

# Berkshire County Arc

## EMPLOYEE HANDBOOK INDEX rev. July 19, 2021

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Welcome to Berkshire County Arc

We are very pleased that you have chosen to join the staff of our agency. For over 60 years we have been providing quality services for individuals with disabilities. You have become a member of a team of dedicated staff that is committed to helping others become productive members of their community. We encourage individual empowerment, personal growth and self-advocacy.

Berkshire County Arc is committed to seeking new approaches to providing services that are sensible and offer all individuals and families that we service a meaningful process that leads to quality lifestyles. As a new staff member you have the opportunity to help us to facilitate opportunities for individuals to reach their personal goals.

The agency's Board of Directors continues to work to improve our programs for the individuals that we serve as well as for all of the agency staff. It is our hope that you will enjoy your employment with us and that Berkshire County Arc will help you to meet your personal career goals. Welcome to Berkshire County Arc!!!...

Kenneth W. Singer  
President & CEO



## Agency Services - Philosophy

Since 1954 Berkshire County Arc has been committed to assisting and supporting individuals with disabilities in their quest to identify and realize their chosen lifestyles. We are dedicated to creating an environment which embraces the following characteristics:

- Personal Choice
- Partnership
- Caring
- Quality
- Dignity & Respect
- Diversity
- Responsiveness
- Security
- Organizational Performance

Today, Berkshire County Arc is a multi-service organization serving people with developmental disabilities and brain injuries. We offer Residential and Employment supports, Advocacy and Family Support, Day Programs, Brain Injury Programs, Clinical and Nursing supports, Adult Family Care (AFC), and Respite assistance. In addition, Berkshire County Arc hosts the Down Syndrome Family Group and annual Buddy Walk of the Berkshires.

Our highly trained and committed staff provides instruction, guidance, advocacy, support, assistance and counsel, as appropriate.

We believe that the individuals we serve have unique abilities, needs, and dreams for the future. Berkshire County Arc is committed to celebrating this uniqueness by continuously improving our ability to meet individual needs, foster achievement of personal goals, and recognize in both practice and policy, that the individuals we serve have the basic right to full community membership and the exercise of personal choice and control over their own lives to the maximum extent possible.

As both an advocate and as a provider of supports and services, Berkshire County Arc promotes the highest standards of communication, cooperation, coordination, and collaboration between and among the agencies and professionals with whom we are engaged on behalf of the individuals we serve and their families. We are constantly striving to ensure a climate of mutual respect and support, and the continuous exploration, discussion, and renewal of the values and commitment to caring which we share.

## MISSION

Berkshire County Arc is committed to assisting and supporting individuals in their quest to identify and realize their chosen lifestyles.

## Culture

*Berkshire County Arc is dedicated to creating an environment which embraces the following characteristics:*

**Personal Choice** – Individuals with developmental disabilities will be provided the opportunity to assume control of all aspects of their lives, including establishing personal goals, having input about where they will live and work, and choosing who will be their friends. They will also choose how and when they will use their free time and determine which Berkshire County Arc services they may wish to access.

**Partnership** – Personal success is strengthened when an individual is the true architect and co-planner of his/her future. Berkshire County Arc recognizes and values the input of parents and family members because they have the basic relationship, natural advocacy and years of experience as specialized teachers. Teamwork among all partners including other service agencies, advocates and community resources, is vital to ensuring the best services for each individual.

**Caring** – Through a genuine concern, sensitivity and understanding of individual needs, Berkshire County Arc is committed to supporting individuals in achieving their desired dreams and aspirations.

**Quality** – Support systems embody Berkshire County Arc's quest for excellence and integrity. Every aspect of service must reflect exemplary values and customized planning. The agency actively seeks family involvement and encourages full community inclusion for each individual.

**Dignity & Respect** – Individual independence is highly recognized by Berkshire County Arc. All individuals are valued contributors to their community whose privacy is honored and possessions are protected. Berkshire County Arc builds an individual's self-confidence by respecting each person's opinions and input, and by promoting opportunities for the individual to learn from success or failure.

**Diversity** – Bringing together people of varied experiences, backgrounds and disabilities is valued by Berkshire County Arc. Diversity of individuals, families and staff enriches and promotes acceptance.

**Responsiveness** – Changing conditions in each individual's life are noted and responded to in a timely manner. Berkshire County Arc views the well-considered response to change as an opportunity to enhance both the individual's life and the agency's ability to manage change effectively.

**Security** – Environments for all individuals should be safe and free from injury, abuse, neglect and financial instability. Berkshire County Arc creates environments that support good health and the best possible quality of life.

**Organizational Performance** – An environment with a secure financial base for the individuals served and those that support them is a priority of Berkshire County Arc. The Agency rewards directness, honesty, openness, efficiency, timeliness, excellence, continuity of actions and mutual respect. Berkshire County Arc regularly reviews its operating practices. The agency recognizes the benefits of team building to remove boundaries to innovative and creative thinking, and encouraging new areas of development.

## **CORPORATE COMPLIANCE PROGRAM**

Berkshire County Arc's Corporate Compliance Program is intended to promote adherence to the highest standards of business and ethical conduct in all aspects of agency operations and to ensure conformance to all federal, state, and local statutory and regulatory obligations. The agency has adopted this program proactively to deter criminal or unethical conduct, to prohibit waste, fraud, abuse and other wrong doing, to identify early any improper conduct before much damage can be done, for responsible use of social media, and to increase the likelihood that staff will report concerns internally.

Compliance policies are disseminated to managers, supervisors, staff members and Board members. There are appropriate communication and training mechanisms to ensure that policies and procedures are clearly understood. There are policies and procedures in place for staff to report suspected violations of agency policies or regulatory obligations without fear of reprisal and the agency will promptly investigate all credible reports. The agency will hold accountable all staff who willingly violate agency policies and regulatory obligations (including supervisors and managers who condone or unreasonably fail to prevent improper conduct), and will administer disciplinary action promptly and fairly. The President & CEO of the Agency has been designated the Corporate Compliance Officer and is responsible for the enforcement of the program.

### **Codes of Ethical Conduct**

All staff, volunteers, agency consultants and board members will uphold the core values inherent in the Berkshire County Arc mission and will contribute to maintaining an atmosphere that encourages and supports the key principles of personal choice, partnership, caring, quality, dignity and respect, diversity, responsiveness, security and the highest integrity of organizational performance. Orientation on these values and principles is provided; there are systems in place to address alleged violations of these ethical standards. At all times, treatment of individuals receiving services, family members, fellow staff members, volunteers, Board of Directors and members of the community at large is expected to comply with these established values and principles which include mutual respect and dignity, upholding confidentiality, full involvement in community life for individuals with disabilities, non-discrimination and teamwork.

### **Treatment of Individuals Receiving Services**

Berkshire County Arc is committed to upholding the human, civil and legal rights of all individuals served by the agency and ensuring the opportunity to live with dignity and exercise self-determination. All agency personnel and volunteers are expected to

- Adhere to the values and principles outlined in the Mission.

- Protect the people receiving services from any violations of their individual rights which are outlined in the policy and procedure manual.
- Follow the performance expectations as outlined in Personnel Standards which include the values and principles of respect and dignity, choice making, competence development and community participation.
- Adhere to the code of conduct outlined in Personnel Standards.

### Employees

All new employees receive a comprehensive training on values and philosophy of the agency. They are required to review the Berkshire County Arc Policy and Procedure Manual prior to commencement of employment. They must sign a consent form to certify that they will comply with all policies, practices and procedures outlined in the manual. This manual also includes information on the agency mission and its values and principles, as well as personnel standards which list a “code of conduct” that all staff must adhere to at all times. The BC Arc Employee Handbook, which also includes the personnel standards, is given to all new employees and, upon revision, is reviewed by all employees of Berkshire County Arc through our agency training platform.

### Board of Directors

All new Board of Director members receive a full orientation that includes a review of the Agency’s values, mission and philosophy. There is a comprehensive Board of Directors Orientation Manual which includes a code of ethical conduct that must be adhered to.

### Conflicts of Interest

No employee, officer or agent of Berkshire County Arc, Inc. shall participate in selection, or in the award or administration of a contract supported by U.S. Federal funds if a conflict of interest would be involved. Such a conflict would arise when (i) the employee, officer, or agent, (ii) any member of his/her immediate family, (iii) his/her partner, or (iv) an organization which employs, or is about to employ, any of the above, has a financial or other interest in the first selected for award. An employee, officers or agent shall be careful to ensure that s/he is not involved in apparent or potential violations of this provision.

### Gifts

Berkshire County Arc, Inc. officers, employees or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. Depending upon the circumstances, exceptions to this provision may be granted only in situations where the financial interest is not substantial or the gift is an unsolicited item



of nominal intrinsic value. An employee, officer or agent shall be careful to ensure that s/he is not involved in apparent or potential violations of this provision.

### Business and Financial Practices

All business and financial practices of Berkshire County Arc are conducted in compliance with applicable federal, state and local laws. The agency maintains systems to ensure appropriate and effective checks and balances in all accounting practices. Berkshire County Arc is committed to ensuring fair and equitable business practices that follow sound financial management practices to prohibit waste, fraud, abuse and other wrong doing. Agency staff and members of the Board of Directors are expected to adhere to all agency policies and practices relating to business and financial matters, including but not limited to the following:

- No agency staff person or board member will engage in any transaction involving the agency in which they have a financial or personal interest.
- All employees and members of the Board of Directors must be beyond challenge or reproach in all transactions.

### Waste, Fraud, and Abuse

Employees should report any actions concerning waste, fraud, and abuse immediately to the Corporate Compliance Officer and/or their designee. There will be no reprisals for these reports and all investigations will be completed in a timely manner.

### Marketing Activities

Berkshire County Arc is committed to providing information and education to the public that upholds the integrity of the agency and promotes the perception of individuals with disabilities as capable and valued community members. All marketing activities will adhere to established agency policy; all information is considered confidential and is not released without the approval of the President & CEO and the individual/guardian.

### Witnessing of Documents:

Staff members, with the exception of a legal notary, are prohibited from witnessing legal documents (e.g. wills, powers of attorney, etc.) for the individuals that we support. Individuals requiring such services will be referred to the appropriate legal services.

### Treatment of Community Members

Members of the community will be treated with respect by agency staff and volunteers at all times. Support will be provided to facilitate individuals' relationships with family, neighbors and other community members. All agency staff and volunteers are expected to maintain

confidentiality, represent the integrity of the agency and promote the perception of individuals receiving services as competent members of their community.

### Responsible use of Social Media

Employees need to know and adhere to the Social Media Policy (see policy under Personnel section of manual and Employee Handbooks) when using social media in reference to Berkshire County Arc. Employees will get appropriate permission before referring to or posting images of current or former employees, members, vendors or suppliers. Additionally, employees will get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property. Berkshire County Arc does not use social media as part of our hiring/vetting process for prospective employees.

### Alleged Code of Conduct Violations

Berkshire County Arc is committed to upholding the mission, values, principles and codes of ethical conduct of the agency; alleged violations are addressed and action is taken as appropriate. Conditions of employment are in place; the agency reserves the right to take disciplinary action that may involve oral or written warning, suspension without pay or discharge. Included in the Berkshire County Arc Manual (Hiring Process; Conditions of Employment; Discipline) is a list of examples of conduct which could result in immediate discharge. Written records of these actions are deemed confidential and are maintained by the Human Resources Department. In order to protect the human, civil and legal rights of individuals and to protect individuals from mistreatment, abuse and neglect, policies and procedures are in place and are strictly enforced. As outlined in the Agency By-Laws, there is a mechanism in place for termination of membership on the Board of Directors.

### Administration

Any employee, officer or agent of Berkshire County Arc, Inc. should report violations of this Code of Conduct to his/her supervisor, or to the President/CEO. There will be no retaliation against any party who makes a good faith complaint concerning violations of this Code of Conduct, regardless of whether it is ultimately determined that such violation has in fact occurred. Nor will there be any retaliation against any party who provides information in the course of an investigation into alleged violations of this Code of Conduct.

All corporation supervisors have a responsibility to be sensitive to and deal with violations of this Code of Conduct. This responsibility includes monitoring all relevant work activities and contacting a higher level supervisor or the President/CEO, if it is reasonably believed that a violation of the Code of Conduct has occurred. Any such report shall be investigated regardless of whether a formal complaint has been made.

## Discipline

Any employee, officer or agent of Berkshire County Arc, Inc. determined to have committed a violation of this Code of Conduct shall be subject to disciplinary action, up to and including termination.

## Dissemination

Berkshire County Arc, Inc. shall inform any employee, officer or agent of this Code of Conduct when this Code is adopted, and/or when s/he is initially retained by The Agency and on an annual basis thereafter.

## **NON-RETALIATION POLICY**

All staff, volunteers, agency consultants, and Board members are committed to the highest possible standards of ethical and legal business conduct. This conduct is detailed in the Agency's Codes of Ethical Conduct and honored in its Mission, and Culture Statements. To ensure that this commitment is realized the Agency has an expressed Non-Retaliation in Reporting or "whistleblower" policy to ensure and promote open communication. This policy has been created to provide an effective mechanism for associates to raise concerns and protect all individuals from repercussions or victimization for reporting issues in good faith.

The Non-Retaliation policy is intended to cover serious and sensitive issues that could negatively impact the agency in areas including incorrect financial reporting; unlawful activities; violation of agency policy; and serious unethical conduct.

### Reporting Procedure:

Serious concerns relating to financial reporting, or unethical or illegal conduct should be reported in writing to the President & CEO. Although the reporter is not expected to prove the truth of an allegation, the reporter needs to demonstrate to the President & CEO that there are sufficient grounds for concern.

The agency encourages reporters to put their names to allegations because appropriate follow up questions and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be investigated, but consideration will be given to the seriousness of the issue raised, the credibility of the concern, and the likelihood of confirming the allegation from attributable sources.

The action taken will depend on the nature of the complaint. The President & CEO will have 10 working days from receipt of a complaint to investigate its merits and to take action. The complainant will be given the opportunity to receive follow up on his/her concern within two weeks, including acknowledgement that the concerns and complaints involving individuals

should continue to be reported using the Abuse and Neglect Procedure as outlined in the BC Arc Manual.

Harassment or victimization of the complainant will not be tolerated. Every effort will be made to protect the complainant's identity; however, this cannot be guaranteed.

Malicious allegations will result in disciplinary actions, up to and including discharge.

BC Arc reserves the right to modify or amend this policy at any time.

## **RISK MANAGEMENT PROCESS**

Policy Statement:

The goal of Berkshire County Arc's Risk Management Process is to promote and further enhance quality services while efficiently and effectively minimizing the potential for accidental losses, which may have a detrimental impact on the organization.

Berkshire County Arc believes that every employee must be actively engaged in reducing the risk of accidental loss or injury by adhering to the policies designed to protect the organization from such occurrences. Further, risk management includes measures taken prior to, as well as in response to, an incident or loss. The intent is to reduce risks and the frequency and/or severity of losses at all times.

To facilitate this process, Berkshire County Arc has developed a Risk Management Plan that includes the following: assessment of risks, identifying categories of loss exposures, control mechanism used to minimize loss exposures, parties responsible to oversee control mechanisms, schedule for review and review dates.

Philosophy

1. The purpose of risk management is to improve the future, not to overanalyze the past.
2. Risk management should be viewed as a proactive, positive means to gain control over events that could have a negative impact upon the organization, individuals served, or employees.
3. Defense against operational risk and losses flows from the highest level of the organization – Board of Directors and Executive Management.

The plan (Risk Assessment) will be conducted annually at the beginning of the new fiscal year, unless circumstances preclude it from being completed at that time; however, it will be conducted at least once per year.

### **EMPLOYEE RELATIONS POLICY**

Berkshire County Arc is committed to positive relationships with each employee to make the environment conducive to excellence in serving our individuals and families. This commitment includes reviews of area wages, salaries, and benefits as well as reviews of personnel practices to assure that we offer competitive programs. We are committed to training employees in safe work practices, to equal opportunity, to quality performance (“do it right the first time”), and to maintaining quality and safety. We are committed to open, two-way communications to keep in touch with employees. We are committed to effective resolution of concerns, complaints or conflicts. We believe in an open door policy. Employees have the right, and are encouraged, to deal directly with their supervisor and other members of management regarding conditions of employment and other Agency issues.

### **EMPLOYEE SAFETY**

Berkshire County Arc recognizes that our employees are crucial to the success of our Agency. As the most critical resource, employees will be safeguarded through training, provision of appropriate work surroundings, and procedures that foster protection of health and safety. All work conducted by Berkshire County Arc’s employees will take into account the intent of this policy. No duty, no matter what its perceived result, will be deemed more important than employee health and safety.

Berkshire County Arc is committed to the safety of our employees. We will do everything possible to prevent workplace accidents and we are committed to providing a safe working environment for all employees.

We value our staff not only as employees but also as human beings critical to the success of their family, the local community, and Berkshire County Arc.

Employees are encouraged to report any unsafe work practices or safety hazards encountered on the job. All accidents/incidents (no matter how slight) are to be immediately reported to the Supervisor on duty.

A key factor in implementing this policy will be the strict compliance to all applicable federal, state, local and Company policies and procedures. Failure to comply with these policies may result in disciplinary action.

Respecting this, Berkshire County Arc will make every reasonable effort to provide a safe and healthful workplace that is free from any recognized or known potential hazards. Additionally, Berkshire County Arc subscribes to the following principles:

1. Most accidents are preventable through implementation of effective Safety and Health Control policies and programs.
2. Safety and Health controls are a major part of our work every day.
3. Accident prevention is good business. It minimizes human suffering, promotes better working conditions for everyone, holds Berkshire County Arc in higher regard with customers, and increases productivity. This is why Berkshire County Arc will comply with all safety and health regulations which apply to the course and scope of operations.
4. Management is responsible for providing the safest possible workplace for Employees. Consequently, management of Berkshire County Arc is committed to allocating and providing all of the resources needed to promote and effectively implement this safety policy.
5. Employees are responsible for following safe work practices and company rules, and for preventing accidents and injuries. Management will establish lines of communication to solicit and receive comments, information, suggestions, and assistance from employees where safety and health are concerned.
6. Management and Supervisors of Berkshire County Arc will set an exemplary example with good attitudes and strong commitment to safety and health in the workplace. Toward this end, management must monitor company safety and health performance, working environment and conditions to ensure that program objectives are achieved.
7. Our safety program applies to all employees and persons affected or associated in any way by the scope of this business. Everyone's goal must be to constantly improve safety awareness and to prevent accidents and injuries.

Everyone at Berkshire County Arc must be involved and committed to safety. This must be a team effort. Together, we can prevent accidents and injuries. Together, we can keep each other safe and healthy in the work that provides our livelihood.

## I. VALUES and PRINCIPLES

Since much of the success or failure of any community program and its individuals is determined by those assuming responsibility for the care and training of individuals with disabilities, the recruitment of personnel is a most essential consideration. The following Values and Principles reflect the performance expected to be met by any person in a position in the Berkshire County Arc program.

### Community Participation

People receiving BC Arc services are to be provided with as many opportunities as possible for individualized experiences in a wide range of natural community settings. To fully participate, an individual should have access to community experience to allow for integration within the setting. Services will support the physical integration of people with disabilities as members of the community.

### Relationship Building

The lives of people with disabilities can be enriched by experiencing many and varied relationships. Natural relationships with families, neighbors and co-workers need to be supported and encouraged. The expansion of these networks must also be encouraged by actively pursuing relationships which occur naturally, are voluntary, long lasting and involve non-disabled individuals.

### Choice/Decision Making

Individuals must be able to exercise as much control as possible over their own lives to ensure that their rights are respected and their interests are fully taken into account. Individuals are to be encouraged and supported in understanding their situation, their options, and in developing the ability to choose and communicate their interests and preferences in daily activities as well as in special meetings or forums.

### Developing Competency

All BC Arc employees must be committed to personal excellence and the development of ways that enable them and the individuals served to strive towards the highest possible level of achievement. All programs will build upon individual skills, strengths and interests, to develop attributes that are functional and meaningful in that they significantly increase a person's self-sufficiency and independence.

### Respect and Dignity

Service designs, settings and activities must work toward protecting personal rights and developing and maintaining a positive reputation for people. Similarities with non-disabled members of the community rather than differences are to be emphasized. Patterns of activity, language, and other symbols are to actively promote people with disabilities as capable, compassionate, valued and accepted members of the community.

The overall goal is to provide support and opportunities for individuals with disabilities to live fully, have meaningful work, and enjoy recreational activities while developing a network of relationships that enhance and enrich their lives. Staff must support people with disabilities to fully participate in the activities and opportunities generally afforded to any other citizens.

The following items are considered to be a “code of conduct/ethics” to be followed by all staff at all times:

1. Provide emotional support and training required by individuals with disabilities in their daily living activities.
2. Be aware of and understand individual needs.
3. Show respect for the dignity of the individual, and a belief in his/her self-determination and opportunity for growth.
4. Display a willingness to adhere to and protect the human rights of individuals served.
5. Utilize positive reinforcement techniques.
6. Reinforce individuals in a consistent manner when they demonstrate appropriate behaviors.
7. Provide opportunities for individuals to increase their level of independence.
8. Be committed to the team process of habilitation.
9. Act as a model to individuals, offering ideals and principles which will enable them to succeed in personal relationships, without imposing personal religious, cultural or sexual views.
10. Provide a safe environment at all times for individuals served. This includes while on the job and to situations where an employee’s off the job or off premises conduct could impact one’s performance.

## CLASSIFICATION OF EMPLOYEES

### REGULAR FULL TIME

An individual becomes a regular full time employee upon successfully completing the 90-day orientation period (and having a completed performance evaluation on file) and being regularly scheduled to work 30 or more hours per week. Regular full time employees are eligible for the benefits as listed in the Benefits section of the manual upon successfully completing the 90-day orientation period.



## REGULAR PART TIME

An individual becomes a regular part time employee upon successfully completing the 90-day orientation period (and having a completed performance evaluation on file) and being regularly scheduled to work from one hour per week to 29 hours per week. Regular part time employees will receive pro-rated benefits (vacation, personal and sick) as listed in the Benefits section of the manual.

## TEMPORARY

Temporary employees are not eligible for employee benefits. All others who do not have regularly scheduled work hours are to be considered temporary. This would include temporary help, relief, per diem, and substitute employees.

## RELIEF STAFF

Note: To remain on the BCARC relief list, staff in Residential, Brain Injury and Day Program Services are required to work a minimum of 24 hours per month. All other departments require Relief Staff to work a minimum of 10 hours per month to remain active. Relief staff are responsible to keep track of their hours. No staff may work more than forty hours per week without specific approval of the Residential Supervisor, Directors of Residential Services, Director of Day program Services (for day program services), Director of Brain Injury Services (for BI homes) or assigned designee. All overtime requires pre-approval and no one can work in excess of 60 hours in any given week. It is your responsibility to notify any program that calls you for hours that accepting a shift would put you at overtime. Site Managers, Assistant Site Managers and Directors need to have all overtime approved.

## II. HIRING PROCESS

### A. AFFIRMATIVE ACTION

Berkshire County Arc is an equal opportunity employer. It is the policy of BC Arc to provide equal employment opportunity to all people without regard to race, color, religion, sex, age, disability, national origin, sexual preference, or status as a Vietnam era veteran, Reservist or National Guard. Full realization of this policy shall be accomplished by a positive, continuing program to be known as BC Arc's Affirmative Action Program. BC Arc is committed to assuring equal opportunity and equal consideration to all applicants and employees in personnel matters including recruitment and hiring, training, promotion, salaries and other compensation, transfer and layoff or termination. In the implementation of this policy, BC Arc will actively seek out qualified disabled minority/women personnel for all job levels within the organization through upgrading and recruitment. BC Arc will endeavor to eliminate, whenever possible, any architectural barriers that may be a deterrent to employment, volunteering or service on the Board of Directors. The Agency also implements an annual Accessibility Plan to identify potential barriers and develop corrective actions. This plan is reviewed by the administrative team and approved by the Board of Directors.

### B. AMERICANS WITH DISABILITIES ACT as Amended (ADAAA)

The Agency complies with the Americans with Disabilities Act of 1990, as amended (ADAAA). This act protects qualified persons from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. The Agency is committed to providing reasonable accommodations to qualified persons with a disability in accordance with state and federal law. If you believe you are disabled and would like an accommodation in order to perform the essential functions of your job, please contact your Supervisor or the President & CEO in writing.

### C. EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

41 C.F.R. Section 60-741.1; 60-300.44(a)

It is the policy at Berkshire County Arc to provide equal employment and advancement opportunities to all qualified individuals in all aspects of employment including but not limited to hiring, training, promotion, compensation, and all other personnel actions without regard to disability, disabled veterans status, other protected veterans status or any other status that is protected by law. To achieve this goal, Berkshire County Arc is dedicated to taking affirmative action on behalf of qualified disabled persons, special disabled veterans, recently separated veterans and other protected veterans in compliance with Section 503 of the Rehabilitation Act of 1973 and Section 4212 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 as amended. Employees and applicants are protected from coercion, intimidation, interference or discrimination for

1. filing a complaint;

2. assisting or participating in an investigation, compliance review, hearing or any other activity related to the administration of Section 503 of the Rehabilitation Act of 1973 as amended, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 as amended (VEVRAA) , or any other Federal, state or local law requiring equal opportunity for disabled persons, special disabled veterans or other protected veterans;
3. opposing any act or practice made unlawful by section 503, VEVRAA or its implementing regulations; or any other Federal, state or local law requiring equal opportunity for protected veterans or for individuals with disabilities;
4. exercising any other right protected by section 503, VEVRAA or its implementing regulations.

Pursuant to this policy, a written affirmative action compliance program has been established which includes internal auditing and reporting systems to measure and evaluate the plan's effectiveness. The HR Director has been assigned the responsibility for carrying out the organization's affirmative action program and carrying out the principles as defined under this policy and the plan. This program is available for review upon request by any applicant or employee by contacting the HR Director during regular business hours.

If you are an employee and a disabled person, special disabled veteran, a recently separated veteran or other protected veteran who has received a campaign badge for service who is covered by this program and would like to be considered under the affirmative action program, please tell us. This information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (1) officers and managers may be informed regarding restriction on the work or duties of disabled veterans or disabled individuals, and regarding necessary accommodations, and (2) first aid personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment; government officials investigating compliance with the Act shall be informed.

BCArc's Equal Employment Opportunity Policy is and will continue to be communicated to all applicants, employees and the general public and posted in prominent locations. The Affirmative Action Officer (Director of Human Resources), who reports directly to the President & CEO, will be responsible for monitoring compliance with the Affirmative Action Program. BCArc's EEO Policy is detailed in the manual.

1. The policy will be specifically included in the personnel policies and will be a continuing and essential component of the personnel policies and procedures.
2. A copy of the Affirmative Action Plan will be maintained in the office of the Affirmative Action Officer and is available to any employee for review and discussion.
3. The policy will be discussed in employee orientation, training programs and in appropriate management and supervisory meetings.
4. A self-evaluation plan will be conducted annually to assure that no otherwise qualified person (applicant/staff) with disabilities is denied access to and benefit from agency activities, including employment opportunities.

5. Notices will be displayed as required by federal directives.
6. As job openings develop, sources of recruitment will be informed of the Equal Employment Opportunity Policy stipulating that women, minority candidates, veterans and those with a disability will be actively recruited for all positions listed.
7. Equal opportunity clauses will be incorporated in all advertisements.

#### D. PREGNANT WORKERS FAIRNESS ACT

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

It is BC Arc's policy not to discriminate against pregnant employees or those persons with conditions related to pregnancies as defined under state and federal law with regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

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

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

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

#### E. REASONABLE ACCOMMODATION POLICY

Berkshire County Arc has a long history of assisting individuals with disabilities. BC Arc has the same care and concern for an employee who is experiencing a temporary or permanent impairment and may need a reasonable accommodation in the work environment in order to succeed at his/her job. Berkshire County Arc is committed to providing a reasonable accommodation whenever feasible.

Only the employee knows what he/she requires to mitigate the situation or to prevent further disability. The affected employee needs to take the initiative by requesting an accommodation in his/her work setting or routine. The employee should make this request in writing to BC Arc's Human Resources department and also advise his/her immediate supervisor. He/she must accurately describe the impairment and suggest a reasonable accommodation.

The Director of Human Resources has the responsibility to confer with the appropriate Administrator and the President & CEO to determine whether to grant the request for accommodation. The issue will be evaluated as to its being reasonable in terms of cost, solution and the difficulties it presents. Alternative solutions may be considered. Medical documentation may be requested from the employee. The HR department must notify the employee of the decision in a reasonable time frame and, if appropriate, layout a timetable for implementation.

If the employee is dissatisfied with the outcome of his/her request for accommodation, then he/she should follow BC Arc's Grievance Procedure.

#### F. NONDISCRIMINATION

This is to notify all persons that BC Arc does not discriminate against any person because of race, color, religious creed, national origin, sex, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), age, ancestry, disability, genetic information or service in the military in the provision of or access to services, employment and activities. This is in accordance with all applicable federal and state law, including, but not limited to, Section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act, as amended, the Civil Rights Act of 1964, as amended, Article 114 of the Massachusetts Constitution, Chapters 151B and 272, sections 92, 98, and 98A of the Massachusetts General laws and Executive Orders 227, 246, and 253.

The Director of Human Resources is designated to administer compliance with the law and regulations.

1. No person will be excluded from service because of race, color, disability, sexual preference, religion, creed, sex, age or national origin.
2. There will be no segregation of persons served on the basis of race, color, disability, sexual preference, religion, creed, sex, age or national origin.
3. There will be no discrimination on the basis of race, color, disability, sexual preference, religion, creed, sex, age or national origin with regard to hiring, assignment, promotion or other conditions of staff employment.
4. The Agency has a written plan for positive action to achieve equal employment opportunity for all persons in the filling of its staff positions including elements such as: advertising in the media to fill jobs, self-identification as an equal employment opportunity employer in recruitment advertisements, and the use of employment agencies

which do not discriminate on the basis of race, color, disability, sexual preference, religion, creed, sex, age or national origin.

5. There will be no discrimination on the basis of race, color, disability, sexual preference, religion, creed, sex, age or national origin in membership on the agency's governing body, nor the clientele served by this agency.

#### G. GENETIC NONDISCRIMINATION ACT (GINA)

The Genetic Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting , or requiring, genetic information of an individual or a family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. “Genetic information” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

#### H. RECRUITMENT

All job vacancies will be posted in the main office, and on web sites, State Department of Labor sites, Job Fairs, other appropriate media, and through contacts with other social service agencies when necessary to provide job opportunities for a cross-section of qualified applicants encourage minority, female, veterans and disabled to apply (i.e. MA Rehab Commission). All applicants are tracked through our HRIS system.

Berkshire County Arc remains committed to identifying and removing barriers within the agency and in the community in an effort to promote accessibility for all individuals with disabilities. Barriers may include such areas as attitudinal, architectural, communication, employment and transportation.

Applicants will be chosen based on expertise, experience and education in the appropriate field and the needs of the Agency. All current staff must first notify their immediate Manager and Supervisor if they intend to formally apply for another position within the Agency. The staff person must then submit a letter of intent or resume to Human Resources. For all internal candidates length of service will also be considered. Resumes and a personal interview will be taken into consideration in the hiring of an applicant. Final job candidates will provide a minimum of three work references who will be contacted prior to job offer. Family and consumer input will be considered in employment decisions. The final selection of staff will be made by the President & CEO or his/her designee.

The Agency reserves the right to conduct a check with the Disabled Persons Protective Commission.

Priority consideration will be given to promotion of qualified current BC Arc personnel for any higher level openings.

All staff will provide copies of required credentials (e.g., degrees, licenses, certifications, etc.), before beginning work.

The Agency does not allow any staff who are related (defined as immediate family, in-law, aunts, uncles, nieces, nephews, significant other) to work in the same program.

## I. CORI POLICY

In order to ensure the safety of the individuals we serve in our programs we require a Criminal Record Information check (CORI) to be completed and kept on file for anyone who will be in direct contact with the individuals served in a BC Arc program. The Agency reserves the right to re-CORI at any time.

1. CORI checks will be conducted as authorized by Criminal History Systems Board (CHSB). All applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided with a copy of the CORI policy.
2. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision making process will be thoroughly familiar with the educational materials made available by CHSB.
3. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable laws or regulations.
4. If a criminal record is received from CHSB, the authorized individual will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.
5. If Berkshire County Arc makes an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and Berkshire County Arc's CORI policy, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given the opportunity to dispute the accuracy and relevance of the CORI record.
6. Applicants challenging the accuracy of the policy shall be provided a copy of the CHSB's Information Concerning the Process in Correcting a Criminal Record. If the CORI record provided does not exactly match the identification information provided by the applicant, BC Arc will make a determination based on a comparison of the CORI record and documents provided by the applicant. BC Arc may contact CHSB and request a detailed search consistent with CHSB policy.

7. If BCARC reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in Section IV on this policy, then the determination of suitability for the position or license of application with the Agency will be assessed.
8. The following is the Agency's policy if a current staff is found to have an "open or pending" CORI at any time during their employment.
  - a) The hiring authority will ensure the employee provides consent to a CORI investigation.
  - b) The staff will be suspended until the matter is reviewed.
  - c) If the CORI reveals a conviction or pending outcome, a review will be conducted by the HR Director. Careful consideration will be given to such factors as time since the conviction or pending offense, nature and specific circumstances of the offense, relationship of the criminal act to the nature of the work to be performed, number of offenses, etc. (note: all of the above are a partial listing of section 15:09 of the regulations). Input from the appropriate Administrative staff will be considered.
  - d) Recommendation will be made to the President & CEO.
  - e) If the decision is to reinstate, the Agency will submit the CORI review form to the appropriate Commissioner for their approval or disapproval to reinstate the employee after due consideration is given by the agency as listed in part C above. If denied, the employee will be terminated.
  - f) For a CORI to be considered closed the staff must submit to the HR Director the appropriate documentation from the Court.

## J. SORI POLICY

In order to ensure the safety of the individuals we serve in our programs we require a Sex Offender Registry Information check (SORI) to be completed and kept on file for anyone who will be in direct contact with the individuals served in a BCARC program. The Agency reserves the right to re-SORI at any time.

SORI checks will be conducted as authorized by Sex Offender Registry Board (SORB) after an offer of employment has been made. All applicants will be notified that a SORI check will be conducted. If requested, the applicant will be provided with a copy of the SORI policy. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on SORI checks will be made consistent with this policy and any applicable laws or regulations.

If a criminal record is received from SORB, the authorized individual will closely compare the record provided by SORB with the information on the SORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

1. If Berkshire County ARC makes an adverse decision based on the results of the SORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and Berkshire County ARC's SORI policy, advised of the part(s) of the record that make the individual unsuitable for the position, and given the opportunity to dispute the accuracy and relevance of the SORI record.



2. If BCARC reasonably believes the record belongs to the applicant and is accurate, then the determination of suitability for the position or license of application with the Agency will be assessed.
3. The following is the Agency's policy if a current staff is found to have a SORI conviction at any time during their employment.
  - a) The staff will be suspended until the matter is reviewed.
  - b) If the SORI reveals a conviction, a review will be conducted by the HR Director. Careful consideration will be given to such factors as: time since the conviction, nature and specific circumstances of the offense, relationship of the criminal act to the nature of the work to be performed, number of offenses, etc. Input from the appropriate Administrative Staff will be considered.
  - c) Final determination will be made by the President/CEO or their designee that will be up to and including termination.

#### K. FINGERPRINT POLICY

In order to ensure the safety of the individuals we serve in our programs and to comply with DDS regulations, we require a Fingerprint check on all new employees and all existing employees hired before 1/4/2016. According to regulations all existing employees' fingerprints must be completed by 1/1/2019. The DDS Criminal Background Check Unit notifies the HR Department if the new or existing employee is deemed SUITABLE OR NOT SUITABLE FOR EMPLOYMENT

National Criminal Background Check Legislation Chapter 234 of the Acts of 2014, An Act Requiring National Background Checks requires that the department "conduct fingerprint-based checks of the state and national criminal history databases...to determine the suitability of all current and prospective employees, who have the potential for unsupervised contact with persons with an intellectual or developmental disability in any department-licensed or funded program." Employees is defined broadly to include any apprentice, intern, transportation provider, volunteer or sub-contractor who may have direct and unmonitored contact with a person with an intellectual or developmental disability. Chapter 234 also requires that any household members, age 15 or older, or persons regularly on the premises of residential facilities, shall be subject to a fingerprint-based national criminal background check.

HR will facilitate this policy for both new and existing employees. If a new employee is found NOT SUITABLE FOR EMPLOYMENT, the hiring process will halt. If an existing employee is found NOT SUITABLE FOR EMPLOYMENT it will likely end in Termination of the said employee.

## L. DISABLED PERSONS PROTECTION COMMISSION (DPPC) ABUSER REGISTRY POLICY

In 2020, Massachusetts enacted a law requiring the DPPC to “establish and maintain a registry of care providers against whom the [DPPC] has made a substantiated finding of registrable abuse.” The DPPC Abuser Registry is effective July 31, 2021, and is intended to protect individuals with intellectual or developmental disabilities (“I/DD”) by barring care providers who have a substantiated finding of registrable abuse from working with other persons with intellectual or developmental disabilities. A substantiated finding of registrable abuse is a finding by the DPPC, after investigation and opportunity to appeal, that a care provider abused a person with I/DD. DDS and agencies defined as Employers by the law must check the registry. For purposes of the DPPC Abuser Registry, Employer means any agency that provides services or treatment to people with I/DD pursuant to:

- A contract or agreement with DDS;
- Funding administered by DDS; or
- A license issued by DDS.

Checking the DPPC Abuser Registry is **MANDATORY**. All employers **MUST** check the DPPC Abuser Registry before hiring or contracting with any care provider who may be providing services or treatment to a person with I/DD.

If you are DDS or an agency that provides services or treatment to people with I/DD under a contract, agreement, or license with DDS, or funding administered by DDS, you are prohibited from hiring someone whose name is listed on the DPPC Abuser Registry to work as a care provider. There are NO exceptions.

Effective July 31, 2021 Berkshire County Arc (BCArc) will request that all prospective employees complete a form authorizing BC Arc to conduct a search of the DPPC Abuser Registry when completing pre-employment paperwork after an offer has been made. As per the law, if a new hire refuses to consent; BC Arc cannot move forward with hiring.

## M. CONDITIONS OF EMPLOYMENT

1. New employees must complete an orientation employment period during their first 90 days after their first day of work. During this orientation period, new employees will be able to figure out if BC Arc is a good fit and BC Arc will determine if the new employee is a good fit. During this orientation period, employment may be terminated for any non-discretionary reason with or without notice. Employment with BC Arc is always on an at-will basis, including after the orientation period, unless otherwise agreed to in writing by the President & CEO or the Board of Directors.

Staff working with children under the age of 22 years or individuals through ABI Medicaid waiver services are required by law to have written certification from a physician of up-to-date results of Mantoux (TB) testing and that Individuals are free from communicable disease prior to employment.

2. Physical Exams – It is the policy of this Agency that all staff working in ABI and MRC programs that have direct contact with individuals must complete a satisfactory pre-employment physical examination. In addition, all must show evidence that they have received a tuberculosis screening in the previous 12 months. This applies to new hires and all current and existing staff in the affected programs. This screening (TB) is to be conducted on a bi-annual basis. The physical exam is to be performed as a onetime occurrence.

The cost of these programs will be paid for by the Agency. The staff must be medically fit to perform the essential functions of the job. Arrangements for the completion of the physicals and TB testing will be arranged by our Human Resources Department.

1. Destruction of Property

Any employee found willfully defacing or destroying agency property is subject to immediate disciplinary action and possible criminal prosecution.

2. Fire Arms

Possession of firearms is not permitted at any time.

3. Theft

The unauthorized removal or attempted removal from the premises, by an employee, of property belonging to the Agency, individuals, or another employee will be considered theft and will result in disciplinary action and possible criminal prosecution.

4. Alcohol and Drug Use

Purpose:

- These policy statements are predicated on management's firm belief in its right to employ competent workers and in its obligation to all employees to take reasonable steps to protect the safety of the workplace, immediate surroundings, and our individuals. Involvement with illegal drugs or marijuana, alcohol and substance abuse is a threat to the safety all those associated with the Agency.
- To provide a safe workplace by eliminating the hazards to health and job safety created by substance abuse.
- To provide rehabilitation, to the extent required by the Americans with Disabilities Act, for employees who may have a drug/alcohol problem.
- Applies to all employees while on the job and to situations where an employee's off the job or off premises conduct could impair work performance.
- Not meant to intrude in the private lives of employees. However, involvement with alcohol, marijuana, or illegal drugs off the job takes its toll on job performance. It is expected that employees follow the Agency code of "conduct/ethics" at all times whether or not they are on the clock whenever they are in the presence of individuals.

Policy:

- The Agency will not tolerate or condone substance abuse. It is our policy to maintain a workplace free from alcohol, marijuana, and other drug abuse and its effects.
- It is considered a willful violation of agency policy for any employee to use, possess, sell, convey, distribute, dispense or manufacture alcohol, marijuana, illegal drugs, intoxicants or controlled substances of any type while on or using agency property (including agency parking lots and grounds), conducting agency business or otherwise representing the agency.
- It is considered a willful violation of agency policy for any employee to use prescription drugs illegally. This does not preclude the appropriate use of legally prescribed medications.
- It is considered a willful violation of agency policy for any employee to be on or using agency property, conducting agency business or otherwise representing the agency while, in the opinion of management, the employee is in an intoxicated state. This includes any unsafe acts or practices that may endanger the health, welfare, or life of another or their property.
- Substance abuse also includes abuse of prescription drugs.
- To protect themselves and their co-workers, all employees taking prescription drugs that could prevent their ability to effectively perform their job duties should notify their supervisor prior to reporting to duty.
- The Agency reserves the right, as determined necessary and appropriate, based upon reasonable suspicion, to conduct investigations and/or searches of employees and/or their personal effects, while located on Agency property. Such investigations and or searches will be conducted to determine if a violation of this policy has occurred, and will be conducted only when there is reasonable suspicion that a violation has occurred.
- The Agency also reserves the right to request an employee to submit to drug and alcohol screening in the event there is reasonable suspicion and employee is under the influence, as determined by the Agency.
- The employee will be offered a chance to explain a positive result and may be offered the opportunity to seek treatment for substance abuse.
- Any violation of the above policy will be subject to disciplinary action up to and including termination.

Procedures:

- If the employee appears to not to be fit for duty, call the page/Director for a plan of action. If the decision is to take the employee off the job and send the individual home, arrange for a ride. If the employee insists on driving, advise employee that they are doing it against the advice of the Agency. Efforts will be made to protect the individuals and staff and maintain a safe environment as necessary.
- At the direction of the President & CEO or designee, an internal Administrative Review may occur.
- Prior to an employee returning to work and based on findings from the Administrative Review, the agency reserves the right to have the employee drug tested.

- In the event that any kind of search becomes necessary, it will be conducted with the respect, and with the utmost consideration for the employee's privacy. The agency will follow the inspection of Property Policy as outlined in the Agency Manual. The search will be made up of Agency property that is maintained on the premises such as lockers, desks, cabinets, computers, cell phones, etc.
- If an employee submits to drug screening, Drug Screening Tests will be conducted by a qualified, certified occupational health facility contracted to perform such testing. In the event an initial drug screening result is positive, confirmatory testing may be performed. Positive results on "For Cause" testing will subject the employee to discipline up to and including termination.
- All test results positive or negative are confidential. The test results will be reported by the lab to the individual and the Agency who is responsible for reviewing the results for the purposes of determining the appropriate action to be taken based on the results.
- All written documentation relative to test results received by the Agency will be maintained in strict confidence. Results being available only to appropriate personnel who have a direct, employment related "Need to Know". All written reports will be maintained in a file separate from the employees personnel file.
- The employee will be provided with EAP information.
- If a leave of absence is requested and granted and the employee is participating in a substance abuse rehabilitation program, the employee will not lose his employment status and, upon successful completion of the rehabilitation program, may resume his/her position or an equivalent job position. The employee will not be discriminated against or penalized in any way with regard to job assignment, promotion, or merit because of his/her participation in a substance abuse program or for his/her absence for the time necessary to participate in the program. Provided the size of the agency workforce has not been reduced during the rehabilitation period, upon return to duty the employee will not be reduced in rank or responsibility as a result of the period of absence necessary for treatment.

The agency will make every reasonable effort to assure that the utmost privacy and confidentiality is maintained at all times with regard to the enforcement of this policy.

##### 5. Inspection of Property

In order to maintain our security and our property interests as well as the interests of fellow employees, the Agency reserves the right to inspect any Agency property that is maintained on the premises. Inspection of Agency property includes but is not limited to: lockers, desks, cabinets, computers, cell phones, etc. While the enforcement and maintenance of this policy may be uncomfortable to some, it is a security policy that is necessary to protect us all and to assure that we work in a safe and secure environment. Any employee found in violation of this policy will be subject to disciplinary action up to and including dismissal.

##### 6. Discipline

The Agency may, in its sole discretion, take appropriate disciplinary action against an employee who violates any Agency policy or whose conduct or behavior is contrary to the interests of the Agency or the individuals it exists to support. The nature of that discipline is within the discretion of the Agency and may involve oral or written warnings, suspensions without pay (given by Supervisors), or discharge. The President & CEO or his/her designee must approve all discharges. We expect employees to adhere to Agency policies and guidelines and display a high degree of ethical and professional behavior toward co-workers, Individuals and the Agency.

At times it may become necessary for a supervisor to counsel an employee for unsatisfactory performance, misconduct, or infractions of rules. In such instances, the employee will be counseled by his or her immediate supervisor and the results of that meeting will be documented on the BCARC Employee Counseling Report. This report must be signed by the Program Director and dated by both the supervisor and the employee and may be witnessed if appropriate and filed in the employee's personnel file. Note: Administration reserves the right to change a written counseling upon receipt from a supervisor. This change will be communicated to all respective parties in writing.

The following is a list of examples of conduct, which could result in immediate discharge. The list is not exhaustive but only contains examples. It is not to be construed as limiting those instances in which the discharge penalty may be imposed, or limiting the Agency's right to discharge employees for offenses not contained in the listing of examples:

- Possession of firearms
- Gambling
- Sexual Harassment
- Insubordination, willful disregard of management direction, or refusal to perform a work assignment.
- It is considered a willful violation of agency policy for any employee to use, possess, sell, convey, distribute, dispense or manufacture alcohol, marijuana, illegal drugs, prescription drugs, intoxicants or controlled substances of any type while on or using agency property (including agency parking lots and grounds), conducting agency business or otherwise representing the agency.
- Making false statements on employment applications, resumes, time records, insurance claims.
- Destruction of property
- Theft, unauthorized possession, removal of, damage to, or destruction of Agency / Individuals property or the property of other employees.
- Disrespect to Individuals and/or families
- Misrepresentation of individual funds
- Abuse, neglect or mistreatment of Individuals
- Sleeping on the job during working hours
- Record falsification
- Dishonesty
- Breach of confidentiality

- Tardiness and/or absenteeism
- Misconduct
- Unprofessional behavior
- Discrimination
- Workplace Violence
- Failure to report any situation and/or incident which may compromise an individual or program clinically
- Disruptive or offensive behavior toward employees, individuals or visitors.
- Working for another employer during a leave of absence.
- Unsafe acts or practices that may endanger the health, welfare, or life of another or their property
- Violation of Agency policies, as outlined but not limited to those covered in this handbook

This list does not modify the at will status of any employee of the Agency.

#### 7. Personal Appearance & Demeanor

Discretion in style of dress and staff behavior is essential to the efficient and safe operation of the agency. Employees are expected to use good judgment, choose appropriate attire for their work location and maintain hygiene acceptable for their given work assignment. They are to conduct themselves at all times in a way that best represents the agency and act as a role model for the individuals and families served.

The following list details some examples of what will be considered a violation of the Agency's Dress Code and could lead to disciplinary action:

- Clothing that is dirty, torn or ill fitting.
- Tube, strapless, spaghetti strap, crop or halter tops.
- See through garments of any kind.
- Clothing that is inappropriately revealing such as low-cut shirts/blouses/trousers/jeans, too short skirts or shorts.
- Items of clothing or pins/buttons which display sexually explicit, political endorsements, potentially offensive or profane statements or slogans, including but not limited to any statements which can be construed as age-inappropriate to the individuals served.
- Inappropriate footwear for program and job site. Employees are expected to wear footwear that provides adequate foot protection and is appropriate to the job environment and duties to which they are assigned.
- Excessive use of perfume or cologne that interfere with other's comfortable air space.
- Tight or provocative clothing

The Agency reserves the right to amend or alter the dress code as necessary to maintain standards acceptable to our stakeholders. Nothing in this section should be interpreted to interfere with any employees rights under applicable law.

#### 8. Employee Safety

## Employee Safety Responsibilities

The primary responsibility of the employees of Berkshire County Arc is to perform his or her duties in a safe manner in order to prevent injury to themselves and others.

As a condition of employment, employees **MUST** become familiar with, observe, and obey Berkshire County Arc's rules and established policies for health, safety, and preventing injuries while at work. Additionally, employees **MUST** learn the approved safe practices and procedures that apply to their work.

Before beginning special work or new assignments, an employee should review applicable and appropriate safety rules.

If an employee has any questions about how a task should be done safely, he or she is under instruction **NOT** to begin the task until he or she discusses the situation with his or her Program Director. Together, they will determine the safe way to do the job.

If, after discussing a safety situation with his or her Program Director, an employee still has questions or concerns, he or she is required to contact the Supervisor.

**NO EMPLOYEE IS EVER REQUIRED** to perform work that he or she believes is unsafe, or that he or she thinks is likely to cause injury or a health risk to themselves or others.



### III. BENEFITS

This section provides an overview of some of the benefits BC Arc extends to its employees. You can obtain a copy of the Summary Plan Description which contains the details of each respective plan, including eligibility and benefit provisions, from the Human Resource department. In the event of any conflict in the description of the plan, the official plan documents, which are available for your review, shall govern. If you have any questions regarding this plan, see the plan administrator.

Eligibility for participation in Medical, Dental, Life Insurance, Short and Long Term Disability Income benefits is 90 days upon successful completion of the orientation period, for all regular employees who work a minimum of 30 hours per week. The Agency reserves the right to extend the orientation period at any time. Employee contributions may be made on a pre-tax basis if desired (Cafeteria Plan). Coverage for these plans terminates on the last day of employment. All benefit plans are subject to change by the BC Arc Board of Directors. Eligible new employees are notified during orientation in writing and approximately 1 month prior to benefit eligibility date. It is the responsibility of the employee to contact HR and sign up for benefits. If an employee does not make arrangements to sign up for benefits before their eligibility date passes they will have to wait for benefits until the next open enrollment period.

#### A. INSURANCE

- Medical - The Agency offers comprehensive HMO plans and contributes part of the cost for eligible employees. \*\*

NOTE: Marketplace Coverage Options: There may be other coverage options for you and your family. Depending on family circumstances and income, you may have access to MassHealth benefits plans. MassHealth makes coverage affordable for individuals and families who meet income guidelines. A representative with Health Connector can help you determine if you are eligible based on your gross household income and size of your family.

Being eligible for COBRA does not limit your eligibility for coverage for a tax credit through the Massachusetts Health Connector. Visit the Massachusetts Health Connector Web Site at: [www.mahealthconnector.org](http://www.mahealthconnector.org). or call 1-877-MA-ENROLL

- Dental - Available to all BC Arc employees who wish to pay for this service. \*\*

\*\*NOTE: Each plan would afford a COBRA option should a qualifying event arise.

- Automobile - BC Arc carries a limited insurance policy as hired auto which will pick up liability for Bodily Injury and Property Damage for both BC Arc and the employee driver in case of liability cases which exceed the limit of insurance in effect under that driver's insurance policy.
- Professional Liability - BC Arc provides protection against covered claims that might be brought against employees in their professional practice.

- Life - \$25, 000 per employee. Additional Term Life Insurance for employees and their family members are available. The Agency pays part of the cost for eligible employees.
- Long Term Disability Income - 60% of gross monthly pay, payable upon the 181st day to age 65. This benefit is paid in full by the Agency.

B. DEPENDENT CARE ASSISTANCE PROGRAM

All or part of the cost of childcare expenses may be deducted from the employee's paycheck on a pre-tax basis if desired (Cafeteria Plan).

C. HEALTHCARE FLEXIBLE SPENDING ACCOUNT (Medical Reimbursement)

This account is used to pay for expenses not covered by Insurance on a pretax basis. For example: office visits, co-payments, prescription drugs, prescription eye glasses, etc.

D. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Available to all staff who are enrolled in the Long Term Disability program (all staff who work 30 or more hours per week are enrolled in the LTD program at no cost to them). This is a 24/7 hour Hotline for employees and their family members.

E. EMPLOYEE ACCRUAL ADJUSTMENT FOR RETURNING STAFF

If an employee/staff leaves the agency in good standing and returns to the agency within 180 days, he/she will be reinstated with their appropriate benefits (excluding vacation days previously paid). This includes all regular staff who transfer to relief and return to a regular position in 180 days. His/her previous time of service will be used to calculate his/her accrual of vacation time and this would begin the first of the month following the successful completion of the new orientation period.

Benefits will be reinstated according to the requirements of the respective plans and policies (180 days). All accrued time (vacation, personal and sick) from the date of departure from the agency and the reinstatement date will not count towards accrued totals.

This policy is a one-time application during an individual's entire work history for all staff employed over one year. The 180 day policy is effective 1/10/09 and is not retroactive.

## F. EDUCATIONAL ASSISTANCE POLICY

Partial tuition reimbursement for tuition costs only may be granted to any regular staff person based upon the available resources established for the year under the following conditions:

1. Application must be made prior to June 1 of each year.
2. Evidence of completion of the course.
3. The staff person must receive a grade of B or better. (Tuition refund).
4. Staff must be employed at least six months (relief hours not included) and in good standing to qualify.
5. Educational programs must be relevant to:
  - a) Current job duties
  - b) A job-related degree, or
  - c) Advancement within the Agency
6. Work 30 hours or more per week (relief hours not included).
7. Employee must submit a copy of the original college tuition statement. If an employee requests educational assistance for courses which ultimately qualify him or her for positions outside of his or her immediate program, the employee must clarify on the application that such education will result in bona fide career advancement within the Agency.
8. Any state tuition remission, federal, military or private assistance being received by courses affected by the Educational Assistance Program must be reported at the time of application. If assistance is being received from other sources, only the difference between the total tuition cost of the course and the amount of the assistance will be considered for the Educational Assistance Program.

## G. 403B PENSION FUND

BCArc provides this Thrift Plan to enable employees to accumulate long-term savings for retirement while benefiting from favorable tax treatment on current salary.

This voluntary retirement savings program offers the advantage of making contributions from pre-tax salary. There is deferral of payment of federal income taxes on amounts contributed until they are withdrawn or paid as benefits. Moreover, any interest and investment earnings accumulate on a tax-deferred basis until withdrawn or paid as benefits. Contributions are made each payroll period by salary reduction.

Each plan year the Board of Directors will determine the amount of the employer base contribution (if any) that Berkshire County Arc will make for all eligible individuals who are actively employed on the last day of the plan year. Under a contract with BCARC, Mutual of

America receives the plan contributions, maintains employees' individual accounts, offers the investment options and pays benefits to individuals and their beneficiaries. Benefits are based on a stated contribution formula and are fully funded at all times. The plan is classified as a defined contribution plan and is not covered for plan termination insurance provided by the Pension Benefit Guaranty Corporation.

Although BC Arc intends to continue the plan indefinitely, it reserves the right to amend, modify, discontinue or terminate the plan at such time as in our discretion may be deemed appropriate, without the consent of or prior notice to any employee, retiree or beneficiary, subject to the provisions of applicable laws. No amendment to the plan can retroactively reduce benefits, except as required or permitted by applicable law.

## ELIGIBILITY

### **Eligible Class**

All employees are eligible to participate in this plan.

### **Employee Contributions**

There is no minimum age requirement to make contributions to this plan.

There is no minimum service requirement to make contributions to this plan.

### **Employer Base Contributions**

Employees must be at least 21 years of age to receive employer base contributions under this plan. Per Diem staff are not eligible to receive Employer contributions.

### **Participation in the Plan**

Employees are eligible to enroll as a participant in the plan on the first day of the month coinciding with or immediately following the date they meet all the above requirements.

Employees will be credited with a year of service for eligibility at the end of the first 12 months of employment provided they complete at least 1,000 hours of service within that 12-month period. If they complete fewer than 1,000 hours during the first 12 months of employment, they will be credited with a year of service for eligibility at the end of the first 12-month period, beginning on the anniversary date of the date of hire, in which they complete 1,000 hours of service.

## VESTING (403b)

Vesting means that employees are entitled to the value of their individual account, even if they terminate employment with BC Arc before retirement. Vesting is determined by the years of service from the date of hire to the date of termination or retirement. Employees are credited with vesting service for all years and months of employment. If an employee works an hour of service in a month, he/she will be credited with a complete month of service.

The value to the individual account attributable to the employee's own contributions is always fully and immediately vested.

The value of the individual account attributable to employer contributions is vested according to the following schedule:

Years of Vesting Service	Percentage
Less than 2 years	0
2 years	20
3 years	40
4 years	60
5 years	80
6 years	100

## IV. ATTENDANCE

### A. WORK WEEK

Employees are expected to work according to their approved assigned schedule. Employees are expected to report for work on time. In case of absence or lateness, an employee must personally speak (you cannot just leave a message, voicemail or text) to his or her supervisor within four hours of his/her scheduled starting time for residential programs and a minimum of 1.5 hours of his/her scheduled starting time for all day program services and administrative services. Any shift changes must be made in writing (forms are available) and given to the immediate supervisor for their approval.

If employee is unable to personally speak to their Supervisor or person at worksite location, employee must contact the page and speak to them.

In case of a staffing issue that leaves a program under the required staffing ratio, a staff must stay at the program until another staff is in place at the program.

### B. HOLIDAYS

The Agency has a list of holidays, which is published yearly. Due to the nature of BC Arc's services, it is not always possible to grant holidays to all employees. However, every effort will be made to arrange scheduling so that no employee is required to work an excessive number of holidays. For all staff who work in programs that are mandatory (operational) during holidays, compensation will be paid at one and a half time their regular rate of pay. See overtime policy. To qualify for holiday pay employees must be employed a minimum of 30 calendar days prior to the holiday. NOTE: The 30 day waiting period does not apply to programs that are required to operate on the holiday.

Snow days are decided by the President & CEO or Designee. If the Agency is open and an employee cannot get to work, eligible employees can use accrued vacation or personal time for these days.

### C. VACATIONS

1. Vacation benefits under this plan apply to all regular employees. Hourly relief/substitute and temporary employees are not eligible for paid vacation benefits. The vacation year is defined as the 12-month period commencing with the first day of the month of employment.
2. Full time employees will receive 40 hours paid vacation upon the completion of six months of employment. Upon the completion of one full year to five years of employment, employees will earn vacation at the rate of 10 hours per month up to an annual maximum of 120 hours. After five years of employment to ten years, employees will earn vacation at a rate of 14 hours per month up to an annual maximum of 168 hours.

After 10 years of employment and for all years thereafter, employees will earn vacation at a rate of 16.67 hours per month to an annual maximum of 200 hours. After 25 years of employment and for all years thereafter employees will earn vacation at a rate of 20 hours per month to an annual maximum of 240 hours. All regular part-time employees will earn vacation hours based upon the foregoing schedule on a pro-rated basis to a 40-hour work week. Vacation time is issued the last pay period of the month.

NOTE: All employees will stop accruing earned hours when they reach their annualized maximums. Accruals will begin again when they use all or part of their earned hours. For example, employee has reached his/her maximum of 120 and now uses 40 hours. The month following the usage, he/she will begin to accrue again at 10 hours per month until he/she reaches his/her annualized maximum or has a change in employment status (go from five to six years of employment or from 30 hours per week to 40 hours per week).

3. Vacation time cannot be accumulated beyond limits or waived for extra pay, except with the specific written approval of the President & CEO. All vacation time off requires prior written approval of immediate supervisor.
4. If an employee is absent from work for more than 30 normally scheduled work days during any vacation year (whether it is attributable to being out on workers compensation, short-term or long-term disability, a personal leave or an unpaid family and medical leave situation), their entitlement to vacation under the above applicable schedules will be pro-rated based upon the number of days worked (including any paid vacation, sick and personal time that was used) as a percentage of the total scheduled work days during an employee's vacation year.
5. Upon termination of employment by the Agency, employees will be paid for any accrued, unused vacation time in accordance with Massachusetts law.

During a disciplinary suspension accruals will stop if it is longer than 30 days. During the suspension period staff may use earned vacation and personal time.

#### D. PERSONAL TIME

Upon completion of a 3-month orientation period, all regular employees working 40 hours will receive 3 personal days per year. All regular part-time employees working 20 or more hours will be granted personal days based on prorated 40 hour work week. All personal days require prior written approval by the employee's immediate Supervisor. Unused personal time will not be compensated or carried over.

#### E. PAID SICK TIME POLICY

All employees are eligible for sick time pay as required by the Massachusetts Sick Time Law. BCARC will administer the Sick Time Policy in accordance with this Law.

Sick time may be taken for the care of the employee, spouse, child, parents or parent-in-laws. Sick time may be used for care of or travel for an illness, injury, health conditions, routine medical appointments, or to address psychological, physical or legal effects of domestic violence.

Sick time begins accruing on the date of hire. Employees may begin using paid sick time 90 days after hire date.

Sick time is paid out at the employee's rate of pay usually paid for the absent work period such as shift differentials. Sick pay does not include any overtime, holiday pay or other premium rates. Sick time may be taken in 1 hour or greater increments.

There is no payout of unused sick time upon termination or retirement.

#### Accrued Time

Full-time employees accrue sick time at the rate of four hours per month to a maximum of 48 hours (6 days) per calendar year. Regular part time employees' accumulation will be pro-rated. Full time employees with over one year of service may accrue and carry-over up to 96 hours (12 paid sick days). Sick Time will accrue at no less than 1 hour for every 30 hours worked in a calendar year.

All other (Relief, per diem and temporary) employees will begin accruing paid sick time at the rate of 1 hour for every 30 hours worked to a maximum of 40 hours. A maximum of 40 hours can be rolled over from one calendar year to the next.

#### Employee notification and Call in Procedure

Employees are required to notify their supervisor of any foreseeable and rescheduled sick time requests seven days in advance. When sick time is unforeseeable, the employee must notify their supervisor prior to the beginning of their scheduled shift with as much notice as possible. A four (4) hour minimum notification is required for residential programs and 1.5 hours for day program and administrative services; failure to do so may result in disciplinary action leading up to and including dismissal. If an employee is a No Call No Show for 3 days or 3 shifts in a row, it will be considered Job Abandonment. This may lead to disciplinary action up to and including termination.

If an employee is exhibiting a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday, the agency may discipline the employee for misuse of earned sick time, unless the employee provides verification of authorized use as specified under the law.

When an employee's absence is for a personal medical condition or qualifying reason that exceeds seven (7) consecutive work days, earned sick time can be used to cover the seven day waiting period for PFML & FMLA.

Employees can use Personal and Vacation days during their period of illness or injury. It is noted that this policy is not separate from the Family/Medical Leave Act and any time paid in this policy will be included in approved medical leaves except for the PFML. You may not



receive paid family or medical leave benefits and use paid earned time off through your employer at the same time. If you choose to use vacation time while taking paid leave your PFML may be closed.

Paid Sick Time will run concurrent with other leaves such as FMLA, Workers Compensation, SNLA or MA Paternal Leave. This does not occur if using PFML. You cannot use accrued time after the 7 day waiting period with PFML or you case may be closed.

An employee may not use earned sick time if the employee is not scheduled to be at work during the period of use.

Earned sick time may not be invoked as an excuse to be late for work without an authorized purpose under M.G.L. c. 149, 148C.

An employee may not accept a specific shift assignment with the intention of calling out sick for all or part of that shift.

Where an employee's use of earned sick time requires the employer to hire a replacement or call in another employee and the employer does so, the employer may require the employee to use an equal number of hours as the replacement or call-in employee works, up to a full shift of earned sick time. If the employee lacks sufficient accrued earned sick time to cover such time away from work, BCARC must provide sufficient job-protected unpaid leave to make up the difference in that shift.

Where BCARC does not hire a replacement or call in another employee but the employee's use of earned sick time results in the employee missing transportation to a work site, BCARC may require the employee to use earned sick time only until the employee arrives at the work site.

#### Break In Service

Following a break in service of up to four months, an employee shall maintain the right to use an unused earned sick time accrued before the break in service.

Following a break in service between four and 12 months, an employee shall maintain the right to use earned sick time accrued before the break in service if the employee's unused break of earned sick time equals or exceeds 10 hours.

Following a break in service of up to 12 months, employees maintain their vesting days from BCARC and do not need to restart the 90-day vesting period.

#### Return to Work Notice

The Agency reserves the right to request leave certification from a health care provider or physician's note verifying sick time absence if the employee is out for more than three consecutive scheduled workdays or 24 consecutive hours. The employee is responsible to update management on a daily basis unless otherwise agreed upon with their supervisor.

This certification is only to verify the need for leave. If the employee does not submit documentation within 30 days of taking the leave and has no reasonable justification for failing to submit documentation, the agency may delay or deny the future use of earned sick time until the documentation is provided.

Although the agency may ask for health care provider certification as outlined above, the agency has the right to ask for a fitness for duty at any time the agency feels that the employee's return to work may pose a danger to the employee or other employees at the agency.

### EARNED SICK TIME

The following policy is required to be posted by the Commonwealth of Massachusetts; for specifics please refer to Berkshire County Arc's sick time policy.

#### Notice of Employee Rights

Massachusetts employees have the right to earn and take sick leave from work.

**Who Qualifies?** All employees in Massachusetts can earn sick time. This includes full-time, part-time, temporary and seasonal employees.

#### How Is It Earned?

- Employees earn 1 hour of sick time for every 30 hours they work.
- Employees can earn and use up to 40 hour per year if they work enough hours.
- Employees with unused earned sick time at the end of the year can rollover up to 40 hours.
- Employees begin earning sick time on their first day of work and may begin using earned sick time 90 days after starting work.

#### Will It Be Paid?

- If an employer has 11 or more employees, sick time must be paid.
- For employers with 10 or fewer employees, sick time may be unpaid.
- Paid sick time must be paid on the same schedule and at the same rate as regular wages.

#### When Can It Be Used?

- An employee can use sick time when the employee or the employee's child, spouse, parent or parent of a spouse is sick, has a medical appointment or has to address the effects of domestic violence.
- The smallest amount of sick time an employee can take is one hour.
- Sick time cannot be used as an excuse to be late to work without advance notice of a proper use.
- Use of sick time for other purposes is not allowed and may result in an employee being disciplined.

#### Can an Employer Have a Different Policy?

Yes. Employers may have their own sick leave or paid time off policy, so long as employees can use at least the same amount of time, for the same reasons, and with the same job-protections as under the Earned Sick Time Law.

#### Retaliation

- Employees using earned sick time cannot be fired or otherwise retaliated against for exercising or attempting to exercise rights under the law.
- Examples of retaliation include: denying use or delaying payment of earned sick time, firing an employee, taking away work hours, or giving the employee undesirable assignments.

#### Notice & Verification

- Employees must notify their employer before they use sick time, except in an emergency.
- Employers may require employees to use a reasonable notification system the employer creates.
- Employees out of work for three consecutive days OR employees using sick time within two weeks of leaving their jobs, may be required by their employer to provide documentation from a medical provider.



#### DO YOU HAVE QUESTIONS?

Call the Fair Labor Division at 617-727-3465 or E-Mail us at [EarnedSickTime@state.ma.us](mailto:EarnedSickTime@state.ma.us)

Visit [www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime)



From: Commonwealth of Massachusetts Office of the Attorney General

The Attorney General enforces the Earned Sick Time Law and regulations. It is unlawful to violate any provisions of the Earned Sick Time Law. Violations of any provisions of the Earned Sick Time Law, M.G.L. c. 149 & 148C, or these regulations, 940CMR 33.00 shall be subject to paragraphs (1), (2), (4), (6) and (7) of subsection (b) M.G.L.c 149 & 27C(b) and to &150.

This notice is intended to inform. Full text of the law and regulations are available at [www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime)

#### F. BEREAVEMENT

For all regular full-time and part-time staff a maximum of three days with pay will be granted in the event of the death of an immediate relative, defined as spouse, domestic partner, children, step-children, parents, step-parents, brothers, sisters, step-brothers/sisters, mother or father-in-law; two additional days may be taken, if necessary, in the event of the death of a spouse, parent, child or any other household member. Pay is pro-rated based upon scheduled hours worked. One day will be granted for grandparents, grandchild, brother or sister-in-law. Up to four hours will be granted for aunts, uncles, cousin, niece, and nephew.

Note: Any exceptions require approval from the President & CEO or his/her designee.

## G. LEAVE OF ABSENCE

Leave of absence may be granted without pay for justifiable reasons upon the approval of the President & CEO or his/her designee (except for PFML-that is state designated). During a leave, the employee must pay all costs (health, dental and other associated voluntary benefits) in advance. These costs can be taken out of earned time associated with your voluntary benefits unless specified in the Family/Medical Leave Policy or PFML. Vacation and sick time does not accrue after 30 days during this voluntary leave. All requests must be in writing to immediate supervisor 30 days in advance or as soon as is practical. Employee may be required to provide backup documentation, medical certification, etc., before leave is approved (unless filing for PFML-then follow state requirements). If a leave is granted, the employee will be expected to return to work at the agency's agreed upon return date; if the employee fails to do so, then he/she will be considered to have abandoned his/her position with the agency. A leave is a single twelve month period that begins on the first day of the employee's leave (unless filing for PFML-then follow state requirements).

## H. JURY DUTY

Any employee (defined as regular full-time or part-time) called for Jury Duty will be paid regular wages by BC Arc for the first three days, or part thereof, of juror services. A copy of the Summons for Trial Jury Duty must be submitted with the employees Leave Request. If jury duty is required beyond three days, the employee is paid a stipend by the state and there is no continuance of pay by the agency.

## I. FEDERAL FAMILY & MEDICAL LEAVE

### Basic Leave Entitlement

The FMLA provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

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

### Military Family Leave Entitlements

#### Qualified Exigency Leave

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

### Military Caregiver Leave

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### Benefits and Protections

During FMLA leave, BC Arc will maintain health insurance coverage on the same terms as if the employee continued to work, if he/she has indicated intent to return to work at the end of the FMLA leave. Arrangements to pay the employee share of such benefits must be made by contacting the Human Resources department. If the employee does not return to work upon the completion of the FMLA leave, the Agency may recover the cost of any payments made to maintain health insurance coverage, unless the failure to return to work was for reasons beyond your control. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of FMLA leave.

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

### Eligibility Requirements

Employees are eligible for FMLA if they have worked for the Agency for at least one year and have worked at least 1,250 hours during the 12 months prior to the start of the requested leave, and if at least 50 employees are employed by the Company within 75 miles of the location where the employee works.

### Definition of Serious Health Condition

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

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

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. [Intermittent leave is not, however, available to care for a child during the first 12 months after the birth, adoption, or placement in foster care.] Leave due to qualifying exigencies may also be taken on an intermittent basis.

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

#### Substitution of Paid Leave for Unpaid Leave

Employees eligible for FMLA leave may use accumulated paid leave concurrently with their FMLA leave until all such paid leave is exhausted *unless* they have applied for and received approval for PFML. Employees must comply with the Company's normal paid leave policies.

#### The Leave Year

The Agency has designated a ["rolling forward"] leave year, which determines FMLA leave eligibility by reference to the amount of FMLA leave taken [during the twelve months immediately preceding] the request for FMLA leave. This ["rolling forward"] leave year does not apply to Military Caregiver Leave. The leave year for Military Caregiver Leave is a single 12 month period that begins on the first day of the employee's leave, except when filing for PFML.

#### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

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

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

#### "No Moonlighting"

Employees who are taking FMLA leave for their own or a covered family member's serious health condition or to care for a child after birth, adoption, or placement in foster care are not

permitted to work for any other employer while on FMLA leave from their job with the Agency. Employees who accept employment with other employers while on FMLA leave from the Agency will be considered to have voluntarily resigned their employment and will not be eligible for reinstatement at the end of their previously approved leave.

#### Agency Responsibilities

The Agency will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If the employee is not eligible, he/she will provide a reason for the ineligibility.

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

The Agency will also comply with the FMLA by not:

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

#### FMLA Question and Concerns

If any employee has any questions about FMLA rights or responsibilities or if he/she disagrees with a decision the Agency has made regarding FMLA leave entitlement, he/she should contact Human Resources to resolve concerns as soon as possible.

#### Enforcement

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

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

Please consult Human Resources for any additional information relating to FMLA. When taking PFML, FMLA will run concurrently if eligible.

#### J. MASSACHUSETTS PAID FAMILY and MEDICAL LEAVE

This policy is subject to change at any time as Massachusetts comes out with additional guidance. We will keep you updated as changes occur. Paid Family and Medical Leave is a mandatory statewide insurance program that will provide almost every Massachusetts employee with paid time off to give or receive care.

##### Covered reasons and time off under the program:

If you qualify, this program will allow you to take up to 12 weeks to:

- Bond with a new child;
- To care for a family member with a serious health condition;

- Or for time needed to prepare for a family member’s pre- and post-deployment activities, as well as time for childcare issues related to a family member’s military deployment (“qualifying exigency”).

Up to 20 weeks is available under the program to attend to an employee’s own serious health condition and up to 26 weeks is available to attended injured family service member.

Despite the reasons stated above, the program is capped up to a total of 26 weeks available in a 12-month period (which is measured on a rolling forward basis; commencing on the Sunday immediately preceding the onset of a PFML leave).

#### Payment of premiums:

The program is funded by premiums paid by both employees and employers .While the total premium (comprised of both employer and employee contributions) was initially set at 0.75% of wages, this percentage is subject to future change by the state as the program is administered by the Massachusetts Department of Family and Medical Leave(DFML).

Based upon the contribution rate in effect, Berkshire County Arc (BCArc) calculates and withholds premiums from your paycheck and send both your share and theirs to the state on a quarterly basis.

#### Taking leave:

Starting in 2021, employees may begin to apply to the DFML for benefits under this program. Therefore, for employees seeking to take time off for covered reasons and intend to file for benefits with the DFML, employees need to provide BC Arc with thirty (30) days advance notice where the leave is foreseeable. For leaves that are necessitated for reasons beyond the employee’s control, notice needs to be provided as soon as practicable. If you are approved by the state, there is a seven day waiting period before benefits are effective. Employees are allowed (not required) to use their accrued benefit time during the 7 day waiting period. If you choose to use any accrued benefit time after that, your case with the DFML will be closed.

#### Benefits:

While an employee is required to provide notice to BC Arc, we are not involved in the benefit claims process with the DFML. Employees seeking to apply for benefits need to reach out to the DFML at <https://www.mass.gov/orgs/department-of-family-and-medical-leave>. You may also call 833-344-7365. Only the DFML can evaluate your eligibility for benefits and determine how much you will receive. While the current maximum benefit under the program is set at \$850/week, this amount is subject to changes. Similarly, not all employees may be eligible for benefits as eligibility is based upon earnings. Any questions concerning benefit eligibility or disputes surrounding a determination on this benefit; including options to appeal determinations should likewise be directed to the DFML.

#### Employee responsibilities during a PFML leave:

Employees who go out on leave covered under the DFML program are required to follow the periodic reporting and call-in procedures as set forth under BC Arc policy. Also, if an employee is on the BC Arc’s group insurance plans, you will be responsible to continue paying your portion of the premium costs while on leave. For further questions, please contact Human Resources.



Employee responsibilities upon returning from a PFML leave:

Employees who go out on a PFML leave for the own serious health condition will be required to provide a fitness for duty from the health care provider prior to resuming their job responsibilities.

Employee job protections:

Employees who return from leave under this law will be restored to their previous or an equivalent position with the same status, pay, benefits and seniority. We are prohibited from discriminating or retaliating against you for requesting or taking PFML leave. When taking PFML, FMLA will run concurrently if eligible.

**K. SMALL NECESSITIES LEAVE ACT**

Under Massachusetts law, employees who are eligible (employed for 12 months and worked 1250 hours during a twelve month rolling forward period) for Family Medical Leave are also entitled to 24 hours of unpaid Small Necessities Leave for the following reasons:

1. To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school,
2. To accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations,
3. To accompany an elderly relative of the employee to routine medical or dental appointments and for other professional services related to the elder's care, such as interviewing at nursing or group homes. (An elderly relative is defined as one who is 60 years of age and related by blood or marriage).

If employees have any questions concerning eligibility or requirements under the Small Necessities Act, please contact the Program Director or Human Resources Department.

**L. MASSACHUSETTS PARENTAL LEAVE ACT (MPLA)**

**Eligibility**

A regular, full time employee who has completed their 90 day introductory period may be entitled to benefits under the Massachusetts Parental Leave Act (MPLA). MPL provides eligible employees up to eight weeks of unpaid leave, for the purposes of giving birth to a child or for the adoption of a child under the age of 18, or under age of 23 if the child is mentally or physically disabled with the employee or for the placement of a child with an employee pursuant to a court order.

Any employee requesting parental leave is required to provide at least two weeks' notice of their anticipated departure date and note of their intention to return to work. An employee will be allowed to provide less than two weeks' notice as long as the notice is made as soon as practicable and the delay is for reasons beyond the individual's control.

If both parents are employed by the company, the eight weeks of parental leave must be shared for the birth or adoption of the same child.

If the employee is eligible under the provisions of the Family Medical Leave Act, as well as the MPL, Agency contributions toward health and dental insurance in which the employee is enrolled at the time of leave commences will continue when the leave time runs concurrently under the provisions of both leave laws. The employee is responsible for their portions in advance.

#### Application and Approval Process

Please notify your supervisor/manager as soon as possible of your anticipated need for leave under the provisions of MPL. You will be asked to complete a leave of absence request form. After a review of your written request, the Human Resources Office will send a notice to you and your supervisor/manager informing you of the approval status and confirming the expected dates of your parental leave and your return to work.

#### Pay While on Leave

Employees on approved MPL must exhaust all vacation, personal and sick time available to them under the Agency's plan.

#### Returning From Leave

At the end of the leave, the employee will be returned to their same or equivalent position with the same pay, benefits, working conditions and duties so long as similarly situated employees have not been affected by layoffs or reduction in hours.

### M. MILITARY LEAVE OF ABSENCE

Berkshire County Arc is committed to protecting the job rights of employees absent on military leave including the National Guard or reserves. In accordance with federal and state law, it is the agency's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Human Resource Department or their supervisor.

Unless the military prevents it, or is otherwise impossible or unreasonable, an employee should provide Berkshire County Arc with notice of the need for leave as far in advance as is reasonable under the circumstances. Contact the Human Resources Department for the necessary forms.

Benefits: All FMLA regulations apply, if the FMLA (12 weeks) is exhausted all voluntary benefits will be terminated the day after the last day of the leave. The employee is responsible for paying their portion of the voluntary benefits as under our FMLA policy.

Employees reemployed following military leave will retain their length of service and other benefits determined by their date of hire that the employee had at the beginning of the military leave, including any pension/thrift plans.

Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal time or sick time during their absence.

Employees do not accrue vacation, personal or sick leave while on military leave of absence status.

If the employee fails to apply for reemployment in a timely manner (within 90 days of release from the military), an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The Agency's circumstances have so changed as to make reemployment impossible or unreasonable.
2. Reemployment would pose an undue hardship upon Berkshire County Arc.
3. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
4. The employee did not receive an honorable discharge from military service.
5. The period of service must not exceed five years.

#### N. ACCIDENT AND ILLNESS (work and non-work related)

In the event of a staff illness or injury during working hours, the Program Director or designee will assume responsibility for the staff person receiving immediate medical treatment and/or transportation to the approved Agency medical facility. The appropriate Administrative Supervisor must be informed by phone immediately.

All non- work related accident and illness should be reported to your supervisor with written diagnosis so that the employment status may be considered.

The Program Director or designee is responsible for completing the Supervisor's Report section of the Accident & Injury Report and submitting it within the workday or by the next morning to the Director of Human Resources.

When BC Arc requires an employee to be examined by a physician (as designated by the Agency), the examination will be at the expense of BC Arc and performed by a physician selected by BC Arc.

All items listed below apply to work and non-work related Accident & Injury.

1. Confidentiality  
Medical examinations paid for by BC Arc are the property of BC Arc and copies of any record thereof will be available to the employee, the employee's agent, public agencies, or the employee's doctor, if required.

2. Confirmation of Injury/Illness

Whenever an employee is absent because of illness or injury, BCARC may take whatever steps are reasonably necessary to confirm the nature and extent of such illness or injury. In the case of work-related illness or injuries, BCARC may investigate the circumstances and otherwise verify if the illness or injury was work related and assure proper treatment has taken place.

3. Return to Work

An employee who fails to return to work at the end of an approved medical absence will be considered to have voluntarily resigned. All return to work releases from the treating physician must be cleared with or without restrictions.

4. Release to Work

Employees returning from a medical absence are required to provide certification from a physician of their ability to perform their regular work safely and satisfactorily. Employees may not return to work while under the influence of a narcotic drug. (See Alcohol and Substance Abuse Policy)

5. Modified Duty

BCARC may offer employees modified light duty work on an interim basis. In the event BCARC elects to offer the employee modified duty, the employee must report for work at the time specified if the BCARC physician or the treating physician has released the employee to return to work in the modified light duty position. Any employee who refuses to return to modified light duty will be considered to have abandoned their position with the agency.

6. Fraudulent Claims

An employee filing a fraudulent claim will be disciplined up to and including dismissal and may face charges for insurance fraud.

0. LIFE-THREATENING ILLNESS

It is the policy of BCARC to allow employees who have life-threatening illnesses, (including, but not limited to, cancer, heart disease and AIDS) who do not pose a direct threat to the safety and well-being of others or themselves, to continue employment by providing reasonable work accommodation for them while preserving the safety of all individuals and employees.

Employees who have life-threatening illnesses are entitled to coverage under the Agency's various support and benefit programs, if eligible. Employees who have life-threatening illnesses are expected to meet the Agency's performance requirements for their position. If that employee is unable to perform his/her current job because of the progression of the disease, but medical evidence indicates that his/her condition is not a threat to him/herself or others, reasonable accommodation can be made.

Dismissal may be pursued if an employee can no longer perform the essential functions of the job even with reasonable accommodation. Sick pay and leave of absence for illness will be administered according to current personnel practices. Health insurance coverage will continue under COBRA if eligible. An employee's health condition is personal and confidential. Reasonable precautions will be taken to protect information regarding an employee's health condition.

Refusal to work with a co-worker or an individual who has a life-threatening illness is sufficient reason for dismissal, as every precaution will be taken to ensure that an employee's or individual's condition does not present a health and/or threat to other employees.

#### P. DOMESTIC VIOLENCE LEAVE POLICY

Berkshire County Arc is committed to the health and safety of our employees and their families. Should you or your family member be a victim of domestic violence or abusive behavior, you are encouraged to communicate with Human Resources about the situation.

An employee may take up to a maximum of 15 days of time off in a 12 month period, if either the employee or their family member as described below is

- the victim of abusive behavior (such as domestic violence, stalking, sexual assault, or kidnapping);
- seeking medical attention, counseling, legal or other victim services directly related to the abusive behavior against the employee or family member of the employee.

For purposes of this policy, a family member includes not only legally married spouses but also:

- Persons "in a substantive dating or engagement relationship" AND who reside together;
- Persons having a child in common regardless of whether they have ever married or resided together;
- A parent, step-parent, child, step-child, sibling, grandparent or grandchild; or
- Persons in a guardianship relationship.

Employees may use vacation, personal and sick time under this policy or it will be provided on an unpaid basis. As a result, the use of paid vacation, personal and sick time may run concurrently with the time available under this policy.

We request that you provide advance notice of this leave (as required by the current leave policy), unless there is an imminent danger to your immediate health and safety (in which case - we must receive notification within three workdays that the leave was taken or is being taken for reasons covered by this policy).

In the event that you take this leave, please provide documentation evidencing that you or your family member has been a victim of domestic violence or abusive behavior within 30 days of the leave request. Such forms of documentation may include:

- A court issued protective order
- An official document from a court, provider or public agency
- A police report or statement of a victim or witness provided to the police

- Documentation attesting to perpetrator's guilt
- Medical documentation of treatment for the abusive behavior
- A sworn statement from the employee attesting to being a victim of abusive behavior

The time off available under this policy is not available to an employee if they are in fact the perpetrator of the abusive behavior against his/her family member.

If you have questions at any time as to how this policy applies to you, please do not hesitate to contact Human Resources.

## Q. REMOTE WORK FROM HOME POLICY

Berkshire County Arc considers remote work to be a viable, short term arrangement to help alleviate an unexpected employee work constraint, and when both the employee and the job functions are suited to such an arrangement. Remote work (Telecommuting) allows employees to work at home, on the road or in a satellite location for all or part of their workweek.

Telecommuting is not an entitlement, nor a uniform practice. It is not suitable for all roles within the agency. Permission to telecommute for a specific period of time does not ensure or imply that the arrangement will continue. It does not change the terms and conditions of employment with Berkshire County Arc.

### **PROCEDURES:**

Telecommuting can be arranged as working from home for a short-term project or a set schedule of working away from the office for a temporary period of time. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement but the arrangement must support the legitimate business interests of BC Arc. Any telecommuting arrangement may be discontinued at will and at any time at the request of either the employee or the agency. Every effort will be made to provide 2 weeks' notice of such change to accommodate commuting, child care or other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

### **ELIGIBILITY:**

Employees requesting formal telecommuting arrangements must be employed with BC Arc for a minimum of three (3) months of continuous, regular employment and must have a satisfactory performance record, unless the arrangement has been made as a reasonable accommodation for a qualified disability or as otherwise authorized by BC Arc management.

Before entering into any telecommuting agreement, the employee and the Supervisor/Director will evaluate the suitability of such an arrangement, reviewing the following areas:

- Job duties and responsibilities. The employee and manager will discuss the specific job duties and responsibilities and determine if the job is able to be completed off site.

If the employee and Supervisor/Director, concurs, an Accommodation request will be completed and signed by all parties, and the temporary telecommuting arrangement will commence. Evaluation of employee performance during the temporary telecommuting period will include regular interaction by phone and e-mail between the employee and the supervisor, and may include weekly face-to-face or Zoom type meetings to discuss work progress. Evaluation of employee performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives. Employees will be expected to manage their duties and responsibilities in a way that will allow them to successfully meet job performance and meet BCARC's business needs.

#### EQUIPMENT:

On a case-by-case basis, BCARC will determine, with information supplied by the employee and the Supervisor/Director, the appropriate equipment needs including hardware (laptop) for each telecommuting arrangement. Employees are expected to provide a stable and reliable internet connection and home network to facilitate working remotely. BCARC is not responsible for providing or supporting your home internet or network. Equipment supplied by the agency is to be used for business purposes only. Upon termination of employment, all BCARC property will be returned to the agency.

#### SECURITY:

Security and confidentiality is a condition of the telecommuting arrangement. Consistent with BCARC's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary agency, volunteer, donor and HIPAA compliant information accessible from their home office. Employees must use BCARC's VPN system when working remotely.

#### TIME WORKED:

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours in the timeclock system (currently CPS). Hours worked in excess of those scheduled per day and per workweek require **the advance approval** of the employee's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement. Time worked and responsibilities performed must also be tracked on a weekly basis and sent to your supervisor. Please see your supervisor for the form. It is also on BCARC's website.

#### AD HOC ARRANGEMENTS:

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate. All telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the agency.

## V. PAY POLICIES

### A. WAGE ADMINISTRATION

Berkshire County Arc will do its best to set wages at the highest appropriate level. Wage rate determinations are contingent upon funding levels of BC Arc's various contracts. When making wage rate determinations, BC Arc reviews the pay practices of its competitors and the job responsibilities and performance of individual employees. The Massachusetts Pay Equity Act went into effect 7-1-2018. Berkshire County Arc is committed to the principle of equal opportunities in employment. We also are committed to adhering to the components of the law. We believe it is both in the company's best interests and good business practice to ensure that employees are paid fairly and equitably, free of gender bias.

### B. PAY DAY

Pay is issued bi-weekly for the preceding two weeks of employment. Electronic pay is normally available in your designated account on Thursday at 9:00 a.m.

Direct deposits to checking accounts or savings accounts is encouraged for all employees.

### C. TIME AND ATTENDANCE

- All non-exempt employees are responsible for recording all time worked by clocking in at the start of their shift and clocking out at the end of their shift. The supervisor is responsible for approving the number of hours worked each day for each of the employees they oversee and also approve the total hours for the work week.
- Salaried Employees are paid for the work that they do. If they work their scheduled hours, and use no benefit time, the supervisor will approve their weekly hours for each shift worked. Supervisors are also responsible for entering benefit time used by each employee they oversee.
- Overtime is computed as Weighted OT, which means the hours are weighted based on the job codes worked. These weighted hours are paid at the rates of the corresponding job codes.
- Benefit time will be accrued and paid based on the scheduled hours the employee was hired for. It will be paid using a blended rate based on the scheduled hours and corresponding rates.
  - This assumes the employee will use benefit time exactly as s/he is scheduled (i.e. for a 20 hours overnight, 20 hours residential, your benefit rate would be split 50/50 between the two rates).
  - Any benefit time used will be based on this blended rate, regardless of what shift it is used for.



- Punching in or out for another employee, tampering with, abuse of and/or misuse of the Time and Attendance system are strictly forbidden. Employees must use agency owned equipment to clock in/out. Violations of this policy can result in disciplinary action up to and including termination. (See procedures)

#### D. WAGE & HOUR (Payroll Deductions)

It is the policy of BCARC to establish and administer payroll processes in a manner that is fully compliant with both Federal and State wage and hour regulations relative to the payment of exempt employee salaries. In connection with these practices and administrative processes, BCARC will make every reasonable effort to ensure that improper reductions in exempt salaried employee compensation do not occur.

If an exempt salaried employee of BCARC believes that an erroneous reduction in their salary has occurred, the employee is asked to promptly notify the H.R. Department of their concern. It will be the responsibility of the H.R. Department to promptly research this payroll processing concern and respond to the employee as to their findings upon the completion of the investigation.

If, as a result of this inquiry, it is confirmed that an erroneous reduction in salary has occurred, any payment due the employee will be promptly issued, and whenever possible within “two payroll cycles” following confirmation that an error has occurred.

It is also the responsibility of the H.R. Department and payroll to identify the underlying cause of the reported error and take all reasonable steps to ensure corrective action is implemented to avoid the repetition of further mistakes of a similar nature.

#### E. OVERTIME

Overtime is earned if any hourly employee works more than a total of 40 hours in his/her scheduled work week. All overtime hours must be approved in advance by the employee’s Supervisor or Director. Holiday hours will not count as hours worked towards overtime compensation. Any exception to overtime pay must be approved by a Director or Administrator.

A regular employee that is asked to do extra hours in his/her own program or any other DDS program will receive payment at the regular rate at that program. The “slot code” and “type of hours” must reflect this.

The relief “slot code” and relief “type of hours” must reflect this on the time sheet.

For employees who work in one position and rate, overtime hours will be paid at 1.5 times the hourly rate for that position.

Vacation, personal, holiday and sick time do not count towards overtime hours. Holiday hours worked are paid at one and a half times the employee's regular rate of pay. Prior approval must be in writing. Employees must work if scheduled the day before and the day after the holiday in order to qualify for the overtime rate of pay. The employee must honor committed overtime.

All policies regarding absenteeism and tardiness will be in effect for the periods. The blended rate\* method will be used to calculate all overtime pay.

\*Blended overtime rates are calculated by adding together the weekly earnings for those employees who have been paid at different straight-time rates. That total is then divided by the total number of hours worked at all jobs. This blended rate is used to calculate the additional half-time rate for hours worked over 40.

#### F. EXCESS STAFF HOURS/OVERTIME

Each program is allotted a pre-determined number of staff hours per week. Occasionally, a situation may arise in which additional hours or overtime hours are needed. Neither overtime nor usage of excess hours is permitted except with prior approval of the respective program Supervisor. An Excess Hours form should be completed and turned in the following Monday morning with the time sheets. It is the responsibility of the individual staff to keep track of his/her hours and not to exceed 60 hours per week. The agency is very concerned about staff working too many hours for their safety and the safety of the individuals served. Exceptions to this policy may only be approved by a Director or designee. Disciplinary action will be taken if an employee violates this policy.

## VI. RESIGNATION/TERMINATION POLICY

For an employee to resign in good standing, advance written notice to the employee's immediate Supervisor is requested. Supervisory staff (i.e. Directors, Site Managers and Managers) are required to work a four weeks' notice. All other staff must work a two-week notice.

If BCARC terminates an employee because of lack of work, the employee will normally be given two weeks' advance notice. Advance notice by BCARC need not be given in the event an employee is discharged for cause.

Any vacation or other termination pay shall not extend the effective date of termination beyond the last day to be worked.

Benefit time cannot be used once an employee has given notice whether verbally or written.

### A. POLICY

It is the policy of BCARC to process terminating employees according to a standardized personnel procedure for the following purposes:

1. To ensure the consistent and equitable treatment of terminating employees.
2. To conduct exit interviews from time to time to receive suggestions that terminating employees may have for improving the organization.
3. To review insurance conversion privileges and other pertinent employee benefits matters.
4. To reclaim all keys and other BCARC property.
5. To audit individual records and program financial matters when appropriate.
6. To arrange for distribution of terminal paychecks.
7. To clear any accounts terminating employee may owe.

### B. APPLICATION

Resignation: voluntary termination initiated by the employee for reasons not attributable to the employer.

1. With notice - written notification of intent to resign is given two weeks in advance of the last day of work. Four weeks written notice is required for Supervisory staff (i.e. Site Managers and Managers).

2. With Insufficient Notice - written notification of intent to resign is given in advance of the last day of work by a period of time less than that specified above.
3. Without Notice - no notification of intent to resign is given. An employee absent without notification to, or prior approval by the supervisor for any day on which the employee was scheduled to work, is considered a voluntary resignation without notice.

Release - involuntary termination initiated by BCARC due to inability of the employee to meet BCARC standards of performance or lack of work.

Discharge - involuntary termination initiated by BCARC for cause. (See discipline in employee handbook).

### C. ADMINISTRATIVE GUIDELINES

#### Terminal Pay

- a. Terminal pay shall include
  1. Pay for work performed through the last hour worked; and,
  2. Pay in lieu of unused vacation allowance earned up to the first day of the month in which an employee terminates, unless accrual has been used prior to last day worked.
- b. Terminal pay shall be reduced by any
  1. Required legal deductions,
  2. Tax-sheltered Annuity, 403b, annual campaign, or other voluntary deductions,
  3. Voluntary Insurance premiums, if due that payroll period.
  4. Cafeteria plan deduction.
- c. It is expected that moneys owed to BCARC for telephone or other expenses will be paid on or before the last day worked. If not paid, any expenses will be deducted from any remaining monies owed to the employee.
- d. Terminal paychecks are normally available on the next regular pay period following the date of termination. Such checks are issued through normal payroll distribution channels; alternative arrangements may be made, however, for terminal paychecks to be mailed, issued during the exit interview (with sufficient prior notice), or retained in the Human Resource or Accounting Department for issue at a later date.

### D. MEDICAL/DENTAL INSURANCE

The continuation of group health insurance coverage for employees terminating for any reason other than retirement, is as follows:

1. BCARC's contribution to the employee's health plan will terminate as of the last day of employment.
2. Employee will be offered continued Medical and/or Dental Insurance coverage (COBRA) under federal and/or state laws. The employee must pay the group premium costs for coverage.
3. Arrangements must be made by the employee to continue coverage by completing the COBRA form and submitting it to Human Resources.

#### E. COBRA - CONTINUATION COVERAGE

The following is intended to inform, in a summary fashion, rights and obligations under the continuation coverage provisions of the law.

1. Employees who are covered by the Agency's group health plan have a right to choose COBRA (continuation coverage) if group health coverage is lost because of a reduction in hours of employment or the termination of employment (for reasons other than gross misconduct).

NOTE: Marketplace Coverage Options: There may be other coverage options for you and your family. Depending on family circumstances and income, you may have access to Mass Health, Commonwealth Care and Commonwealth Choice benefits plans. Both Mass Health and Commonwealth Care make coverage affordable for individuals and families who meet income guidelines. A representative with Health Connector can help you determine if you are eligible based on your gross household income and size of your family.

Being eligible for COBRA does not limit your eligibility for coverage for a tax credit through the Massachusetts Health Connector. Visit the Massachusetts Health Connector Web Site at: [www.mahealthconnector.org](http://www.mahealthconnector.org). or call 1-877-MA-ENROLL

2. An Employee's spouse covered by the Agency's group health plan, has the right to choose continuation coverage for himself/herself if group health coverage is lost under the plan for any of the following four reasons:
  - a. The death of employee's spouse,
  - b. A termination of employee's spouse's employment (for reasons other than gross misconduct) or reduction in spouse's hours or employment,
  - c. Divorce or legal separation, or
  - d. Spouse becomes entitled to Medicare.
3. In the case of a dependent child of an employee covered by the Agency's group health plan, he or she has the right to continuation coverage if coverage under the group health plan is lost for any of the following five reasons:
  - a. The death of parent,

- b. The termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment with BCARC,
- c. Parents' divorce or legal separation,
- d. A parent becomes entitled to Medicare, or
- e. The dependent ceases to be a "dependent child" under BCARC.

Under the law, the employee or a family member has the responsibility to inform the Plan Administrator of a divorce, legal separation, or a child losing dependent status under the group health plan within 60 days of the later of the event or the date on which coverage would be lost because of the event. BCARC has the responsibility to notify the Plan Administrator of the employee's death, termination of employment or reduction in hours or Medicare entitlement. Rights similar to those described above may apply to retirees, spouses and dependents if the employer commences a bankruptcy proceeding and these individuals lose coverage.

4. When the Plan Administrator is notified that one of these events has happened, the Plan Administrator will in turn notify the former employee of his/her right to choose continuing coverage. Under the law, a former employee has at least 60 days from the date coverage would end because of one of the events described above to inform the Plan Administrator of his/her desire to continue continuation coverage.
5. If a former employee does not choose continuation coverage, the group health insurance coverage will end. If continuation coverage is continued, BCARC is required to provide coverage which, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. The new law requires that former employees be afforded the opportunity to maintain continuation coverage for three years unless group health coverage is lost because of a termination of employment or reduction in hours. In that case, the required continuation coverage period is 18 months.

The 18-month period may be extended to 36 months if other events (for example, divorce, and legal separation, death, or Medicare entitlement) occur during that 18-month period. The 18-month period may be extended to 29 months if an individual is determined to be disabled (for Social Security disability purposes) and the Plan Administrator is notified of that determination within 60 days. The affected individual must also notify the Plan Administrator of any final determination that the individual is no longer disabled.

The law also provides that continuation coverage may be cut short for any of the following five reasons:

- a. BCARC no longer provides group health coverage,
- b. The premium for continuation coverage is not paid on time,
- c. Coverage begins under another group health plan that does not contain any exclusion or limitation with respect to any pre-existing condition,
- d. Becoming entitled to Medicare,
- e. Coverage has been extended for up to 29 months due to a disability and there has been a final determination that there is no longer a disability.

6. Proof of Insurability is not necessary to choose continuation coverage. Under the law, partial or full premiums must be paid for continuation of coverage. There is a grace period of at least 30 days for the regularly scheduled premium. (The law also says that, at the end of the 18-month or three-year continuation coverage period, enrollment into an individual conversion health plan be offered which is provided under the Agency's group health plan).

This law applies to the Agency's group health plan beginning on (applicable date under section 10002 (d) of COBRA). Any questions about the new law should be directed to the Plan Administrator. Also, any changes in marital status, or address changes must be reported to the Plan Administrator.

## VII. STAFF RESPONSIBILITIES

Job descriptions outlining specific duties of all BCARC employees are available in the Central Office. All job descriptions will be reviewed every year. An organizational chart showing lines of authority and staffing patterns within the BCARC operation is contained in this manual. Clear lines of authority are reflected in this organizational chart. In the absence of an Administrator, a designee is assigned.

### A. GENERAL

1. Before beginning employment, employees must have completed a Cori, W-4 form, I-9, SORI, Fingerprints, and a Driver's Authorization form. They must have received a job description, and must show proof of a US valid Driver's License.
2. All new hires must attend Orientation training and any other applicable training.
3. All staff shall adhere to agency Personnel Standards and all agency policies and procedures.
4. All employees must be trained in and adhere to the BCARC Policies and Procedures Manual and must sign a Manual Consent Form at the time of orientation and after Manual revision. All employees must review and adhere to all Policies and Procedures in the Employee Handbook at Orientation. They must sign a Handbook receipt at that time.
5. All staff must adhere to driver safety rules. (Transportation).
6. Personal property, which may include but not limited to such items as clothing, cash, personal belongings etc. shall not be the responsibility of the Agency. The safety of these items is the employee's responsibility.
7. All staff are mandated reporters in regards to any safety issues, abuse, neglect, and mistreatment of individuals served or any Agency policies or procedures.
8. Purchases between Staff and Individuals  
Staff and individuals are not allowed to solicit each other for the purchase of goods or services during working hours or non-working hours. Exceptions to this must be approved by the President & CEO.

### B. PROGRAM SITE MANAGERS

1. All Program Site Managers will prepare a Monthly Management Report to be submitted to the appropriate Director at a monthly meeting.
2. Residential Program Site Managers will prepare a monthly schedule for themselves and their Assistant Site Manager to be submitted to the Co-Directors for prior approval. Any



alteration to these schedules must be approved. A monthly staff schedule will be submitted to the Co-Directors. Both schedules must be in the Central Office by the 25th of the preceding month.

3. All supervisory staff are responsible for staff evaluations according to the BCARC Staff Evaluation procedure.

Site Managers shall maintain accurate and complete records, reports and data necessary to meet the requirements of BCARC and any certifying or regulatory agency. Upon termination of employment with BCARC, it is required that all financial records be brought to the appropriate Director for auditing.

4. Programs will receive a weekly petty cash allocation, determined by the President & CEO or his/her designee, to cover the cost of food and incidentals. All expenditures must be supported by receipts.
5. The President & CEO or his/her designee must approve all purchases, with the exception of petty cash expenses. Purchase Orders will be completed and then approved by the President & CEO or designee before orders are placed. Receipts must be submitted for each expenditure before bills will be paid. Purchase Orders must be submitted to the Accounting Department by 11:00 a.m. on Tuesday to have a check issued on Thursday. Approved Petty Cash, Weekly Spending, and Savings Withdrawals must be submitted by Monday 12:00 p.m. to have a check issued on Thursday.
6. When an accident/injury occurs:
  - a) Employee and Supervisor must complete an Accident and Injury Report (whether or not an employee is seeking medical attention at that time).
  - b) The report should accompany the employee to the designated medical facility.
  - c) All Accident and Injury Reports must be submitted to the Human Resources Department within 24 hours.
  - d) All Supervisors must inform the appropriate Director.
7. Staff Training Logs will be maintained and submitted on a monthly basis to the Training Department. These logs will contain a record of all internal and external training.
8. It is the responsibility of each Program Site Manager or his/her designee to update the Program Inventory Log yearly and submit it to the Administrative Assistant.
9. A staff vacancy in any program will be reported to the Human Resource Recruiter; all advertising for new employees will be done through the Human Resource Department. The Human Resource Department will screen all applicants and refer suitable applicants to the appropriate Department. The Director will interview final candidates and a consumer and/or family interview will be held to seek input in the final hiring decision. In the case of a Program Manager or Assistant Manager vacancy, the appropriate Director will interview all final applicants and the President & CEO or his/her designee will approve the hiring decision.

10. If for any reason it becomes necessary to discharge an employee, the President & CEO or Vice President must give approval prior to the discharge. Procedures outlined in the Resignation/Termination Policy must be followed.
11. A Personnel Action form must be completed on all new, terminated and transferred employees and approved by the President & CEO or his/her designee prior to offering the position. Failure to do so will result in disciplinary action.

#### C. CARE OF INDIVIDUALS SERVED

1. Regardless of the capacity of the home, there shall be at least one staff person on duty (including overnight) when any individual is present at the home. In homes where at least one individual requires assistance to evacuate there must be at least one overnight awake staff person on duty during hours in which individuals are ordinarily present and asleep. All staffing ratios will be followed per the safety plan.
2. Staff hired for Awake Night positions are required to remain awake and alert at all times. Any Awake Night staff found sleeping will be immediately disciplined, up to and including termination. Other staff on duty will be held responsible for reporting any infraction of this policy. Failure to do so will result in disciplinary action.
3. All visits to programs by other than BCARC staff on duty must be approved by the appropriate Director. In his/her absence, a designee will be appointed. This does not apply to personal friends or family of Individuals served.
4. Persons served will be given receipts for any payment made to the program and all monies collected will be submitted to the Accounting Office.
5. Any change in an individual's schedule must be approved by a Supervisor or Co-Directors. All outings must be for the sole benefit of the individuals.
6. No minor children of staff on duty may visit or stay in programs without the express approval of the appropriate Director or Administrator.

#### D. STAFF EVALUATIONS

Staff evaluation shall take place upon the completion of the orientation period and each year thereafter. Additional evaluations due to raises or disciplinary measures, (Counseling Reports), etc. may be given at any time. No staff person should go without an evaluation for longer than a year without the authorization of the President & CEO or his/her designee. Consideration for salary changes will only be determined provided there is a current performance evaluation on file. Any staff person has the right to request an appraisal at any time. Upon request a decision will be made within two weeks to determine if a new updated appraisal is necessary.

E. PERSONNEL RECORDS

Upon receiving a written request from an employee the agency shall provide the employee with an opportunity to review their personnel record within five business days of such request. The review shall take place at the place of employment and during normal business hours. An employee shall be given a copy of their personnel record within five business days of submission of a written request for such copy to the Human Resource Department.

## VIII. OTHER PERSONNEL POLICIES

### A. OUTSIDE EMPLOYMENT

BCArc staff may pursue outside employment only when the following conditions are met:

1. No conflict of interest with purpose and mission of BCArc is present. (See conflict of interest policy)
2. BCArc facilities and equipment may not be used for outside employment purposes (private practice).
3. A clinician/staff person may not refer any individual served in a BCArc program to herself/himself in private practice. This includes any individual served who has come to BCArc for an evaluation, emergency service, or any other service.

### B. EMPLOYEE DEVELOPMENT

All regular staff will receive training (orientation/in service) conducted by Berkshire County Arc Staff. All regular staff will receive specific program training mandatory to their position and program. It is the responsibility of the staff to turn in all training certificates, both internal and external, to the Training department for entry into the training database (eAcademy). In addition to live trainings, the Training Department offers online trainings through the eAcademy system. These trainings will cover both core competency trainings and additional employee development opportunities. All additional employee development such as attendance at seminars, workshops, conferences and continued personal development is encouraged but is subject to available funding. Prior written approval utilizing the training request form, must be obtained from the supervisor.

Staff attending special training may be asked to conduct a formal training program for all relevant staff. All training programs will be documented, tracked and retained in eAcademy.

All support staff (including day, residential, relief etc.), must be trained in the core competencies which include but are not limited to First Aid, CPR, Human Rights, Universal Precautions, Fire Safety, Medication Certification and Values etc. All Managers and Assistant Site Managers in each program will be trained in fire suppression techniques.

### C. SEXUAL HARASSMENT POLICY

#### I. Introduction

It is the goal of Berkshire County Arc to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be

tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

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

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

## II. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this: “sexual harassment” means sexual advances, request for sexual favors, and verbal or physical conduct of a sexual nature when

- (a) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or conditions of employment or as a basis for employment decisions; or,
- (b) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

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

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

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

- Unwelcome sexual advances – whether they involve physical touching or not;

- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

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

### III. Complaints of Sexual Harassment

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint, you may do so by contacting the Director of Human Resources at (413) 499-4241, Ext. 233. The Director of Human Resources is also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### IV. Sexual Harassment Investigation

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

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

### V. Disciplinary Action

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

#### VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission (“EEOC”)  
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
One Congress Street, Room 1001  
Boston, MA 02114  
(617) 565-3200

2. The Massachusetts Commission Against Discrimination (“MCAD”)  
MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION  
Boston Office: One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000

Springfield Office: 436 Dwight Street  
Second Floor, Room 220  
Springfield, MA 01103  
(413) 739-2145

#### D. TRANSPORTATION

Employees are required to transport individuals to and from outings / activities (in an agency or personal vehicle). All outings must be for the sole benefit of the individuals.

Employees required to use their privately owned insured vehicles on official business for BCARC will be reimbursed on an established per-mile basis. Auto insurance is required per law.

All staff who are assigned to transportation of Individuals served and/or materials, must possess a valid U.S. driver’s license and a BCARC Driver Authorization Card. Emergency telephone/beeper numbers are listed on this card.

All new staff must produce a valid U.S. Driver’s license to the Human Resources Department during the orientation day of employment and the Agency will conduct a history check with the Department of Motor Vehicles at any time.

All trips are calculated on a round trip basis and start and finish from your Program Site.

## E. DRIVERS SAFETY RULES

The following driver safety rules must be followed at all times when operating Agency vehicles or transporting Individuals/materials in staff vehicles:

1. Staff must possess a valid U.S. motor vehicle operator's license and a valid certificate of motor vehicle insurance.
2. Staff must consult individual safety assessment (safety plan) prior to transporting individuals.
3. Driver must make safety inspection of vehicle prior to using vehicle.
4. Driver must check all doors of vehicle to ensure that they are securely closed prior to putting the vehicle in motion.
5. Driver and individuals must wear safety belts at all times while vehicle is moving.
6. Staff must obey all traffic signs and state motor vehicle operator's laws; any violations, citations, or fines issued as a result of driver neglect is the responsibility of the driver.
7. Drivers must always stop in the extreme right lane with the vehicle in "park" and the parking brake set prior to loading or disembarking or unloading passengers.
8. When leaving the vehicle unattended, staff must shut off engine, lock the ignition, remove the key, effectively set the brake and lock all doors. When parking on any grade, the front wheels need to be turned to the curb or side of the roadway. **AN INDIVIDUAL MUST NEVER BE UNATTENDED UNLESS PERMITTED IN THAT INDIVIDUAL'S INDIVIDUAL SUPPORT PLAN (ISP).** An individual must never be left unattended in a running vehicle.
9. Any changes in the driver's license status must be reported to the Human Resources on the next scheduled work day after the occurrence.
10. When transporting passengers and/or driving an agency vehicle, the scene of an accident must never be left without filing a police report which identifies the other driver by name and their insurance company information and submitting a copy of that report to the Director of Human Resources. In addition staff will provide a written statement and an Operators Incident Report to the Director of Human Resources within 24 hours.
11. Staff should never allow an individual to operate your vehicle, or an agency owned vehicle. Conversely staff are not allowed to operate vehicles owned by individuals or families.
12. Staff only are authorized to operate agency vehicles.
13. Staff may not use cell phones while operating agency vehicles.



14. Staff are prohibited from smoking when transporting individuals.
15. Staff must have an automobile during their working hours on the premises. (Cannot use other staff's vehicle on the same shift).
16. At no time should anyone other than an approved BCARC staff be transported along with the individuals unless it has been authorized by a Director (i.e. minor children, other relatives, or friends etc.).

#### F. PUBLIC RELATIONS

Any communication on behalf of the Agency to the press, federal, state or local agencies must be handled through the President of the Board or President & CEO, or their designee.

#### G. SOLICITATION, DISTRIBUTION AND ACCESS

The individuals with disabilities deserve staff's full, complete and attentive service, and staff should respect their living space. Therefore in order to prevent the disruption of operations, or disturbances in individual working environments, the following rules apply to solicitation, distribution of literature and/or access to our facilities and program buildings:

1. Employees are prohibited from soliciting financial contributions, selling merchandise or otherwise engaging in solicitation of other employees during the work time of either employee.
2. Employees may not solicit other employees for any purpose at any time in immediate resident care or service areas such as residential rooms/units, nursing stations, or in any area devoted to resident care such as resident dining rooms and therapy areas.
3. Employees are prohibited from distributing literature or printed material that is not authorized or related to BCARC in work areas or immediate resident care or service areas at any time and in non-work areas during work time.
4. Solicitation of any kind and distribution on Agency property of literature by non-employees is strictly prohibited at all times.
5. Employees while off duty are not allowed inside any facilities or program buildings except for visiting our residents subject to the program's visitation rules or for official business directly related to their employment.
6. Employees while off duty are not allowed in outdoor work areas such as storage facilities or maintenance sheds.
7. As used in these rules, the term "working time" means the period of time that is spent in performance of actual job duties and does not include time spent on Agency's premises

traveling from the parking lot to the work area and back, time spent in employee restrooms, lounges, and personal clean up time.

#### H. SMOKING POLICY

In order to provide a healthy environment for Individuals, employees and visitors, no smoking (this includes E-cigarettes) will be permitted in any building operated by BC Arc. Smoking will be permitted outside of buildings on the grounds in designated areas only at each site. Proper receptacles will be provided.

Exceptions to this policy can be approved by the President & CEO in cases where individuals living in an Agency residence have a working agreement with their house mates which allows them to smoke in a designated area.

All employees are expected to honor this policy and have the responsibility to bring it to the attention of visitors. Anyone smoking in an Agency operated building or in non-designated areas will be considered in violation of this policy.

Employees are not allowed to smoke when transporting individuals.

#### I. BULLETIN BOARDS

The Agency bulletin boards are to be used exclusively for the posting of official Agency administrative notices. Important information is contained in these notices. No unauthorized postings or defacing of posted material is permitted. Removal of posted material is not permitted and will be cause for discipline. Employees are not permitted to use Bulletin Boards for any purpose.

#### J. VOLUNTEERS/INTERNS

In order to improve the quality of services to its Individuals, BC Arc provides an opportunity for volunteers or student interns to serve within its programs.

Although it is recognized that volunteers/interns greatly enhance program scope, volunteer services shall supplement but shall not be used in lieu of the services of paid BC Arc employees.

Volunteers/interns will receive orientation and training prior to the placement in any BC Arc program.

All volunteers/interns shall be selected and approved by the Director of Human Resources and will be assigned to a specific staff supervisor. Volunteers are required to complete an application, and sign a manual consent form and a job description. All volunteer records will be maintained by the Human Resource Department.

Volunteers/interns will function within the goals of BCARC and with specified job duties.

Volunteers/interns shall have the qualifications required for their assignments. If volunteers provide professional service, they should meet the standards or qualifications applied to comparable staff positions.

The volunteer's supervisor will report monthly to the assigned Supervisor on the performance of volunteers.

Volunteers/interns have no access to individual records and are expected to treat verbal information as privileged and confidential.

#### K. GRIEVANCE POLICY

BCARC has adopted a formal grievance procedure providing for prompt and equitable resolution of complaints alleging any violation of state and federal laws and regulations protecting Individuals from discrimination based on race, color, religious creed, national origin, sex, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), age, ancestry, disability, denial of reasonable accommodations, or marital status in the provision of or access to services, employment and activities.

In order to ensure that employees receive fair and equitable treatment, grievance procedures will be handled through the normal organizational structure of BCARC. Every effort will be made to resolve grievances at the point of occurrence. The employee may follow a formal grievance outlined below.

Note: All grievances must be submitted in writing to the immediate supervisor of the originator of the document or action being grieved.

1. If the employee has a grievance, it must be initially referred, in writing (e-mail is not an acceptable written form; a hard copy must be submitted) to the employee's immediate Supervisor within 10 business days and a copy delivered to their Supervisor's Manager.
2. If the grievance is not resolved within 10 business days after filing, the employee may then deliver the written grievance to the appropriate Director.
3. If still not resolved within 10 business days, the employee may then deliver the written grievance to the Vice President of Residential Clinical or the COO.
4. If still not resolved within 10 business days, the President & CEO shall render a written decision on said grievance within 5 working business days of receipt. The President & CEO's decision will be considered final.

## L. REFERENCE INQUIRIES

All written or verbal inquiries made by outside parties (i.e., potential employers, investigating agencies, written references by former employees, etc.) with regard to employment history of a former or present employee shall be directed to the Human Resources Department for response. This includes request for information concerning but not limited to general reputation, character, personal characteristics, performance ability, attendance, salary, and dates of employment.

The following information will be confirmed from the Personnel File by telephone by the Human Resource Department:

- a. Employment Status
- b. Job Title
- c. Length of Service/Hire Date

Under no circumstances will any additional information be released except through the Human Resource Department and only upon written authorization by employee concerned.

The verification of employment of current employees for purposes of establishing credit or bank loans will be prepared by the Accounting Department with review by the Human Resource Department prior to release. This procedure also requires a written authorization by the employee.

If a former employee has signed a Voluntary Authorization for Reference Information form, the Human Resources Department may release information which is within the scope of the business purposes using a regular termination form that the former supervisor has filled out.

It is the policy of the Agency not to give any written references. Any exceptions need approval of the Director of Human Resources.

## M. E-MAIL & INTERNET POLICY

Berkshire County Arc provides personal computers with access to the email system and Internet to its employees for use in conducting Berkshire County Arc business. All hardware and software used is the property of Berkshire County Arc. The following policy explains Berkshire County Arc's access to and disclosure of electronic mail messages sent or received by employees who use the electronic mail system, and the proper use of the electronic mail system generally. All communications and information transmitted by, received from or stored on these systems are The Agency's records and the property of Berkshire County Arc. All sensitive Berkshire County Arc material transmitted over external network must be encrypted. All computing devices must be protected with a password. Employees should understand that their use of the system will be monitored, and they should have no expectation of privacy in connection with any matter stored in, created, received or sent over Berkshire County Arc property and may be accessed by Berkshire County Arc at any time without knowledge or consent of the information systems user or owner. For privacy reasons, employees should not attempt to gain access to another employee's personal file of e-mail messages without the latter's express permission. Failure to adhere to this policy could result in termination of employment.

The electronic mail and other information systems of Berkshire County Arc are to be used by employees solely for BC Arc business. When using the Agency's electronic mail and other information systems, employees should treat each other with dignity and respect, and should not use these resources in a way that may be disruptive, offensive to others or harmful to BC Arc. No files or documents may be sent or received that may cause legal liability for, or embarrassment to Berkshire County Arc. Employees may not use these resources to display or transmit sexually explicit images, messages, or cartoons, nor may employees use these resources for any communications that contain ethnic slurs, racial epithets, or unlawful harassment of others. Violation of this policy will result in appropriate disciplinary action.

Employees should use the information systems for Berkshire County Arc business only. All employees are required to adhere to BC Arc's Internet and Email policies and prohibited activities are listed on BC Arc's Email and Internet sign-off sheet.

All employees are required to adhere to Berkshire County Arc's Internet and Email policies and prohibited activities as listed on Berkshire County Arc's Email and Internet Sign off sheet.

#### N. CELL PHONES (WITH CAMERAS)

Agency cell phones should be used for emergencies only while on duty and at no time take away from the proper care of Individuals served. Proper levels of supervision must be maintained at all times.

Personal cell phone use and personal text messaging is strictly forbidden in all programs. Exceptions for Agency purposes may be approved by the Site Manager.

No personal electronic devices (i.e. lap top computers, tablets, smart phones etc.) are allowed to be used during working hours unless specified usage is approved by the Director.

Cell phones (including hand free devices) are not allowed to be used while transporting individual(s). In the case of emergency staff must pull over and find a safe place to stop and respond to the necessary call.

Photos and/or videos of individuals are not allowed without written permission by the individual and/or guardian.

#### O. CONFIDENTIALITY

Berkshire County Arc is committed to protecting the privacy of the individuals in its programs, employees and job applicants. Confidentiality is important regardless of the form it takes whether oral, in print or electronic. Care must be taken in what is said, to whom and where. As it pertains to individuals in BC Arc's programs, it is the intent of the Agency to comply with the Federal Privacy Rules and applicable Massachusetts laws. The Privacy Rule was promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

The agency has adopted a HIPAA Compliance Program to ensure its compliance with the Privacy Rule and relevant state laws governing privacy. The Agency will from time to time implement other policies and procedures, and may modify existing policies and procedures to reflect its commitment to an individual's privacy and compliance with the Privacy Rule.

The HIPAA Compliance Program is a detailed and specific statement of policies and procedures with which all personnel who use, disclose or access Protected Health information (any identifying information about individuals in programs) must comply. A violation of the Privacy Rule could be detrimental to BC Arc, the individuals and its personnel and would violate the Agency's commitment to confidentiality. Failure to follow the BC Arc's policies and procedures may lead to civil and criminal liability for the employee and the Agency, and may also result in the termination of employment. It is imperative that all personnel comply with the standards contained in the HIPAA Compliance Program and related policies and procedures, immediately report any actual or potential violation of the HIPAA Compliance Program to BC Arc's Privacy Officer, and assist the Agency personnel and authorized outside personnel in investigating any alleged violations. Berkshire County Arc has designated the Quality Facilitator/Privacy Officer as the person who is responsible for the development and implementation of the HIPAA Compliance Program. The Quality Facilitator/Privacy Officer is also responsible for receiving complaints and providing further information regarding the HIPAA Compliance Program.

#### Potential Penalties Imposed on the Employee

By Berkshire County Arc:

Depending on the severity of the violation, as determined by the supervisor, sanctions can range from a warning to immediate termination of employment and possible reporting to applicable Federal and State administrative authorities. However, BC Arc will never impose a penalty or take any adverse reaction against any employee for exercising rights protected by applicable state or federal labor or employment law, and nothing contained in this section should be interpreted in a manner which infringes upon such rights. If you have questions, feel free to contact the President & CEO or designee.

By Massachusetts Courts:

A Massachusetts court may require the employee to pay monetary damages to a patient whose right to privacy has been violated.

#### P. WORKPLACE VIOLENCE POLICY

It is Berkshire County Arc's policy to maintain a working environment free from all forms of harassment. No employee, including supervisors, managers, or executives, shall harass, intimidate, or threaten any other employee, individual, family member or the general public. The following are examples of the type of behavior that will result in disciplinary action, up to and including termination of employment. The list is not exhaustive but only contains examples. It is not to be construed as limiting those instances in which the discharge penalty may be imposed, nor limiting the Agency's right to discharge employees for offenses not contained in the listing of examples:

- Verbal or written threats towards persons or property; the use of vulgar or profane language or gestures towards others; disparaging or derogatory comments or slurs; verbal, written, or physical intimidation; name calling, and exaggerated criticism.
- Sexual advances, requests for sexual favors, and other verbal, visual, written or physical conduct of a sexual nature.
- Derogatory or offensive signs, posters, cartoons, drawings, pictures, or publications.
- The use of Agency property, services, or equipment, such as phones, faxes, copiers, mail systems etc. for the purpose of harassing or threatening any individual.
- Any physical assault, such as hitting, pushing, punching, pinching, kicking, holding, impeding or blocking the movement of another person.

Under no circumstances are items such as the following permitted on Agency property, which includes parking areas: all types of firearms and ammunition including starter pistols and flare guns; explosives including blasting caps, knives, martial arts weapons, dangerous chemicals, clubs or chains, and other objects carried to injure, harass, or threaten. An employee who violates this policy will be subject to appropriate disciplinary action, up to and including discharge. The Agency at all times will be the final arbiter of what constitutes harassment or intimidation.

### Responsibilities

#### A. Employees:

Be familiar with Agency Policy regarding workplace violence. Be responsible for securing their own workplace. Be responsible for questioning and/or reporting strangers to supervisors. Be aware of any threats, physical or verbal, and/or any disruptive behavior of any individual and report such to supervisors. Be familiar with local procedures for dealing with workplace threats and emergencies. Do not confront individuals who are a threat. Be familiar with the resources of the Employee Assistance Program. Take all threats seriously.

#### B. Administrators, Supervisors, Program Site Managers:

Inform employees of Agency workplace violence policies and procedures. Ensure that employees know specific procedures for dealing with workplace threats and emergencies, and how to contact police, fire, and other safety and security officials. Ensure that employees with special needs are aware of emergency evacuation procedures and have assistance (as necessary) regarding emergency evacuation situations. Respond to potential threats and escalating situations by utilizing proper resources from the following: local law enforcement and medical services.

### Prevention of Workplace Violence

All employees should know how to recognize and report incidents of violent, intimidating, threatening, and disruptive behavior. All employees should have phone numbers for quick reference during a crisis or an emergency.

### Emergency Procedure:

The emergency contact list should also be used in other cases of emergency, such as physical plant, staff coverage or behavioral emergency. In the event the 24 hour/day paging response fails, the appropriate administrator should be contacted at home. All numbers should be called until someone is reached

Emergency Contacts:

Director of Residential Services	Chris Melski	Home: NA	Cell: 413-281-5504
Director of Brain Injury Services	Amber Steele	Home: NA	Cell: 413-281-8369
Director of Day and Administration	Cybele Kilby	Home: NA	Cell: 413-449-3324
Director of Employment and CBDS Services	Shaun Hall	Home: NA	Cell: 413-770-6031
Vice Pres. of Residential and Clinical Services	Jennifer Rush	Home: NA	Cell: 413-884-3278
Chief Operating Officer	Maryann Hyatt	Home: 413-329-5127	Cell: 413-441-0296
President & CEO	Kenneth Singer	Home: 413-442-3289	

Use of Police – The Police Department should only be contacted in situations involving extreme threat to health or safety. Call 911.

Emergency Evacuation Procedure:

The evacuation route will be posted in a common place for all Programs. All staff and individuals will be instructed to meet at a common place outside, and attendance taken. (Follow fire procedures.) In the event of emergency in regards to a bomb threat or extreme violence which renders an Agency building uninhabitable then follow Disaster procedure in the Agency Manual.

Reporting Procedures:

Any potentially dangerous situation must be reported immediately to a supervisor or the Director of Human Resources. All staff who witnesses such acts or threats are mandated reporters. Failure to report these infractions to the immediate supervisor or the Director of Human Resources will be subject to disciplinary action, up to and including termination. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of the investigation will be discussed with them. The Agency will actively intervene at any indication of a possibly hostile or violent situation.

Employee Assistance Program:

The Agency has a confidential Employee Assistance Program (EAP) with trained counselors who can address workplace stress and violence issues. You can use these counselors as a way to assess whether a situation needs to be brought to the attention of management. You can also use



them to strategize ways to deal with uncomfortable or threatening situations. Contact the Human Resources Department for more information on the EAP.

#### Q. DRUG-FREE WORKPLACE POLICY

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the workplace. No employee may be under the influence of any illicit drug or alcohol while in the workplace (this includes prescription drugs and over the counter medications) while on duty, or while operating a vehicle or equipment owned or leased by the agency.

In accordance with the Drug-Free Workplace Act of 1988, the agency must maintain a drug-free workplace. Failure to comply with this law could jeopardize the important government funds that the agency receives. The unlawful manufacture, use, possession, distribution, transfer, purchase, sale or being under the influence of alcoholic beverages, marijuana, or illegal drugs while on the employer's property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the agency is strictly prohibited and may lead to disciplinary action, including suspension without pay or discharge. When appropriate, the employee may be referred to approved counseling or rehabilitation programs, and the Employee Assistance program. The Agency is committed to help any staff who seeks assistance and will direct staff to the appropriate programs.

Any employee engaged on government contract or grant work must comply with this policy as a condition of employment. Should an employee be convicted of a drug-related crime that occurred in the workplace, he or she must notify the agency within five days of the conviction. The agency is required to notify the appropriate government agency within ten days of the conviction. Appropriate personnel action, including possible discipline and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received. Employees may use physician-prescribed medications, provided that the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace.

#### R. SUBPOENAS, SEARCH WARRANTS, INVESTIGATIONS, AND OTHER LEGAL ACTIONS

In the event that an employee is approached during working hours by a person who is trying to serve a subpoena, exercising a search warrant, initiating an investigation or attempting to proceed with any type of legal action, the employee must direct this person to BCARC's main office (395 South St, Pittsfield, MA).

Upon arrival at BCARC's main office, the reception staff will direct the person attempting to proceed with the legal action to BCARC's President & CEO, COO or the administrator in-charge. The administrator will verify the person's credentials and accept the subpoena or request. Then either the Director of Human Resources or the COO will take full responsibility for fulfilling the legal requirements of the pending action.

The Director of Human Resources or designee will handle all inquiries related to BCARC's employees.

In case of

- a subpoena addressed to an employee, the Director of Human Resources or designee will contact the employee and request that he/she come to the main office to accept the subpoena.
- a request for an employee's records, the Director of Human Resources or designee will assist in fulfilling the request.

If the person has legal business that does not pertain to an employee personally, then BCARC's COO or designee will provide assistance.

In the case of

- a subpoena addressed to Berkshire County Arc, the COO or designee will coordinate fulfillment of the subpoena requirements.
- a search warrant, the COO or designee will contact BCARC's attorney and will accompany the person exercising the search warrant.
- an investigation, the COO or designee will notify the Program Director and will arrange for those involved in the investigation to be available for questioning.

The Director of Human Resources or COO must report on all actions taken to the President & CEO.

## S. AGENCY RE-ORGANIZATIONS

If the Agency determines it is necessary for business, or other compelling reasons, to reorganize, a decision will be made in the best interests of those we support, and whenever possible a two week notice will be given to all program staff affected by the change, with the understanding that the exact shift and hours the staff person works at the program may not be available in the current or other programs. All Agency job postings are maintained in the main office, listed on the Agency's website, as well as advertised locally. In the event an employee is affected by such reorganization, the employee should review these sources and inform the Agency whether the employee would like to be considered for another available position. The Agency will consider each affected staff person's preferences as well as program needs to provide a mutually beneficial outcome whenever possible.

## T. REDUCTION IN WORK FORCE

The Agency will attempt to minimize the impact of a reduction in the work force should one become necessary. Alternative measures will be reviewed and may be attempted prior to the implementation of a work force reduction. Should a reduction in the workforce become necessary, the following criteria, under most circumstances, will be used in selecting those affected by such a reduction: job title, job performance, attendance, and special skills, the operational needs of the department and length of service.

## U. MEDICAID/MASSHEALTH POLICY

The purpose of this policy is to inform employees, contractors and agents of Berkshire County Arc, Inc. of the federal False Claims Act and the federal Program Fraud Civil Remedies Act and the MA. Medicaid Fraud law. Also to provide general information regarding the Agency's efforts to combat fraud, waste and abuse in the system and to describe the remedies and fines for violations that can result from certain types of fraudulent activities.

All employees, contractors, agents and volunteers of the Agency have the responsibility to report to the Agency's Compliance Officer (Vice President of Finance (413) 499-4241) or the Compliance Hot Line (1-877-437-2830) for incidents of actual or suspected fraud, waste or abuse of the systems. In addition, each one of the categories above is submitted to the Office of the Inspector General to inquire if there is any reported abuse of the system. Furthermore, Berkshire County Arc will not take or tolerate any intimidating or retaliatory action against an individual who, in good faith, makes a report of practices reasonably believed to be in violation of this policy.

For more details about this policy, see appendix in our Agency Manual.

## V. INFORMATION SECURITY PLAN

### OBJECTIVE:

This information security plan ("Plan") creates effective administrative, technical and physical safeguards for the protection of personal information of our employees and complies with our obligations under 201 CMR 17.00. The plan sets forth our procedure for evaluating our electronic and physical methods of accessing, collecting, storing, using, transmitting, and protecting personal information of employees. "Personal information" means an employee's first name and last name or first initial and last name in combination with any one or more of the following data elements that relate to him/her: (a) Social Security Number; (b) driver's license number or state-issued identification card number; or (c) financial account number or credit or debit card number, with or without any required security code, access code, personal identification number or password, that would permit access to an employee's financial account; However, "personal information" does not include publicly available information, or information from federal, state, or local government records lawfully made available to the general public.

### I. PURPOSE:

The purpose of the Plan is to:

- Ensure the security and confidentiality of personal information.
- Protect against any anticipated threats or hazards to the security or integrity of such information; and
- Protect against unauthorized access to or use of such information in a manner that creates a substantial risk of identity theft or fraud.

### II. SCOPE:

In formulating and implementing the Plan, we will (1) identify reasonably foreseeable internal and external risks to the security, confidentiality, and/or integrity of any electronic, paper or other records containing personal information; (2) assess the likelihood and potential damage of these threats, taking into consideration the sensitivity of the personal information; (3) evaluate the sufficiency of existing policies, procedures, customer information systems, and other safeguards in place to control risks; (4) design and implement a plan that puts safeguards in place to minimize those risks, consistent with the requirements of 201 CMR 17.00 and (5) regularly monitor the effectiveness of those safeguards.

### III. DATA SECURITY COORDINATOR:

A person has been designated to implement and maintain the plan.

#### W. DUPLICATION OF COPYRIGHTED SOFTWARE POLICY

It is the policy of the Agency to pay for value received and to adhere strictly to the laws protecting copyrighted software for use on personal computers and other equipment and to restrict its employees from violating those copyrights.

It is the responsibility of each employee to

1. Refrain from duplicating software and related instruction manuals for use on any other machine than that for which the original software was purchased by the Agency. Backup copies are permitted as prescribed in the original software.
2. Bring to his/her supervisor's attention any suspected violation of this policy on the part of other employees.

Failure to adhere to the laws protecting copyrighted software will lead to disciplinary action up to and including dismissal.

#### X. LAPTOP, USB FLASH DRIVE AND EXTERNAL HARD DRIVE USER POLICY

Every employee and volunteer who has access to personal, confidential, and sensitive information has a duty to protect that information from unauthorized access. Managers are obligated to ensure that employees and volunteers are aware of this policy and advised on how to perform their work within the boundaries of this policy. All of these devices are Agency property and must be returned if an employee terminates employment.

- Confidential information is data whose loss, corruption or unauthorized disclosure would violate federal or state laws or institutional contracts, impair the research or business functions of the Agency, or result in any business, financial, or legal loss. Examples: Any data explicitly identified as protected under law, data protected by contract or grant authority such as grant funded research data, copyrighted information, medical information, personnel information, and account or financial information of the Agency.
- Personal information, a subset of confidential information, is defined as a person's first name and last name or first initial and last name in combination with any one of the

following: Social Security number, or driver's license number, or state-issued identification card number, or financial account number, or credit card number, or debit card number.

- Sensitive information is data whose unauthorized disclosure is not a violation of law, does not impair business or result in a financial loss but may be damaging to our employees, stakeholders or to the Agency's reputation and thus require a higher degree of security than other information. Examples: A list of donors' names and contributions, a list of employee's names and salaries, detailed building plans for buildings that contain secure locations, data network maps, etc.

Laptop computers and removable media are well-known sources of malware infections and have been directly tied to the compromise of sensitive information and network intrusions in many organizations.

### Scope

This policy covers the appropriate use of Agency furnished laptop, USB flash drives, phones, tablets and other external hard drives and safeguards for all removable media at BCARC.

Use of personal devices of this type is prohibited unless the device has been approved and provided by the IT department and has the proper security safeguards.

### Definition

Storage Device	A device used for storing and viewing any documents and digital images.
Portable Hard Drive	Portable means small and lightweight. A portable computer is a computer small enough to carry. Portable computers include notebook and subnotebook computers, hand-held computers, palmtops, and PDAs, game console and hand-held game computers.
USB Flash Drive	A small, portable flash memory card that plugs into a computer's USB port and functions as a portable hard drive. USB flash drives are touted as being easy-to-use as they are small enough to be carried in a pocket and can plug into any computer with a USB drive. USB flash drives have less storage capacity than an external hard drive, but they are smaller and more durable because they do not contain any internal moving parts. USB flash drives also are called thumb drives, jump drives, pen drives, key drives, tokens, or simply USB drives.

Therefore, the Agency expects employees and volunteers to comply with the following data security standards:

- Always password protect your computer on startup and when waking from sleep or screen-saver mode; always activate sleep or the screen saver, or log out when leaving your computer unattended.

- Never share confidential data, including personal information, with another employee unless the employee has been authorized by the data custodian (typically the head of the department that collects and maintains the data).
- Strictly limit the amount of confidential data, including personal information, stored on desktop/laptop computers and network drives to that which is necessary to accomplish the legitimate purpose for which it was collected or extracted from Agency databases and to remove confidential data from the desktop/laptop computers and network drives upon completion of the work.
- Never store confidential data, including personal information, on portable storage devices such as portable hard drives, USB flash drives, CDs, DVDs, mobile phones, and personal digital assistants.
- Never store confidential data, including personal information, on a laptop unless there is a legitimate business purpose and the data is encrypted on the laptop.
- Avoid sending confidential data and never send personal information in an electronic mail message; Password protect or encrypt email attachments that contain confidential or sensitive data.
- Never transmit confidential data, including personal information to third-party service providers unless all of the following conditions are met: there is a legitimate business purpose, the data is encrypted during transmission (such as using a secure website or secure file transfer protocol), and the recipient encrypts or stores the data on a secured host or in a secured location.

#### Specific User Responsibilities

- Be sensitive to and take measures to protect confidential, personal and sensitive information.
- Properly safeguard laptops and external hard drives from a physical security perspective.
- Immediately report loss, damage or compromise of a laptop or external hard drive to your Supervisor and the IT department.
- Ensure Agency furnished laptops and devices are segregated from home and personal devices.
- Do not download unauthorized software. If in doubt, check with the IT department.
- Agency furnished laptops and devices are for business use only.

#### Y. SOCIAL MEDIA POLICY

Social media involves the use of various online tools that enable communication and sharing of information and resources, including audio, blogs, images, text, video and other multimedia communications. Examples include, but are not limited to, blogs, Facebook, Google+, Instagram, LinkedIn, Twitter and YouTube.

At Berkshire County Arc, we are very passionate about the work we do, and employees are encouraged to share this excitement with others. However, due to the immediacy and expansive reach of social media, Berkshire County Arc has established the following guidelines to both ensure the confidentiality of the individuals we serve and foster positive communication among employees, customers Board of Directors, and other stakeholders.

- **Employees are prohibited from disparaging, discrediting, or denigrating Berkshire County Arc, its employees, or other stakeholders in any way on Social Media.**
- Employees are prohibited from posting photos, video or confidential information about Berkshire County Arc individuals, customers, donors, employees, vendors or other stakeholders. No photos taken at any Berkshire County Arc function can be posted without written permission. Nothing regarding the agency can be posted without permission. No photos, video or information about Berkshire County Arc can be put on the web page unless there is a written signed release from both the agency and the individual.
- Employees are prohibited from responding to posts from others regarding work-related legal matters or about customers, donors, employees or partners of Berkshire County Arc. If you become aware of such communication, please inform the President & CEO, the Director of Human Resources or the Director of Marketing and Communications, and they will assess the situation, determine if a response is warranted, and follow the appropriate channels to respond.
- It is prohibited to use the Berkshire County Arc logo, or post information from any work-related documents, in whole or in part.
- The Director of Marketing and Development oversees and maintains all Berkshire County Arc social media sites. Employees who would like information, URLs, images and/or documents added to the site should contact the Director of Marketing and Communications.
- Employees are permitted to post a comment in response to a posting on a social media account maintained by Berkshire County Arc, or to “Like” a comment posted by Berkshire County Arc. When doing so, employees must adhere to the aforementioned guidelines, as well as refrain from using ethnic slurs, personal insults, obscenity, profanity or discussing or engaging in any other conduct that is unacceptable in the Berkshire County Arc workplace.

Any employee found to be in violation of any portion of this policy will be subject to immediate disciplinary action, up to and including termination of employment.