, and any witnesses within three (3) working days after receipt of the grievance. The Level II supervisor must deliver a response to the employee within three (3) working days of the informal meeting.

### **LEVEL THREE**

1. If not satisfied with the Level Two decision, the grievant has three (3) working days from the date of receipt of the written decision of the Level Two review to submit a written grievance to the Executive Director/Head Start Director. If the Level One or Level Two respondent is the Executive Director/Head Start Director, the grievant shall proceed to Level Four. Upon receipt of the written grievance the Executive Director/Head Start Director shall notify the grievant in writing within five (5) working days of the date and time upon which the matter will be considered by the Executive Director/Head Start Director. The Executive Director/Head Start Director shall schedule a conference with the grievant no later than ten (10) working days from the date of receipt of the grievant written request for review by their immediate supervisor.
2. The grievant shall submit any and all information on their behalf that they desire to the Executive Director/Head Start Director no later than five (5) working days before the date upon which the conference is to be held with the Executive Director/Head Start Director.

3. The Executive Director/Head Start Director decision on the grievance must be reduced to writing and given to the grievant no later than five (5) working days from the date of the conference between the Executive Director/Head Start Director and the grievant.
4. If the grievant does not personally attend the conference with the Executive Director/Head Start Director, their failure to attend shall be deemed as an acceptance of the last management/supervisor's written decision.

#### **LEVEL FOUR**

1. If the grievant is not satisfied with the decision of the Executive Director/Head Start Director, or if the Executive Director/Head Start Director does not render a decision within the time specified herein, the employee may file a grievance with the Policy Council.

NOTE: If the CAA staff grievance is not satisfied at Level Three, the employee may file a grievance with the Board of Directors.

2. The request for review must be submitted in writing to the Personnel Committee of the Policy Council.
3. The grievant request must be filed, in writing, with the Policy Council's Personnel Committee (Head Start and Early Head Start staff) within five (5) working days of the Executive Director/Head Start Director's decision or of the date by which the Executive Director/Head Start Director should have acted.
4. If the grievance is not filed with the Policy Council Personnel Committee (Head Start and Early Head Start staff) within the five-day period described in step three, Level Four, the grievance shall be considered resolved.
5. Within five (5) working days after receipt of the grievance, the Policy Council (Head Start and Early Head Start staff) shall notify the grievant of the date, time and place of the hearing; of the right to representation at his or her own expense; of the right to cross-examine witnesses; and of the right to produce evidence and/or to examine any documentation used against them.
6. The Policy Council (Head Start and Early Head Start staff) shall set the hearing date between ten (10) to fifteen (15) working days after receipt of the request for review. The hearing may be held before the full Policy Council or Personnel Committee (Head Start and Early Head Start staff). However, the full Policy Council shall review the decision from which the grievant seeks review and render its decision based on the written record before it and such evidence as is presented at the hearing of the parties (management and the employee).

7. Within five (5) working days of the grievance hearing, the Policy Council (Head Start and Early Head Start staff) must give written notice of its decision to the grievant, Human Resources Director, Executive Director/Head Start Director, and the Board of Directors. The notice shall further advise the grievant of their right to request a review before the full Board of Directors.
8. The decision of the Policy Council (Head Start and Early Head Start staff) is appealable on the record by petition to the full Board of Directors. The grievant, however, must submit a written request for review to the Chairperson of the Board of Directors within five (5) working days after receipt of the decision of the Policy Council (Head Start and Early Head Start staff). The appeal before the Board of Directors is governed by Chapter 15 of this Manual.
9. Unless appeal to the Board of Directors, the decision of the Policy Council (Head Start and Early Head Start staff) is binding and the final step in the review process.
10. The Board of Directors shall have the final decisions in the grievance process.

(NOTE: If the action or grievance is initiated by the Executive Director/Head Start Director, they must begin at Level Four of the Grievance process. The employee shall bear the costs and/or expenses of their representative in the Grievance process.)

### **16.3 REVIEW OF GRIEVANCE**

An employee must follow the steps outlined in this Chapter for review of grievances. An employee cannot bypass a step to the next step without first exhausting the applicable administrative procedures immediately preceding that step. Failure to appeal or request a review within the specified time limits shall operate conclusively as a waiver of the right to request a review of the grievance and under no circumstance may the right to appeal/grieve be reinstated after such waiver.

## **CHAPTER 17 DISCRIMINATORY COMPLAINT PROCEDURES**

### **17.0 GENERAL**

Any person who believes that they have been discriminated against on the basis of race, color, creed, religion, sex, age, national origin, physical handicap, or disability must file a complaint no more than 180 days after the first date of the alleged act or occurrence. The aggrieved person may first file their complaint with the Human Resource Director.

The Human Resource Director will make every effort to resolve the complaint informally. The Human Resource Director shall, if requested by the complainant, assist in discussion with any party to the complaint and may take other steps which may assist in the resolution of the complaint. The Human Resource Director shall have access to any information necessary to resolve the complaint.

The complainant has the right to be accompanied, represented and advised by a representative of their choice and at their own expense. Confidentiality of the proceedings shall be maintained by the Human Resource Director unless otherwise authorized by the complainant. This requirement of confidentiality, however, shall not be used to impede or restrict the Human Resource Director in thoroughly investigating the complaint. The Human Resource Director will have twenty-one (21) days to attempt to resolve the complaint. After completion of attempts to resolve the complaint within this period, the Human Resource Director must submit a report to the Executive Director/Head Start Director, Policy Council and Board of Directors summarizing the complaint, investigation and disposition of the complaint, and the reason for the disposition.

Any action by the Human Resource Director shall be reported to, ratified, modified or otherwise acted upon by the Board of Directors and Policy Council or their duly authorized representatives.

The Human Resource Director will inform the complainant of their right to file a formal complaint with the Equal Employment Opportunity Commission, or any other appropriate federal, state, or local agency. Nothing in this policy shall be construed to mean that the complainant cannot file with the aforesaid agencies at any time before or during the complaint process.

## **17.1 SPECIAL GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT**

### PRACTICE AND PROCEDURES

All complaints of sexual harassment shall be thoroughly investigated. An employee who has a complaint of sexual harassment or preference may report such conduct to their supervisor according to the standard procedures in Chapter 16, or, if the source of the harassment is the employee's supervisor, file the grievance with the supervisor's supervisor or file the complaint directly with the Human Resource Director.

If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and to prevent its reoccurrence will be taken.

The following procedures will be utilized to process complaints under this Chapter:

1. Within five (5) working days of the time the complaint becomes known, the employee must present the complaint orally to the appropriate supervisor or Human Resource Director and submit the complaint in writing.
2. Within three (3) to five (5) working days the supervisor or complainant is to present a written report and submit it to the Human Resource Department.
3. Within five (5) working days after review of the complaint, the Human Resource Director shall personally question both or all parties involved in the complaint. A written record shall be made of the statements made by all parties involved. If the alleged harasser denies the allegation, the Human Resource Director must do additional fact finding before making a determination. This must be done within 5-7 working days, unless extended for good cause.
4. The complainant and/or the alleged harasser may request, in writing, a review before the Policy Council (Head Start and Early Head Start staff). If such a request is made, it shall be the responsibility of the Human Resource Director to arrange the hearing before the Policy Council.  
NOTE: For CAA staff, the Human Resource Director shall arrange the hearing before the Board of Directors as outlined in step 7 of this section.

5. The Policy Council will review the written summary of the reports prepared in step three (3) above and solicit any additional information that it deems necessary for the resolution of the complaint. The complainant and alleged harasser will be informed of the date and time to appear before the Council or its designated representative. The proceedings of the hearing will be recorded and kept on file in the Human Resource Department. The appearance before the Policy Council or designated

representative shall be held within 5-10 working days of the written request for review.

6. The Policy Council/representative will prepare a written summary of all relevant facts and conclusions. The summary of facts, findings and conclusions will provide the basis for subsequent review in the event of further appeal by the complainant. The Policy Council's written summary must be prepared within ten (10) working days of the appearance before the Policy Council/representative.
7. Within five (5) working days of receipt of the response, the complainant and/or alleged harasser may appeal the decision by submitting a written request for review by the Board. The Board shall review the written summary of the panel within thirty (30) working days of the receipt of the appeal. The Board's decision shall be made no later than the conclusion of its next regularly scheduled board meeting.

## **17.2 SPECIAL GRIEVANCE PROCEDURE FOR AMERICANS WITH DISABILITIES**

Any person who believes that they or any class of individuals has been subjected to discrimination as prohibited by Section 504 of the Rehabilitation Act of 1973 or the American with Disabilities Act may file a complaint pursuant to these procedures, on their own behalf, on behalf of another person, or on behalf of disabled persons as a class. The filing of a complaint will not subject a person to any form of adverse action, reprimand, retaliation, or otherwise adverse treatment by agency personnel. Implementation of this Grievance Procedure is not intended to prohibit an applicant or employee from utilizing the agency's standard grievance procedure outlined in Chapter 16.

1. Within ten (10) days of when a complainant knew or should have known of discriminatory conduct, a complaint shall be given in writing to the Human Resource Director. The complaint should include the name, address and telephone number of the individual or authorized representative filing the complaint, discriminatory acts; the identity of any witness; the remedy the individual is seeking; and the signature of the individual filing the grievance, properly dated by this individual.
2. The Human Resources Department shall, within ten (10) working days of receipt of the complaint, conduct a thorough investigation including questioning of all parties involved in the complaint. A written record shall be made of the statements by all parties involved. After the investigation is complete, the Human Resource Director shall meet with the complaining party and give a full report of the findings.
3. If an informal resolution is possible and mutually agreeable by the parties involved the Human Resource Director will facilitate arrangement of the resolution and make a record of this agreement. If no informal resolution is possible, the Human Resource Director will provide the Executive Director/Head Start Director with an



outline of possible accommodations, if any, for resolution of the grievance. This response shall be approved or disapproved by the Executive Director/Head Start Director. The Executive Director/Head Start Director shall review all aspects of the complaint and complete an additional investigation if necessary. The Executive Director/Head Start Director shall respond to the complainant in writing within ten (10) working days of receipt of the written appeal, unless extended for good cause.

4. If the complainant is not satisfied with the step three (3) results, the complainant shall have fifteen (15) working days from receipt of the Executive Director/Head Start Director's decision to appeal the complaint to the Policy Council (Head Start and Early Head Start staff). The appeal shall be in writing, describing the reasons for the complainant's dissatisfaction with the results of step three (3). The complainant shall have the opportunity to present an oral statement to the Policy Council or its designee before the Council makes its decision. The Council's decision shall be rendered within fifteen (15) working days after receipt of the appeal.

NOTE: The CAA staff shall have the opportunity to present an oral statement to the Board of Directors as outlined in step 5 of this section.

5. Within five (5) working days of receipt of the response of step five (5), the complainant may appeal the decision by submitting a written request for review by the Board. The Board shall review the written summary of the Policy Council within thirty (30) working days of the receipt of the appeal. The Board's decision shall be made no later than the conclusion of its next regularly scheduled board meeting.
6. If the grievance is not presented within the timeline set forth hereinabove, it will be considered waived, absent, an extension by written mutual consent of the complainant and the agency. If the agency does not act within any time frame presented herein, the complainant shall have the right to proceed to the next step in the grievance process unless an extension of time is granted by the mutual consent of the agency and complainant.

## **CHAPTER 18 TRAVELS AND REIMBURSEMENT**

### **18.0 GENERAL**

Travel reimbursement will be administered according to standard federal government travel regulations, or the agency's fiscal policies on travel. All BCCAA employees' Board of Directors, Policy Council and Parents are entitled to reimbursement for expenses incurred while traveling in the performance of their assigned job responsibilities, attending agency-sponsored activities, or other agency approved events. The costs incurred from point of travel origination to the area where business will be conducted and the return trip will be reimbursed on the basis of actual reasonable costs incurred when public conveyance is used or a flat rate per mile when personal vehicle is used. Authorized expenses incurred by employees in connection with their work should be requested on agency forms and submitted to the fiscal office. Amounts of expense reimbursements are subject to change based on changes and amendments to federal travel guidelines.

### **18.1 LOCAL TRAVEL**

Before an employee is reimbursed for travel in a private vehicle, there must be an initial statement from their insurance company of current liability insurance coverage in specified amounts as stated by the agency. This statement will require periodic updating. All travel must be supported by an approved travel voucher before reimbursement is made; reimbursement will be at the current prevailing rate of specific state or federal funding agencies. Travel checks will be released by the tenth (10<sup>th</sup>) of the month following the travel.

### **18.2 OUT-OF-AREA TRAVEL**

A person is considered in out-of-area travel status when the point is outside of service area (Bolivar County). Out-of-area travel must be requested in writing by the employee, submitted to the immediate supervisor for approval and forwarded to the Executive Director/Head Start Director for approval before the travel assignment. The employee will receive a daily per diem payment, which is subject to change based on the agency's budget and/or revisions to the agency and/or federal travel regulations.

Per diem is computed on a lodging plus basis. A per diem day is defined as being in continuous out-of-area travel status for a period of twenty-four hours.

Employees must complete all actual out-of-area travel reports within forty-eight (48) hours of their return to the agency. If an employee received advance travel allowance, they must return to the agency any reimbursement due to the agency along with the actual travel report. If the agency owes an employee for additional expenses the agency will pay the employee within forty-eight (48) hours after receiving the actual travel

report. Any employee failing to complete an actual travel report within forty-eight (48) hours will be subject to disciplinary action.

### **18.3 TRAVEL ADVANCES**

Travel advances are granted under certain circumstances, when traveling out of the service area and/or the travel requires payment upon arrival at the destination. The manager of the department responsible for the travel shall estimate the cost of the expenses and submit the request to the Executive Director/Head Start Director for approval.

The Executive Director/Head Start Director shall forward the request to the fiscal department to process the check. The check shall be forwarded to the traveler, who shall be responsible for completing the necessary paper work at the conclusion of the trip.

### **18.4 TRAVEL REIMBURSEMENT**

#### **1. AIRFARE**

Out-of-state travel by airlines shall be at the tourist rate, unless such space is unavailable. If travel is performed in first class airline accommodations, an employee shall certify on the itemized expense voucher that tourist accommodations were not available. When a traveling employee makes changes in airline reservations during the trip, which increases or decreases the airfare, a copy of the original ticket and credit or debit adjustment must all be attached to the voucher and an explanation for the changes made.

#### **2. TRAVEL IN PRIVATELY-OWNED MOTOR VEHICLES**

- A. An employee required to travel in connection with the performance of official duties shall be reimbursed for such travel at the agency approved rate per mile for travel when the employee's privately-owned vehicle is used.
- B. When two or more employees travel in one privately-owned vehicle, one travel expense at the authorized reimbursement rate per mile shall be allowed. Notation on the travel voucher should be made of the employee's name who is a guest passenger.
- C. If subsistence is claimed while traveling overnight with another person privately-owned automobile, entries should be made on the travel voucher and a statement made giving the name of the person in whose vehicle the trip was made.
- D. Reimbursement shall be made not to exceed the commercial airline tourist rate when an employee chooses to travel via personal automobile in interstate travel

instead of traveling by airplane. Subsistence claimed shall begin and end at the time the traveler would have departed, and returned, had the trip been made by airplane.

- E. Mileage shall be allowed for the distance actually and necessarily traveled to promptly discharge the duties required of the employee.
- F. An employee shall be paid the standard rate per mile, plus automobile parking fees, for the round trip in a privately owned automobile from the official station or place of business to an air terminal or from an air terminal to the official station. Parking fee receipts are required with the travel expense voucher.

3. MEALS, LODGING, AND OTHER NECESSARY EXPENSES

- A. **Meals.** An employee may be reimbursed for the cost of meals incurred in the course of official travel. The breakfast meal allowance shall be allowable when the departure time is prior to 6:30 a.m. from the official duty station when out-of-area travel or overnight travel is involved.  
The lunch meal shall be allowable when time of departure from the duty station for out-of-area is prior to 11:00 a.m. and return to official station is after 3:00 p.m., or when overnight travel is involved.  
The dinner meal is allowed when the employee returns home from out-of-area travel later than 8:00 p.m., or when overnight travel is involved.
- B. **Lodging.** Reimbursement for lodging shall be made when circumstances prevent departure and return travel to the official duty station in one day. In no case will an employee be reimbursed for lodging at their official duty station. Reimbursement for lodging expenses will be made for the amount actually paid when supported by a receipt.
- C. **Other.** Charges for transportation, such as buses, limousines, taxis, etc. will be allowed while traveling on official business.

Charges for rental vehicles will be allowed only when there is a demonstrated cost saving over other modes of transportation, such as buses, taxi, shuttles, etc., and not strictly for the employee's convenience.

Necessary travel expenses do not include personal items such as alcoholic beverages, entertainment, and trip insurance. Reasonable expenses incurred for tips to porters, maids, waiters, waitresses, and for baggage must be shown separately. Charges for registration fees are allowable as other authorized expenses if accompanied by a receipt. Meals must not be claimed as a separate item of expense on the travel voucher when included in the registration.

### **18.5 NON-REIMBURSABLE TRAVEL ITEMS**

1. BCCAA will not pay for any traffic citations – moving, standing, or parking.
2. No reimbursement will be given for personal auto insurance, repairs, depreciation, etc.
3. Travel between an employee’s place of residence and their work site is not considered official travel and will not be reimbursed or supplemented.

### **18.6 OFFICIAL DUTY STATION**

The official duty station of an employee designated to perform travel shall be the corporate limits of the city or town to which the employee is regularly assigned. An employee shall be allowed actual mileage charged in cases where official duties require travel within the official duty station. The actual points of travel must be shown.

### **18.7 AGENCY-OWNED VEHICLES**

Agency-owned vehicles will only be used for official use. Under no circumstances will vehicles be driven for personal use. When vehicles are not in use for official agency business, they will be parked at a site designated by the Executive Director/Head Start Director.

## **CHAPTER 19 RECORDS FOR STAFF (PERSONNEL) AND VOLUNTEERS**

### **19.0 MAINTENANCE OF RECORDS**

A confidential file containing all pertinent personnel information and action shall be maintained for each employee in the agency's Human Resources Department.

**Personnel Records** shall include:

1. The original application for employment, resume, transcript, credential, diploma, and verification of employment, including references (two or more);
2. The employment form including position title, salary, fringe benefits (Social Security (FICA); State Disability; Unemployment; Workmen Compensation; Health/Dental/Life Insurance; Retirement; Others) effective date of employment, and location of employment;
3. Change of Records Form; including position; name; address; family information and salary; changes to fringe benefit; others;
4. Documentation of disciplinary actions;
5. Employee performance evaluations;
6. Grievances submitted and actions taken;
7. Sick leave, annual leave, administrative leave, and other leave information;
8. Acceptance of employment forms;
9. Signed statement that they will not solicit or accept personal gratuities, favors, or anything of significant monetary value from contractors or potential contractors (If Applicable);
10. Acknowledgment of receipt of Personnel Policies and Procedures and any amendments there to;
11. Any documents pertaining to the employee's personnel history (e.g., promotions, demotions, commendations, training, etc.);
12. State and Federal tax exemptions forms;
13. Garnishments (If Applicable);
14. Insurance forms (Health/Dental/Life Insurance);

15. Documentation that the criminal records check (fingerprinting), child abuse central registry check, and sex offender registry check have been conducted, and other required, Federal, State and Local, checks, including signed declaration;
16. A copy of the employee's valid driver's license;
17. A copy of the employee's current automobile liability insurance;
18. Signed copy of restrictive use of agency vehicles policy;
19. Professional Development Plan;
20. Valid Immunization and Compliance Form 121(center staff); and
21. Documentation of Orientation within one (1) week of being hired (center staff).

**Volunteer Records** (120 or more hours per year) for any person who volunteers in a Head Start center for 120 or more hours per licensure year, a record shall be kept which contains the following:

1. Name, date of birth, address, and telephone number;
2. Documentation of education, training, and experience that may help them in their role as a volunteer;
3. Date individual began volunteering and last date individual volunteered at facility;
4. Mississippi Department of Health Certificate of Immunization Compliance Form 121;
5. T.B. Screening Documentation;
6. Documentation that the criminal records check (fingerprinting), child abuse central registry check, and sex offender registry check have been conducted, and the information included in each volunteer file;
7. Documentation of a minimum of one hour of volunteer orientation, within one (1) week of volunteering;
8. A volunteer's record shall be retained for a period of one (1) year after they are no longer volunteering at the facility; and
9. Records shall be maintained on each volunteer to document date and number of hours of volunteer service.

**Volunteer Records** (Less than 120 hours per year) for any person who volunteers in a Head Start center for less than 120 hours per licensure year, a record shall be kept which contains the following:

1. Documentation of a minimum of one (1) hour of volunteer orientation within one (1) week of volunteering;
2. A volunteer's record shall be retained for a period of one (1) year after they are no longer volunteering at the facility;
3. A record shall be maintained on each volunteer to document date and number of hours of volunteer service; and
4. T.B. Screening documentation.

Each employee is responsible for promptly notifying the Human Resource Department of changes to personal information including name, address, telephone number, marital status, number of income tax exemptions, beneficiary designation, and person(s) to be notified in case of an accident or emergency.

At the center, a personnel file shall be maintained on all employees containing the required documents required by the Licensure Division of the Mississippi State Department of Health.

### **19.1 EXAMINATION OF PERSONNEL FILES**

Personnel records are confidential. To guarantee security of the agency's personnel records, all files are kept in the Human Resource Department. The files are locked during non-working hours or when no one from the Human Resource Department is present. Access to files is on a need-to-know basis for legitimate agency reasons. In addition to the Human Resource Department, access to files may be granted to the agency's Executive Director/Head Start Director, an employee's supervisor, or a manager who is considering an employee for promotion, transfer, or other personnel action. Inspection of an employee's personnel file may be accomplished under the following conditions.

1. Each employee may, upon request, review their personnel file during normal business hours and at such time as not to disrupt the normal operation of the agency. The employee should serve the Human Resource Department with at least 24 hours-notice of their desire to review their personnel file. This review will take place in the Human Resource Department with a Human Resource representative present. Employees may obtain a copy of the documents in their files. The agency will charge a fee for all copies made.



2. All requests from sources outside the agency for personnel information concerning applicants for employment, current employees and former employees shall be directed to the Human Resource Department. This Department will release information to outsiders in response to written requests only after obtaining the specific written consent of the individual who is the subject of the request. The consent must set forth the information to be released to the outside source. However, the Human Resource Department may release the following information without obtaining the written consent of the affected individual pursuant to a bona fide written request for verification of employment, in which case, only the following will be disclosed:
  - (A) Employment dates;
  - (B) Position(s) held;
  - (C) Wage and salary information; and
  - (D) Location of job site.
3. The agency shall cooperate with federal, state, and local government agencies investigating an employee if the investigators furnish proper identification and proof of legal authority to receive agency information on the employee.

## **19.2 SEPARATE FILES**

Medical records, documents necessary for the administration of the agency's benefits programs, and any investigatory information concerning an employee shall be maintained in the personnel file. These files may be examined only by appropriate officials conducting an investigation.

## **19.3 RECORD RETENTION**

Employee's personnel records will be retained by the agency for at least five (5) years after an employee's separation/termination date from employment with the agency. However, if any litigation or other legal action, by or on behalf of the agency has begun that is not completed at the end of the five (5) year period, or if audit finding, litigation or other legal action has not been resolved at the end of the five (5) year period, the records shall be retained until resolution.

## **CHAPTER 20 DETAILS TO SPECIAL DUTY**

### **20.0 GENERAL**

When the services of a permanent agency employee are temporarily needed in a position within the agency other than the position to which they are regularly assigned, the employee may be required, in the discretion of the agency, to perform the tasks of such a position for a period not to exceed 180 working days without a change in position, title, or employee status. A temporary work assignment described hereunder is not a grievable issue.

An employee who is assigned to special duty will not be required to serve an additional probationary period.

In unusual circumstances, a detail beyond 180 working days may be authorized by the Board of Directors and Policy Council (Head Start and Early Head Start), upon request of the Executive Director/Head Start Director or Human Resource Director.

When an employee is assigned to the duties of a job classification that is in a higher pay range, such employee shall be certified to the increase in salary for the duration of the special duty assignment. Any salary increase certified for special duty shall be withdrawn upon completion of special duty. The employee shall be required to acknowledge the salary reduction after completion of the special duty assignment prior to certification for the temporary salary increase.

If the duties include non-Head Start activities, the agency shall implement one of the following:

1. If the employee is working for both Head Start and Non-Head Start activities, the agency shall develop and implement a Cost Allocation Plan.
2. If the employee is committing 100% of their time to the Non-Head Start Activities, the agency shall charge all related cost to the Non-Head Start program.

## **CHAPTER 21 REDUCTIONS IN FORCE**

The tenure of a permanent agency employee shall be continued during good behavior and satisfactory performance of assigned duties. However, circumstances may develop that necessitate a reduction in force.

### **21.0 GROUNDS**

Reduction in force may reduce the number of employees in BCCAA, whenever deemed necessary for the following reasons:

1. Shortage of funds or work;
2. Material change in duties of the organization;
3. A merger of agencies, components, departments, units, functions; or
4. Reduction in enrollment.

Prior to implementing the reduction in force, the Executive Director/Head Start Director must provide a written explanation or justification to the Personnel Committee of the Policy Council and Board of Directors citing one or more of the above reasons for the reduction in force. In addition, the agency shall meet with the Policy Council and Board to review and revise the agency organization structure. After the organizational structure has been approved by the Policy Council and Board of Directors, the Human Resource department shall implement the reduction in force.

### **21.1 METHOD OF REDUCTION IN FORCE**

1. A reduction in force because of shortage of funds, work, reduction in enrollment or material change in duties of the agency may be administered by the following method(s):
  - a. By functional area (e.g., office, component, section, unit);
  - b. By location (e.g., city, agency-wide);
  - c. By job class; or
  - d. By a combination of the preceding factors.

2. Once the method of reduction in force is determined and prior to implementation, the agency must develop a written statement of the method of the reduction in force to be administered and the proposed effective date. The correspondences shall be submitted to all employees and consultants.

### **21.2 ORDERS FOR REDUCTION IN FORCE**

Seniority, performance appraisals, time and attendance records, and types of appointments will be considered in determining the order of reduction in force. The reduction in force formula shall be in order that follows:

1. Those with substitute status;
2. Those with probationary, temporary, or provisional appointments;
3. Permanent agency employees.

### **21.3 RETENTION POINT FORMULAS FOR REDUCTION IN FORCE**

Permanent status agency employees shall be the last group of employees to be separated in a reduction in force. When permanent agency employees must be separated, employees with the lowest number of retention points based on seniority, performance appraisal and education shall be dismissed first. The retention point formula is as follows:

1. Seniority. An employee shall be credited with one (1) point for each year or portion thereof of continuous employment as a permanent agency employee. In calculating retention points for a partial month of service, one-twelfth (1/12) of a point is credited to employees with service equal to fifteen (15) calendar days in the month. No credit is given for service of less than fifteen (15) calendar days of the month.
2. Performance Appraisal. The three (3) most recent performance appraisal ratings in the last three (3) years, as recorded in the employee's personnel file with the Human Resources Department shall be used in calculating the employee's retention point score. The assigned retention points to calculate the average Adjusted Appraisal Score (AAS), as of the date the agency submits the organizational chart and staff plan to the Personnel Committee shall be utilized, as explained below.
3. Education. The staff shall be awarded one (1) point for each degree the employee has obtained in the position employed. Points shall be awarded for the following degree credentials: High School Diploma or Equivalent (1) point; AA degree or Equivalent (2) points; BS/BA Degree or Equivalent (3) points and Masters/Specialist Degree or Equivalent (4) points.

- a. Each employee's most recent performance evaluations as mentioned shall be assigned retention points by using the following scale--

**CENTRAL OFFICE**

<b>Rating</b>	<b>Retention Points</b>
Unsatisfactory	Zero (0) point
Satisfactory	Three (3) Points
Excellent	Six (6) Points
Outstanding	Nine (9) Points

**CENTER LEVEL**

<b>Rating</b>	<b>Retention Points</b>
Unsatisfactory	Zero (0) point
Satisfactory	Three (3) Points
Excellent	Six (6) Points
Outstanding	Nine (9) Points

- b. The retention points for each of the three (3) performance ratings shall then be added together and divided by three (3) to obtain the average AAS. If the division results in a fraction of .5 or greater, then the result is rounded to the next whole number. If the division results in a fraction of less than .5, then the result is not rounded to the next whole number (the fraction is dropped).  
 EXAMPLE: 27.5 rounded up to 28; 27.3 rounded down to 27.
- c. A performance evaluation rendered more than three (3) years before the agency submits the organizational chart and staff plan for reduction in force will not be used to calculate an employee's average AAS.
- d. The employee shall then be credited with the retention points computed under the AAS system above.

#### Example for Computation of Total Retention Points:

- (i) Continuous permanent employment equals 5 years; therefore, the employee would receive 5 retention points on the basis of seniority
- (ii) The last three (3) performance appraisals are Satisfactory, Excellent and Outstanding. Using the scale, the employee would receive retention points of 3, 6, and 9, respectively, on the basis of performance appraisal. The average AAS equals 6 ( $3 + 6 + 9 = 18$ .  $18$  divided by  $3 = 6$ ).
- (iii) Education BS Degree in Early Childhood Education 3 points

The employee's total retention point, in this example, equals 14 (Seniority (5) Education (3) + AAS (6)).

#### **21.4 NOTICE**

Employees who are to be terminated by a reduction in force shall be notified in writing of the effective date of the reduction in force termination at least ten (10) working days prior to the effective date of the layoff. The written notification shall cite the reason for the layoff.

BCCAA shall attempt to place the employee in another position for which the employee is qualified.

#### **21.5 CALL BACK**

An employee who is released due to cutback in work force shall retain their rights of seniority for a period not to exceed three (3) months from the date of the cutback. If the agency increases staff within the three-month period, employees affected by the reduction in force shall be given first choice of available positions for which they are qualified. However, a return from a reduction in force may involve transfer, reassignment, or reduction in pay.

A call back shall follow the reverse order of the reduction in workforce.

## **CHAPTER 22 COMMUNICABLE DISEASE; STAFF AND VOLUNTEER HEALTH AND STAFF MENTAL HEALTH AND WELLNESS**

### **22.0 COMMUNICABLE DISEASE**

#### **GENERAL**

An employee with a communicable disease shall remain at home until the disease is no longer a threat to others. Cases of communicable diseases that pose a threat to the health of others must be reported to the employee's immediate supervisor and the Human Resources Department. Each case shall be resolved in consultation with the appropriate Health Agency.

Decisions concerning employees infected with the Human Immunodeficiency Virus (HIV), Hepatitis B, or other blood borne diseases shall be based on an individual basis with regard to the behavior, physical condition of the employee, and the expected type of interaction with others in that setting. These decisions shall be made using the team approach including the employee's physician, public health personnel and personnel associated with the work place. In each case, risks and benefits to both the infected employee and to others in the setting shall be weighted. As conditions change, cases may be reevaluated.

## **22.1 HEALTH EXAMINATION/RE-EXAMINATION**

### **POLICY:**

All Head Start and Early Head Start employees must have an initial Health Exam (that includes screening for tuberculosis) immediately after accepting a position in the organization. The documentation for the Health Exam must be provided to the immediate supervisor before a new employee can be assigned job responsibilities. Additionally, all employees must have a re-examination prior to the start of the program's grant year (September 1). Also, regular volunteers shall be screened for tuberculosis if the State or local Health agency requires such screenings and/or the agency has determined the regular volunteer is/may be at risk.

### **PROCEDURES: Initial Health Examination**

1. After a prospective employee has been accepted for a position in the organization, the Human Resource Director shall send the employee a letter notifying the employee of their selection for the position.
2. The letter shall contain language that instructs the prospective employee to obtain from a qualified (licensed/certified health professional) a Health Examination (that includes screening for tuberculosis).
3. The prospective employee shall prior to starting the job, provide the immediate supervisor or Human Resource Department with a copy of the documentation of the Health Examination.
4. If the document is provided to the immediate supervisor, they shall forward the documentation to the Human Resource Department. If the immediate supervisor or Human Resource Department identifies information on the Health Examination that prevents or limits the prospective employee from performing the job responsibilities, the employee will not be allowed to start their employment until the problem can be resolved.
5. If the problem can't be resolved, the Human Resource Department shall notify the prospective employee in writing that their employment can't be processed.
6. If the Health Examination is consistent with the employee's position, the prospective employee shall start their job responsibilities according to the date in the letter of employment.
7. The Human Resource Department shall file the copy of the Health Examination in the employee's personnel folder (file).



**PROCEDURES: Annual Health Re-examination**

1. The Human Resources Department shall send a written notification to all employees informing them to provide documentation of their annual Health Re-examination (that includes screening for tuberculosis) on or before their Anniversary date.
2. The Human Resource Department shall send the notification to each employee 30 days prior to the due date.
3. The employee shall obtain from a qualified (licensed/certified health professional) a Health Re-examination (that includes screening for tuberculosis).
4. The employee shall provide the immediate supervisor or Human Resources Department with a copy of the documentation of the Health Re- examination on or before their Anniversary date.
5. If the document is provided to the immediate supervisor, they shall forward the documentation to the Human Resources Department. If the immediate supervisor or Human Resources Department identifies information on the Health Examination Form that prevents or limits the employee from performing the job responsibilities, the employee will not be allowed to return to work until the problem can be resolved.
6. If the problem can't be resolved, the Human Resource Department shall notify the employee in writing that their employment will be recommended for termination.
7. If the Health Re-examination doesn't prohibit the employee from performing their job responsibilities, the employee shall continue or return to work according to the grantee's work schedule.
8. The Human Resource Department shall file the copy of the Health Examination in the employee's personnel folder (file).

**PROCEDURES: Regular Volunteers shall be tested for tuberculosis (TB) (If required by the State or Local Health Department)**

1. The Center Director will inform the regular volunteer of the need for a TB screening immediately after being notified by the Health Services unit.
2. The volunteer shall obtain from a qualified (licensed/certified health professional) a TB test.
3. The volunteer shall provide the documentation to the Center Director.

4. If the results are positive, the Center Director will notify the volunteer in writing that their services are discontinued until a follow-up screening is negative.
5. Additionally, if the test is positive and the volunteer is a Head Start parent, the Center Director shall notify the Family Service Case Manager Immediately.
6. The Family Service Worker shall initiate a contact with the parent in order to provide follow-up services to the family.
7. If the results are negative, the Center Director shall allow the volunteer to continue providing volunteer services.
8. A copy of the results of the test shall be maintained in a file at the center and the original copy shall be forwarded to the Human Resource Department.
9. The staff in Human Resources shall maintain a file of the TB test results for all volunteers.

## **22.2 MENTAL HEALTH AND WELLNESS**

### **POLICY**

Bolivar County Community Action Agency shall provide mental health and wellness information and services to all employees requesting such assistance. The assistance shall include brochures; pamphlets and referrals to mental health services. Wellness activities may include exercise activities, support groups and walking programs. During pre-services, the staff shall be notified of the Wellness activities available to staff during the program year. Wellness activities shall be scheduled so they don't affect the services provided by staff to the children and families. The staff shall be responsible for notifying their immediate supervisor regarding the need for mental health and/or wellness services. All concerns regarding mental health and/or wellness shall be maintained confidentially according to the agency confidentiality policies and procedures. The agency shall develop and provide to each supervisor a list of the resources used internally and externally to address mental health and wellness needs of the staff.

### **PROCEDURES:**

1. The staff needing mental health and/or wellness support must meet with the immediate supervisor. The employee must provide a written description of their needs.
2. The supervisor shall discuss the needs with the employee and make available the internal and/or external resources provided by the agency.
3. As a result of the meeting, the supervisor shall submit a written report of the meeting to the Human Resource Director and Health Services Director.
4. If the report includes a recommendation for intervention by the Health Services Director, the director may conduct the following:
  - a) Provide support to the staff member directly or;
  - b) Refer the staff member to the agency Mental Health Consultant; and/or
  - c) Identify wellness activities of interest to the staff member.
5. The supervisor shall periodically follow-up with the staff member regarding the mental health or wellness concerns. The follow-up activities shall be determined by the staff member and supervisor. All follow-up meetings will be documented in the employee's personnel file.

6. At the conclusion of the mental health and/or wellness support provided by the agency, the staff will be requested to provide a statement indicating the progress toward meeting their issues.

## **CHAPTER 23 DRUGS- FREE WORKPLACE**

### **23.0 POLICY STATEMENT**

Pursuant to the Drug-Free Workplace Act of 1988, BCCAA has established a policy for a drug-free workplace. "Workplace" is defined as the site for the performance of work done, including the agency's buildings or other agency premises; any agency owned vehicle or any other agency approved vehicle used to transport recipients of service to and from the agency or agency-related activities, and off-agency property during any agency sponsored or agency approved activity, such as a field trip.

The use of alcohol or the unlawful manufacture, distribution dispensing, possession or use of a controlled substance by an employee at any time on BCCAA's premises, while on agency business or while on the job is prohibited. Employees must not report for duty or be on agency property while under the influence of, or have in their possession while on agency property, any alcoholic beverage, marijuana, narcotic or other controlled substance.

#### OFF DUTY CONDUCT

Off-the-job use of drugs, alcohol or any other prohibited substance which results in impaired work performance, including but not limited to absenteeism, tardiness, poor work product, or harm to the agency's image or relationship with the community, is prohibited. These rules prohibit illicit drug use on and off duty.

#### PRESCRIPTION

The legal possession or use of medication or a controlled substance lawfully prescribed by a licensed medical doctor and taken as prescribed is not prohibited. Under this policy, legal possession of a controlled substance lawfully prescribed by a licensed medical doctor requires that the controlled substance be in the original prescription container with the employee's name and the amount of dosage stated on the label of the container. The misuse, however, of prescribed (or over the counter) medications is prohibited and all employees using drugs at the direction of a physician must notify their supervisor when these drugs may affect their job performance, such as by causing drowsiness. Any employee violating this policy will be subject to discipline up to and including termination.

## **23.1 CONDITIONS OF EMPLOYMENT AND DRUG TESTING**

As a condition of employment, all employees shall abide by the terms of this policy and the Drug-Free Workplace Act. An employee is subject to discipline, including discharge for any violation of the policy. Sanctions against employees, including suspension and termination, shall be in accordance with the agency's Personnel Policies and Procedures.

As a condition of employment, each employee is required to sign an acknowledgment that they have received a copy of the agency's policy regarding the maintenance of a drug free workplace and that they agree to be bound by the terms and conditions of this policy as a condition of employment. As a further condition of employment, each employee is required to (1) abide by the terms of the agency's drug free/alcohol free, workplace policy, and (2) notify the immediate supervisor or Human Resource Director of any criminal drug statute conviction for a violation occurring while all employees are on the job or on the agency's premises, no later than five (5) days after such conviction. For purposes of this policy, conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body having jurisdiction to adjudicate charged violations of federal or state criminal drug and/or alcohol statutes. All prospective employees must pass a drug test prior to being employed by the agency. If an employee tests positive for illegal drugs, the employee shall be subject to disciplinary action according to the disciplinary procedures. If an employee admits to using illegal drugs either during the year or after being selected for a random test but before the test is administered, the agency shall provide assistance to the employee.

A list of safety-sensitive positions is listed but not limited to:

- Bus Drivers
- Traffic guards
- Positions that require or allow the carrying of a firearm
- Operation of motorized vehicles, including automobiles, trucks, buses, tractors, or other heavy equipment
- Positions that require or allow the operation of dangerous equipment
- Positions that entail working in dangerous conditions
- Positions that require a commercial driver's license.

### **EMPLOYMENT TESTING – CATEGORY I/PRE-EMPLOYMENT**

- A. Category I – positions where the health, welfare and/or safety of the public, co-workers or the individual employee is at risk shall be deemed "safety-sensitive" positions. A safety-sensitive function is any duty related to the safe operation of mass transportation, and any employee who holds a Commercial Driver's License.

- B. All participants of Category I positions shall be required to satisfactorily pass a substance abuse screening prior to employment or promotion into any Category I position.
- C. All employees who occupy Category I/Safety-Sensitive positions shall participate in random/unannounced substance abuse screening and alcohol testing in accordance with the following:
  - 1. All employees in Category I positions shall be tested at least once every (2) years.
  - 2. Employees in Category I positions shall be subject to random/unannounced substance abuse testing according to the procedures prepared by the agency, and Department of Transportation with at least 50% of the positions being tested each year, but this shall not in any way or manner limit the number or percentage the agency may wish to test in any one or more years.
  - 3. Employees in Category I positions shall also be subject to testing of screening under Category II or Category III.

#### EMPLOYEE TESTING – CATEGORY II/POST-ACCIDENT

Category II- Whenever a Category II employee has an on-the-job accident or suffers an occupational on-the-job injury requiring immediate treatment by a doctor or absence from work, or causes an injury to a fellow employee or to the general public which requires treatment by a doctor or absence from work, or where the injury was due to the employee's failure to wear required personal protective equipment or where there is property damage, said employee shall participate in a substance abuse screening and alcohol test.

All safety-sensitive employees will be required to undergo urine, drug, and/or breath alcohol testing if they are involved in an accident with an agency vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all surviving safety-sensitive employees who are on-duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or one or more vehicles incurs disabling damage that requires towing from the site. Unless the employer determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident, the employee shall undergo a post-accident urine, drug and/or breath alcohol test.

Following an accident, all employees will be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she has submitted to a post-accident alcohol test. Any employee who leaves the scene of the accident without justifiable explanation prior to submitting to drug and alcohol testing will be considered to have refused the test. Employees tested under this provision will include not only the operations personnel, but also any other covered employees whose performance could have contributed to the accident. There will be no testing for minor injuries such as: bee stings, bruises, muscle strains, minor cuts, scrapes, and similar minor injuries.

#### EMPLOYEE TESTING-CATEGORY III/SUSPICION/FOR CAUSE

Category III – an employee shall be required to participate in substance abuse and alcohol screening tests whenever circumstances exist which result in reasonable suspicion that the employee’s fitness for duty is impaired by substance abuse based upon any one or more of the following criteria:

1. An observable work-related behavior or similar pattern of conduct that appears to be signs of impairment of normal sensory and/or motor body functions, or otherwise not in conformance with acceptable agency or Department of Transportation policy;
2. Any articulable facts or evidence that indicates any possible substance abuse on the job;
3. Any information or evidence that warrants, or emanates from, an authorized investigation of possible drug or alcohol related activity by a specific individual or group;
4. Any pattern of behavior, conduct, or activity that is alcohol and/or drug related that is volatile of municipal, state or federal law; and
5. Any employee who tests positive during a drug or alcohol screening required by any licensing or certification requirement.

Such information may be reviewed by the office or the agency attorney and approved as to reasonable suspicion prior to a testing order.

## TESTING METHODS

### ALCOHOL

1. Testing for the presence of alcohol shall be by those methods recognized by the State of Mississippi, and the Department of Transportation. For those employees required to have a commercial driver's license and comply with Department of Transportation Regulations, testing will be done according to 49 CFR Part 40 and 382 of the Federal Register. Such tests may be conducted by: (1) a laboratory selected under Sec 3.2 herein; (2) the Medical Review Officer selected under Sec 3.6 herein; (3) by the Bolivar County Sheriff/Police Departments; or (4) testing devices for Department of Transportation required testing.
2. The cut –off limit for alcohol shall be 0.08 (BAC) or more by weight based on grams of alcohol per 100 milliliters of blood or 210 liters of breath. For employees subject to (DOT) regulations, testing shall be done by a (EBT) Evidential Breath Testing device. For any results .02 or greater a second confirmatory test will be done within 15-20 minutes. Testing will be done by certified Breath Alcohol Technicians (BAT's). Any confirmation alcohol result .02-0.39 will require the employee to be removed from his/her position for twenty-four (24) hours. For any confirmation alcohol results of .02 or greater the employee must be evaluated by a Substance Abuse Professional. Blood testing may be done on employees who are not subject to Federal Guidelines if needed for confirmation of an alcohol breath test.

### DRUGS

1. Testing for prohibited drug use shall be by immunoassay screen, with confirmation of positive test by gas chromatography/mass-spectrometry (GC/MS) techniques.
2. All drug testing procedures shall conform to applicable state and federal regulations and laws. The cut-off limits for drug screening shall be in accordance with NIDA guidelines, except that the initial testing for marijuana shall be 50 monograms.
3. Drug testing shall be for any of all unauthorized controlled substances, but shall include the following classes of drugs: marijuana, opiates, cocaine, amphetamines, and phencyclidine.
4. All employees shall be subject to testing prior to employment, for suspicion, and following an accident. In addition, employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professional's recommended treatment program. Those employees who perform safety-sensitive functions as defined in the attachment to this policy shall be subject to follow-up testing on a random, unannounced basis. Follow-up testing may be conducted from one (1) to five (5) during the first year.



## REFUSAL OR FAILURE TO PARTICIPATE IN SCREENING OR TESTING

1. When any applicant or employee appears unable or unwilling to give a specimen at the time of the test, the collection site person shall document the circumstances on the drug test form. The applicant or employee shall be permitted no more than eight (8) hours to have a sample, during which time they shall remain in the testing area (or other area determined by the collection site person), continually under observation. Reasonable amounts of water may be given to encourage urination. Failure to submit a sample shall be considered a refusal to participate in alcohol or drug screening, unless the agency, in its discretion, determines that under the facts and circumstances presented that such applicant or employee be allowed an additional opportunity to participate in the alcohol or drug testing.
2. Any applicant who fails or neglects to participate in alcohol or drug screening, who **refuses** to participate in alcohol or drug screening, or who attempts to evade the alcohol or drug screening process shall not be considered for employment by the agency for a period of at least twelve (12) months.
3. Any employee who fails or neglects to participate in alcohol or drug screening, who **refused** to participate in alcohol or drug screening, or who attempts to evade the alcohol or drug screening process shall be dismissed from employment with the agency, and shall not be considered for future employment for a period of at least twelve (12) months.
4. All employees will be subject to urine drug testing and alcohol testing. Any employee who refused to comply with a request for testing shall be removed from duty. Any employee who is suspected for providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Refusal can include an inability to provide a sufficient urine specimen or breathe sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

## **23.2 EMPLOYEE ASSISTANCE PROGRAM**

BCCAA will maintain a drug awareness and professional development program to inform employees about the types and effects of drugs and alcohol, symptoms of drug or alcohol use and its impact on performance and conduct, manifestation and behavioral causes that may indicate substance use and related treatment, rehabilitation, and confidentiality issues. The program will provide information regarding drug rehabilitation, counseling, and assistance programs. The names of drug counselors will be made available under this program to any employee upon request.

BCCAA's drug awareness program will also focus on information on the agency's policies concerning a drug free (alcohol free) workplace and details on the penalties that may be imposed upon employees violating the policies.

As supervisors have a key role in establishing and monitoring a drug and alcohol-free workplace, BCCAA will provide training to assist supervisors in recognizing and addressing alcohol or illegal drug use by the agency's employees.

## **23.3 ON THE JOB SUBSTANCE USE**

An employee aware of a fellow employee on the job substance/drug use is required to notify the immediate supervisor or the Human Resources Department of the drug/substance use.

## **23.4 VIOLATION OF FEDERAL AND PROGRAM ELIGIBILITY**

**HEAD START PROGRAM PERFORMANCE STANDARDS: 45 CFR Part 1305** Eligibility, Recruitment, Selection, Enrollment and Attendance Authority:42 U.S.C. 9801 et seq., 5 U.S.C.553(b).

### **POLICY/APPROACH:**

Disciplinary action up to and including termination will be taken against staff members who intentionally violate Federal and Program eligibility determination regulations, and who enroll pregnant women and children that are not eligible to receive Head Start or Early Head Start services.

### **PROCEDURES:**

1. Upon receiving allegations of a staff member, or file audit raise the suspicion of staff member intentionally enrolling children or pregnant woman who does not qualify for HS or EHS services, the staff member's supervisor will initiate an investigation.
2. If the investigation determines that enrollment staff willfully misrepresented income, birth, or selection criteria points to give a family advantage or disadvantage in the selection process, enrollment staff's supervisor will present the case to the Human Resources Director.
3. Human Resources Director will follow up with the case. If it is substantiated that the staff member intentionally violated Federal and program eligibility determination regulations, and enrolled pregnant woman or children that are not eligible to receive HS or EHS services HR. Director will determine disciplinary action up to including termination.
4. Parent/Guardians certify that they have submitted complete and accurate income and housing information for the purpose of being selected to Head Start of Early Head Start. If it is determined that families have intentionally provided false information, the HS/EHS Director will determine if the family continues in the program with a corrected eligibility status, or if the family will be dropped and replaced with an eligible family.

Addendum 12.01.22

