



# **EMPLOYEE HANDBOOK**

## **JANUARY 2021**

**READ ALL ABOUT WHAT IT'S LIKE TO WORK FOR OUR FABULOUS AGENCY.**



# **Community Options, Inc. Employee Handbook**

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## **EMPLOYEE HANDBOOK JANUARY, 2021**

**This Employee Handbook is available  
at all Community Options facilities.**

### **NOTICE PAGE EMPLOYMENT AT-WILL**

This Employee Handbook contains guidelines for employees regarding personnel issues and identifies certain benefits that Community Options (AKA: agency, employer) currently offers. This Handbook **IS NOT INTENDED TO CREATE, AND SHALL NOT BE CONSTRUED TO CREATE, A CONTRACT BETWEEN EMPLOYEES AND COMMUNITY OPTIONS, EITHER EXPRESS OR IMPLIED. IT MAY BE CHANGED AT THE DISCRETION OF COMMUNITY OPTIONS WITHOUT PRIOR NOTICE TO, OR APPROVAL BY, EMPLOYEES.** Only the Executive Director, Board of Directors and/or the collective Administrative Team has authority to modify this Handbook and then, such modification must be in writing and signed off by someone authorized to make any changes. This Handbook repeals and replaces all prior handbooks, statements and guidelines regarding the subjects covered by this Handbook.

**ALL EMPLOYMENT WITH COMMUNITY OPTIONS IS AT-WILL, MEANING THAT EITHER THE EMPLOYEE OR COMMUNITY OPTIONS MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, WITH OR WITHOUT CAUSE, OR PRIOR NOTICE.** Nothing contained in this Handbook is intended to change or can be interpreted as changing this basic nature of the employer-employee relationship, nor can the verbal or written statements by managers or other management change the fact that employment with Community Options is at-will. The information in this Handbook can be changed with or without notice by the Executive Director, Board of Directors and/or the collective Administrative Team collectively at any time.

As an employee of Community Options, it is your responsibility to read and understand all the material in this Handbook.

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# MISSION AND VALUE STATEMENTS

The mission of Community Options is to assure the provision of services and supports to people from the six counties in Region 10 who meet the definition of having an intellectual/developmental disability.

The value statements for Community Options are:

**EVERYONE HAS SOMETHING TO CONTRIBUTE.** Each person, regardless of physical or intellectual abilities, has something they can teach or give to others. For this reason each person is unique and deserves to be valued and respected. This basic value and respect does not depend on one's economic status, intellect, potential for productivity, or other traits or attributes, but is inherent. Seeking to uncover and encourage each other's special gifts is all of our jobs. Holding the perspective that all human beings are unique and valuable frees us to focus on the positive and will not only encourage growth in others, but also will simultaneously enrich and expand ourselves.

**EVERYONE NEEDS MEANINGFUL RELATIONSHIPS.** One of the most elemental needs we all have is to love and be loved and to form meaningful relationships. We are most healthy and happy when we are interdependent. Building relationships takes attention, effort, and commitment. Our relationships need not always be built on affection but can and should be built on respect. Positive, caring relationships cannot be forced, but can and should be encouraged. By helping each other develop the skills and attitudes which enhance our ability to form such relationships, we enable others to become more fulfilled. We must keep a respectful awareness of the role relationship plays in giving our lives meaning.

**PEOPLE DESERVE THE DIGNITY OF MAKING CHOICES.** It is by experiencing the consequences of our choices that we achieve our greatest growth. Each person deserves the opportunity to take risks and make choices — to succeed and to fail. It is often through a perceived failure that we learn life's most important messages. We need to encourage each other to take responsible risks, to appreciate and expand our capacity to make choices, and to accept and learn from the consequences of our actions. Enhancing the abilities and opportunities for others to choose for themselves is one of the most respectful gifts we can give.

**LIFE IS MEANT TO BE ENJOYED.** There is humor in almost everything if we care to seek it. Humor alone cannot diminish life's difficulties, but it can do much to help us get through them. By sharing our joys, as well as our sorrows, we create a positive, happy atmosphere, which will in turn nourish and energize those with whom we come in contact. We must provide each other opportunities to laugh and have fun, both in planned activities, and as we go about our daily lives. Life is too short and too precious not to fully enjoy it.

## I. EQUAL EMPLOYMENT OPPORTUNITY

**EQUAL EMPLOYMENT OPPORTUNITY.** There shall be no unlawful discrimination or harassment against employees or applicants for employment because of race or color, religion or creed, sex or gender, sexual orientation, pregnancy, national origin or ancestry, age, physical or mental disability, military status, genetic information or other protected status. Equal employment opportunity, as required by law, shall apply to all personnel actions including, but not limited to, recruitment, hiring, upgrading, promotion, demotion, layoff, or termination.

1. **“Age”** as used above refers to the age group 40 and above as specified by the Age Discrimination in Employment Act and the Colorado Antidiscrimination Act.
2. **“Sex”, “Gender” and “Sexual Orientation.”** Sex and gender discrimination includes unlawful discrimination on the basis of sex, gender and pregnancy and includes sexual harassment. Colorado law defines “sexual orientation” as “a person’s orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or an employer’s perception thereof.”
3. **“Genetic Information.”** Genetic information includes: 1) information about a person’s genetic tests; 2) information about the genetic tests of that person’s family members; 3) a person’s family medical history (i.e., the manifestation of a disease or disorder in a person’s family members, often used to determine if a person has an increased risk of getting a disorder, disease or condition in the future); 4) a person’s request for, and receipt of, genetic services; 5) a person’s participation in clinical research that includes genetic services (or the person’s family members participation); 6) the genetic information of a fetus carried by a person or a family member of the person; 7) the genetic information of an embryo legally held by a person or a family member using assisted reproductive technology.
4. **“Sexual Harassment”** occurs when an employee is subjected to **unwelcome conduct based on sex or gender that is severe or pervasive** and: (1) which conduct is either an explicit or implicit condition of an individual’s employment; (2) submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting the individual, e.g. salary increases; (3) or such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. Unprofessional conduct may rise to the level of sexual harassment if it is unwelcome, based on sex, and severe or pervasive. Unprofessional conduct includes, but is not limited to, unwelcome sexual advances or propositioning, jokes of a sexual nature, unwelcome sexual comments about someone’s clothing or appearance, intimate stories about one’s sex life, sexually explicit photographs or drawings, unwelcome touching of a sexual nature, and adverse treatment based on gender. Unprofessional conduct may result in discipline or discharge, regardless whether it rises to the level of unlawful sexual harassment.
5. **“Harassment”** on the basis of any protected status listed above is unlawful where it is unwelcome, severe or pervasive, and unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive working environment. Slurs, derogatory statements or demeaning treatment, jokes and stereotyping based on protected status are unprofessional and may result in discipline or discharge, regardless of whether they rise to the level of unlawful harassment.
6. **Treat Unwelcome Conduct as Unwelcome.** If you find someone’s conduct sexually harassing, or harassing on another protected basis, do not encourage that person to continue by indicating that you like or approve of the conduct. Do not reciprocate by engaging in similar conduct. For example, don’t tell jokes that you wouldn’t want someone to tell you; don’t hug others if you don’t want them to hug you.

7. **Equal Pay for Equal Work.** Community Options will not unlawfully discriminate between employees on the basis of sex, including by paying an employee of one sex a wage rate less than the rate paid to an employee of a different sex for substantially similar work, except where the wage differential is based on a seniority system; a merit system; a system that measures earnings by quantity or quality of production; the geographic location where the work is performed; education, training, or experience to the extent that they are reasonably related to the work in question; or travel, if the travel is a regular and necessary condition of the work performed. Accordingly, if you believe that your compensation does not comply with this requirement, please contact the HR Director or Executive Director. Further, Community Options will not seek the wage rate history of a prospective employee or require disclosure of wage rate as a condition of employment; rely on a prior wage rate to determine a wage rate; discriminate or retaliate against a prospective employee for failing to disclose the employee's wage rate history; discharge or retaliate against an employee for actions by an employee in asserting the rights established by Colorado law against an employer; or discharge, discipline, discriminate against, or otherwise interfere with an employee for inquiring about, disclosing, or discussing the employee's wage rate. Finally, Community Options also identifies that it will announce to all employees employment advancement opportunities and job openings and the pay range for the openings.
8. **Disability and Religious Accommodation.** The agency will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief, unless doing so would result in an undue hardship to the agency or create a direct threat to the employee or others. Requests for reasonable accommodation must be directed to the director and the HR department or the designee.
9. **CROWN Act.** Community Options will comply with the state of Colorado Creating a Respectful and Open World for Natural Hair Act of 2020 (CROWN). In doing so, Community Options prohibits discrimination on the basis of hair texture, hair type or a protected hairstyles that are commonly or historically associated with race. Protected hairstyles include styles such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros and headwraps.
10. **Accommodations for Pregnancy and Pregnancy-Related Conditions.** Community Options will provide reasonable accommodations to an applicant for employment, or an employee, for health conditions related to pregnancy or physical recovery from childbirth, absent an undue hardship on Community Options. Community Options will not deny employment opportunities because of its need to make pregnancy-related reasonable accommodations. Community Options will not force an applicant or employee affected by pregnancy-related conditions to accept an accommodation that she has not requested or that is unnecessary to perform the essential functions of her job. Similarly, Community Options will not require a pregnant employee to take leave if there is another reasonable accommodation that may be provided. Employees seeking accommodation for a pregnancy or a pregnancy-related condition should contact the HR department.
11. **Non-Employees.** Employees shall not in the course or scope of his/her employment, unlawfully discriminate against, or harass, or engage in unprofessional conduct toward non-employees based on the non-employee's race or color, religion or creed, sex or gender, sexual orientation, national origin or ancestry, age of 40 or over, physical or mental disability, genetic information, military or other protected status. Such conduct may result in discipline or discharge.
12. **Reporting Discrimination or Harassment.** Any employee who is subjected to or who observes conduct that the employee honestly believes is in violation of this policy must report it to the director or the HR department. This includes conduct by co-workers, management, officers or directors, agents, clients, contractors, suppliers or others encountered during the course and scope of employment. It is Community Options' desire to maintain a professional working environment and to prevent any unlawful discrimination



or harassment in employment. Employees are strongly advised that they should not quit employment because of conduct that violates this policy rather than reporting such conduct. Please give Community Options a reasonable opportunity to investigate and correct any violations of this policy. Upon receiving a report of conduct that may violate this policy, Community Options will investigate the circumstances and take appropriate action. Because of the need to investigate and take action, Community Options cannot promise confidentiality regarding a reported violation of this policy.

13. **Retaliation.** No employee shall be retaliated against for making a report of conduct that the employee honestly and reasonably believes violates this policy or the law, or for participating in an investigation of such conduct. Any retaliatory conduct against the employee must be reported using the above procedure for reporting discrimination and harassment. Community Options will investigate the circumstances and take appropriate action.
14. **Discipline/Discharge.** An employee engaging in any unlawful discrimination or harassment against another employee shall be subject to disciplinary action that may include termination, demotion, or suspension, or whatever disciplinary action Community Options deems appropriate under the circumstances. Employees may be disciplined or discharged for unprofessional conduct in violation of this policy, even if the conduct is not so severe or pervasive that it is unlawful conduct.
15. **Cooperation.** Employees must cooperate fully during any investigation, including investigations of mistreatment, abuse, neglect or exploitation of a person receiving services and must provide the investigator with honest and complete responses.

**B. COMPLIANCE WITH THE DEFICIT REDUCTION ACT.** Community Options is committed to following local, state and federal laws, rules and regulations. To assist us with our commitment to appropriate and legal conduct, all employees and contractors, associated with Medicare, Medicaid or other federal/state programs and this monitoring, are encouraged and expected to report any violations that come to his/her attention. If an employee believes that a representative of Community Options is billing for services that (i) were not actually provided (services that did not occur or are improperly coded); (ii) were medically unnecessary; or (iii) were provided in a significantly sub-standard manner, the employee should immediately contact one of the following Community Options Administrators: the Executive Director, Director of Finance (the designated Compliance Officer) or the HR Director. Community Options' policies are designed to prevent fraud, waste and abuse in connection with payments by the federal government for health care services and promote ethical conduct by our employees.

Federal and state laws concerning penalties for submitting false and fraudulent claims to the government are discussed below. All employees need to know about federal and state laws concerning penalties for submitting false or fraudulent claims.

The two major federal laws concerning the submission of false or fraudulent claims for payment to Medicare, Medicaid or other federal health programs are:

Federal False Claims Act 31 USC Sections 3729 through 3733. Known as the FCA, this statute makes a person civilly liable if he or she:

- knowingly presents, or causes to be presented, a false or fraudulent claim, record or statement for payment and approval;
- conspires to defraud the government by getting a false or fraudulent claim allowed or paid;
- uses a false record or statement to avoid or decrease an obligation to pay the government; or
- commits other fraudulent acts listed in the statute.

A “claim” includes any request or demand, whether under a contract or otherwise, for money or property which is made to a contractor, grantee, or other recipient if the United States government provides any portion of the money or property which is requested or demanded, or if the government will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded. NOTE: This does not apply to claims, records, or statements made under the Internal Revenue Code of 1986, which has its own statutes and regulations.

A person acts “knowingly” if he or she has actual knowledge of the falsity of the submitted information or acts in “deliberate ignorance” or “recklessly disregards” the truth or falsity of the information. Penalties for entities found guilty of filing false claims are between a minimum of five and not more than ten thousand dollars, plus a penalty of up to three times the amount of the damages that the Government sustains because of the act of that entity, plus the costs of the legal action brought to recover the money improperly paid.

The FCA allows individuals who have first-hand knowledge of such misconduct to sue the entity that submitted the false claim on behalf of the United States. If the suit results in recovery of funds for the government, the individual can share in a percentage of the recovery. If the suit is found to have been for the purpose of harassing the employer, and/or the case has no merit, the individual may have to pay the defendant for its legal fees and the costs of its defense.

The FCA protects employees who act as whistleblowers from retaliation by his/her employers. An employee may not be discharged, demoted, suspended, threatened, harassed or discriminated against in the terms and conditions of employment because of lawful actions taken by the employee in connection with an action under the FCA. If the employee can demonstrate that he or she was the victim of such retaliation, the employee is entitled to reinstatement, double back pay plus interest and reimbursement of other costs and damage.

Federal Administrative Remedies for False Claims 31 USC Sections 3801 through 3812.

This federal law is similar to the FCA and creates a penalty for submitting a false claim of up to \$5,000 per claim and twice the amount of the claim. This law is violated when a false claim is submitted, not when it is paid. Under this statute, investigations and recoveries are handled by federal agencies, not the courts. Although private individuals may report violations to the government, there is no option for the whistleblowers to share in the amounts recovered.

#### Procedure for Handling Alleged False Claims

**Duty to Report.** To assist Community Options with its commitment to appropriate and legal conduct relative to federally funded programs, employees of Community Options or contractors have a duty to report any violations of the above laws that come to his/her attention. If an employee believes that they have evidence of misconduct, they should immediately contact one of the administrators outlined at the beginning of this document. The report must be in writing and contain details of the nature of the violation, date, time, location, identity of the person engaging in the conduct, identity of any witnesses and relevant documents.

**Investigation.** Community Options’ Finance Director, or his/her designee, shall conduct an investigation of the alleged misconduct. Employees and contractors must cooperate with the investigation.

**Confidentiality and Retaliation Issues.** Community Options cannot promise confidentiality in conducting its investigation, although it will endeavor to keep the investigation as confidential as possible while not jeopardizing the investigation. No employee shall be retaliated against for making a good faith report of a suspected violation to the administrators as outlined or to any state or federal agency authorized to receive such report, or for participating in the investigative or legal process. There are specific protections under the laws for employees and contractors who act as “whistleblowers” when they believe false or fraudulent claims are being submitted.

**Penalties.** In addition to the civil penalties and damage awards that an entity may suffer for violating the Federal laws prohibiting false claims and retaliation for reporting false claims, any employee of Community Options who violates this policy will also be subject to discipline or discharge for the first offense. Contractors and agents who violate this policy shall be in breach of his/her contract and subject to cancellation as well as monetary liability to Community Options for any damages Community Options suffers as a result of the contractor's or agent's violations.

**C. EMPLOYEE PROBLEM SOLVING PROCESS (EPSP).** The purpose of a problem-solving process is to provide employees with an orderly process to present his/her complaints that are not related to discrimination, harassment or retaliation to the management of Community Options. The process is designed to make it possible for the complaints to be resolved in an atmosphere of mutual respect and mutual consideration. The process is made available to protect the interests of the individual employee and those of Community Options Management as well. Because problems are aggravated by delay, the process is designed to move toward rapid resolution, if possible. Employees may use the EPSP for issues concerning pay, personnel evaluations, disciplinary actions, termination of employment, Community Options policies, or employee morale.

The employee who is initiating the process for utilizing the EPSP, must read the EPSP policy and procedure in full prior to putting his/her concerns in writing using the designated form attached to the policy.

Retaliation against an employee for initiating the problem-solving process is prohibited. Any and all concerns regarding treatment of people receiving services treatment must be reported using the Incident/Accident reporting system.

Employees are required to adhere strictly to the chain of command and associated communication requirements except in these circumstances;

Reporting harassment, discrimination, or retaliation based on a protected classification. Reporting Fraud and Waste in Compliance with the Deficit Reduction Act.

Employees are prohibited from using the EPSP to circumvent, supplant or otherwise undermine the chain of command. If, in the judgment of Community Options Management, an employee has attempted to use this process for purposes described above, the employee may be subject to disciplinary action including termination.

If the problem is with another employee or co-worker, the employee is encouraged to first meet with that individual and try to resolve the problem prior to initiating the problem-solving process. Whenever possible, informal means to resolve problems should be attempted before invoking the EPSP.

It is mandatory that employees utilize the following process to see that concerns, problems or complaints are addressed in a professional manner. The employee should finalize his/her initial, written complaint within 30 business days of the most recent attempt to resolve the issue. Disputes involving termination of employment must be submitted within five days of the termination notice.

The initial written complaint is to be submitted to the director and/or HR department. At that time, a determination will be made as to who should be handling the complaint, Notification of these actions will take place no more than 30 days following the receipt of the written complaint. Once all actions are completed, a final report or decision may be generated and reviewed with all parties involved. The report may include recommended corrective actions.

Should the outcome of the initial complaint be unsatisfactory for any involved party, he/she may appeal the complaint to the Executive Director. The complainant must submit the original complaint and the decision or report within 30 days of receiving the final report. The Executive Director will then respond within 30 days of

receiving all the complaint documentation. The decision of the executive director is final and binding on all involved parties. Employees wishing to utilize the EPSP process are to read the Employee Problem Solving Process Policy in full in the Policy & Procedure Manual.

## II. GENERAL CONDITIONS OF EMPLOYMENT

Community Options relies upon the representations of applicants prior to employment in deciding whether to make a job offer. If false information or an omission occurs, Community Options may discharge the employee regardless of when discovery of the falsification occurred.

**Classification and Type of Employees.** Each employee will be categorized into employment class and employment type. Class is defined as Regular, Relief or Client. Employment type is defined as Full Time Regular, Part Time Regular or Other. The various combinations of categories are listed below.

- Regular Full Time - Regularly scheduled for 30 hours or more per week.
- Regular Part Time - Regularly scheduled for less than 30 hours a week.
- Relief Staff - Employees hired to work as needed. Relief employees are subject to all sections of these personnel policies as stipulated by department, except as related to benefits required by law.
- Client Employee – A person enrolled in services who receives a paycheck from Community Options.
- Volunteer – A person who has been vetted through HR and can be left alone with persons receiving services and can drive agency vehicles.
- Guest/Visitor – A person who has not been vetted and cannot be left alone with people receiving services nor can they drive an agency vehicle. A guest/visitor may only visit occasionally and otherwise should be vetted as volunteer.

**New Hire Documents.** All new employees must accurately complete a W-4 Form required by the federal government and provide all information, including social security number, necessary for Community Options to properly withhold and report income taxes on employee's earnings from Community Options. Failure to complete a W-4 will result in Community Options withholding from employee's earnings for income taxes as if the employee is single without any allowances or exemption. The W-4 must be updated whenever employee's allowances or exempt status change. It is the employee's responsibility to report such changes to Community Options and revise the W-4 at any time during the year.

Community Options is required by the IRS and Fair Labor Standards Act to record the name and social security number of each employee as they appear on the social security card. New employees are required to present his/her social security card so that Community Options can verify accuracy.

Community Options adheres to the requirements concerning verification of employee eligibility to work in the United States set forth in the Federal Immigration Reform and Control Act of 1986, as amended. Community Options is required to have all new hires provide I-9 documentation establishing identification and eligibility to work in the United States within three business days from the first day of work. The I-9 form designates the types of documents acceptable for this purpose. Community Options is required to complete E-Verify for all new hires. As a result, all new hires will be required to complete Section One of the I-9 including his/her social security number in order for E-Verify to be completed.

Community Options has an obligation to implement precautions to avoid hiring someone that is dangerous or unfit to work with people with disabilities. As a result, Community Options will perform due diligence by conducting pre-employment reference checks, verification of previous employment, criminal background checks and County Health and Human Services checks (CAPS Check). Fingerprinting and other background checks may be required by other entities.

**Personnel Files.** Personnel files are the property of Community Options. An employee may request to review his/her personnel file once annually. Employees may be required to pay a reasonable copy charge for any personnel file documents provided by Community Options to the employee.

Other Access – The following persons shall have access to the personnel files: business office staff whose job duties require them to have access for payroll or other specific employee information; the Executive Director and all directors (for his/her department) and others as designated in writing by directors and regulatory agencies requesting specific documents to complete an investigation, survey or audit. Please see the Employee Privacy and Personnel File Policy and Procedure for further details.

Changes in an employee's name, address, telephone number, marital status, and dependents should be reported by the employee to the business office so that this information may be kept current in his/her personnel file and/or appropriate database system(s).

Safeguarding and Disposal of Personal Identifying Information. Community Options understands the importance of keeping personal identifying information secure. To that end, Community Options has implemented the following policy to ensure that personal identifying information is handled with care.

- Personal Identifying Information (PII) means: a social security number; a personal identification number; a password; a pass code; an official state or government-issued driver's license or identification card number; a government passport number; biometric data; an employer, student, or military identification number; or a financial transaction device.
- Safeguarding PII: In order to protect PII, including that of employees, from unauthorized access, use, modification, disclosure, or destruction, Community Options limits access of PII to the business office and directors who have a need to know.
- Disposal of PII: When paper or electronic documents containing PII are no longer necessary for Community Options' business purposes, Community Options will destroy or arrange for the destruction of the documents in its custody or control by shredding, erasing, or otherwise modifying the personal identifying information in the documents to make the information unreadable or indecipherable through any means.
- Notice of Security Breach: Community Options will take no more than 30 days to provide employees notice of a security breach that results in or is likely to result in the misuse of PII when the breach involves a Colorado resident's first name or first initial and last name in combination with: the individual's social security number; student, military, or passport identification number; driver's license number or identification card number; medical information; health insurance identification number; or biometric data; username or email address, in combination with a password or security questions and answers, that would permit access to an online account; or an account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to that account, when any of these data elements are not encrypted, redacted, or secured by any other method rendering the name or the element unreadable or unusable.

**Job Descriptions.** Each employee, as part of orientation and during employment, shall be provided a copy of the job description for the position to which they are assigned. It is mandatory that all staff meet and follow any applicable licensing or credentialing requirements as well as his/her job descriptions.

**Work Schedule and Location.** Community Options work hours will vary considerably depending upon the program and position. Since there are a number of variables involved, each program will define its own schedules. Employees are expected to work his/her assigned schedule. Overtime pay and hours above and beyond the assigned schedule must be approved by the appropriate manager or on-call manager prior to working the additional hours. Overtime must have prior approval from a manager before being worked.

At the time of hire the new employee will be assigned a manager, an initial shift schedule and estimated number of hours to be worked per week. Any one or all of these initial assignments may be changed at any time to meet

the needs of Community Options. During the initial training period, employee hours may not match the regularly scheduled hours on the status form due to training schedules.

**Telework:** Positions that are administrative in nature may be eligible for telework. Should telework be available, the employee must assure that the workspace is safe and free from hazards and excessive background noise. Although not always possible, the ideal situation is that the telework space is used only for work for Community Options. It is vital that any confidential or private information is secure. Telework cannot be a replacement for childcare. Anyone working remotely/teleworking will be held to the same performance standards as working at a facility. Employees who telework must keep track of all time worked on the appropriate timesheet and overtime cannot be worked without prior approval from the supervisor and off the clock work is prohibited. As part of establishing telework with any employee, COI and the employee will sign off on a telework agreement.

**Attendance.** Reliable attendance is an essential duty of every employment position with Community Options. Managers shall ensure that all employees are aware of his/her work schedule and employees shall report to work according to his/her designated work schedule. Employees are expected to report to work in accordance with the work schedule assigned by the manager and are responsible for letting the manager know as soon as possible if employee is expected to be late or absent. Failure to notify the manager appropriately may result in disciplinary action up to and including termination. An employee is considered absent from work any time they are scheduled to be on duty and are not. Tardiness is arrival at assigned workstation after the scheduled time.

Employees shall contact his/her facility manager during the manager's regular working hours or the on-call manager after hours, as soon as the employee is aware they are unable to meet his/her assigned work schedule (at least two hours prior to report time). The employee must speak directly to either a manager or on-call manager; leaving a message is not adequate.

Unscheduled absence is time off that includes calling in sick, tardiness, leaving shift early and any other absences not approved in advance and for which there is no appropriate documentation.

If an absence due to illness is four (4) consecutive workdays or is excessive in management's opinion, employees may be required to provide a health care provider's statement as requested by the manager or HR department prior to returning to work.

**Performance Evaluations.** Job performance evaluations can be formal or informal in order to inform an employee of job performance goals, achievements and deficiencies. An employee must be receptive to his/her manager's input, instructions and constructive criticism, whether verbal or in writing. Employees can complete self-evaluations and submit them for filing in the personnel file with the manager's evaluation. Unresolved discrepancies on evaluations should be disputed through the EPSP process. Formal written evaluations of job performance will be completed for all new hires and anyone promoted at the six-month, one year and two year anniversaries of the hire or promotion. All case managers and direct support staff will continue to receive annual reviews or checklists. Employees who have not received a written evaluation for over a year and who desire one, may submit a request to the person responsible for completion of the evaluation.

**Resignation by Employee.** An employee may voluntarily terminate his/her employment with Community Options by submitting notice to his/her manager stating the requested date the resignation will be effective and a reason for the resignation. Community Options reserves the right to select an alternate effective date for the resignation. Community Options requests that employees give notice of resignation of at least two weeks, preferably in writing. Management personnel are requested to give at least four weeks notice. Benefits will continue to the last day of the month of separation. Exit interviews will be conducted if any employee or his/her manager requests to do so. An employee who quits with no notice or fails to call or show up for his/her assigned

shift will be considered to have resigned from his/her job and will be paid on the next regularly scheduled payday. Employees leaving shift early without proper notice to the manager will also be considered to have resigned.

If an employee voluntarily separates from employment under satisfactory circumstances and returns to the employ of Community Options within 90 days, all of the employee's benefits relative to accruals and other benefits etc. will be restored according to the specific benefit that was in effect at the time of his/her separation. Employees who return to work after 90 days of separation will return to the current, prevailing payrate for the position they accept along with benefits based on being a new employee. If an employee separates from employment and is rehired within six months after the separation, Community Options will reinstate any paid sick leave that the employee had accrued but not used during the employee's previous employment.

If an employee goes from "regular full time" to "relief" and then back to "regular full time" and they have at least one year of continuous service during his/her previous regular full-time tenure, benefits will be restored the first of the month following his/her status change and will be reinstated at the two-year level of leave accruals. If the same employee does not have at least one year of continuous employment during the "regular full-time" tenure, they will be treated as a newly hired employee with waiting periods and first year benefit accruals depending on the benefit requirements. If benefit eligibility is a consideration, please contact the business office for further information.

If an employee in "relief" status does not work any shifts for 60 days and has not otherwise come to an agreement with his/her immediate manager, that employee will be considered as having resigned his/her employment and will be treated as a policy resignation.

**Termination.** Notification of termination shall always be in writing and may be delivered personally to the employee, via phone or mailed to the employee's last known address. Such notice must specify a termination date but need not specify any reason for termination. The failure to specify reasons or causes for employee termination in any termination notice shall not be construed as a waiver of Community Options' right to raise or assert such reasons or causes at a later time in unemployment compensation proceedings or otherwise. If an employee desires review of a termination notice, they may seek such review by engaging in the EPSP found in Section I of this handbook. Disputes regarding terminations must be filed in writing no later than five business days after the termination notice.

The Executive Director shall be terminated only by the Community Options Board of Directors. Directors shall be terminated only by the Executive Director.

**Reimbursement for Mileage and Expenses.** When available, a Community Options vehicle should be used rather than an employee's automobile. If an employee uses his/her own automobile for Community Options business, mileage may be paid at the rate dictated by Community Options, subject to the same approval as any other expense requested for reimbursement. It is the employee's responsibility to maintain his/her vehicle in adequate working condition, especially if transporting clients for any reason.

A primary place of employment will be established for each employee. Mileage will not be paid to and from any employee's primary place of employment and his/her home. For those employees traveling from his/her home or from a place other than his/her primary place of employment to a program-related place of business, mileage may be reimbursed from the point of debarkation or the primary place of employment, whichever is less. Mileage will be paid only for actual miles driven. Reimbursed mileage does not necessarily equal work time.

When the job duties of an employee involve mileage or expenses, the employee may be reimbursed for expenses and/or mileage subject to all of the following conditions:

- Prior approval whenever possible,



- Reimbursement is made up to a designated amounts for per diem items (out-of-town travel),
- Receipts are required per IRS accountable expense program guidelines,
- Reimbursement from home to work or work to home is not reimbursable.

Mileage will be reimbursed once a month based on the mileage forms completed by the employee and signed by the employee's manager. Any trip out of a program service area must have prior approval of the employee's manager.

**Personal Belongings.** Each employee is responsible for the safety of his/her personal belongings. Community Options will not be responsible for losses of or damage to personal items. Bringing personal equipment to work is strongly discouraged. Before bringing personal equipment to work, staff should have a discussion with his/her manager regarding the need to use personal equipment at work.

### **Workplace Accommodations for Nursing Mothers.**

- **Reasonable Time:** Community Options shall provide reasonable unpaid break time or permit an employee to use paid break time, meal time, or both, each day to allow the employee to express breast milk for her nursing child for up to two years after the child's birth.
- **Space Accommodation:** Community Options shall make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where an employee can express breast milk in privacy.
- "Reasonable efforts" means any effort that would not impose an undue hardship on the operation of the Community Options' business.
- "Undue hardship" means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, the financial resources of the business, or the nature and structure of its operation, including consideration of the special circumstances of public safety.

**Outside Employment.** Holding employment outside of Community Options has the potential to create a conflict of interest toward Community Options; e.g. performance issues, employee fatigue or burn-out, which may create safety problems at Community Options or it may simply divert an employee's attention away from this employment. Because of the potential problems, it is required that "regular" employees submit written notification to the director if they intend to undertake outside employment.

### III. STANDARDS OF CONDUCT

**UNACCEPTABLE CONDUCT.** The following information contains examples of unacceptable conduct that are considered below minimum standards. **This information provides examples and is not all inclusive and does not in any way change the fact that employment with Community Options is at- will.** This means that Community Options has the right to terminate employment for reasons not listed, or for no reason. Always use common sense and good judgment to perform the job assigned in a manner that is in the best interests of Community Options and the people we serve.

Conduct that is unacceptable in the opinion of Community Options management, may subject an employee to disciplinary action or immediate termination. Following is a list of unacceptable conduct that is not intended to be all inclusive of behaviors deemed unacceptable to Community Options management.

- Disloyalty to Community Options including agitation against Community Options or other employees that is, or may be, harmful to morale or work performance and is not protected, concerted activity;
- Failure to provide services per Colorado Departments of Health Care Policy & Finance (HCPF) and Public Health & Environment (CDPH&E) and all other regulatory and statutory requirements in addition to maintaining necessary documentation, up to date, to provide proof of these services;
- Failure to provide adequate services, when such failure endangers the health, safety and well-being of the people we serve, may be viewed as mistreatment, abuse, neglect or exploitation. Safety of the people who receive services is paramount in our mission and values. All people receiving services must be provided services as delineated in his/her Service Plan or Individual Family Service Plan including appropriate supervision while in his/her home, workplace and community.
- Violation of a statute or a Community Options standard which results, or could result in, damage to Community Options' property or interests or could endanger the life, health or well-being of the employee, persons receiving services or others;
- Bullying in the workplace is defined as repeated, unwelcome behavior that humiliates or intimidates an employee or otherwise sabotages his/her performance. Bullying is not limited to managers and directors but rather can be displayed by anyone on staff. Forms of bullying include but are not limited to; behavior that belittles, harasses or isolates an individual, abuse of power, humiliating someone in front of a group, deceit and sabotage such as taking credit for someone else's work. Bullying is unacceptable conduct;
- Neglect or damage to Community Options' property or interests; failure to properly safeguard, maintain or account for Community Options' property when this obligation is part of the job;
- Failure to observe safety or other work rules;
- Relationships among staff that negatively impact the work environment (i.e. rumors, gossip, formation of cliques, alienation of other workers) and/or perceived conflict of interest (favoritism) will also be grounds for intervention which may include disciplinary action up to and including termination of employment;
- Fighting, assaulting or threatening to assault another person; use of abusive, foul or lewd language including angry outbursts directed towards staff or persons receiving services, possession or use of weapons, indecent or immoral acts;
- Removal or attempted removal of Community Options' property from the premises without prior and proper authority;
- Theft, fraud or other act of dishonesty; lying by commission or omission;
- Destruction or theft of property, unauthorized use of keys, equipment or vehicles. Failure to properly safeguard, maintain or account for Community Options' property;
- Falsification of employment application or other records, divulging of confidential information that could or does damage to the interests of Community Options;
- Insubordination, rudeness, insolence, dishonesty, harassment or offensive behavior in the presence of a person receiving services, manager or fellow employee, or other person while on the job or that adversely affects the work place;

- Failure to meet job performance standards; careless or shoddy work, refusal to perform work, neglect or abuse of people receiving services, visitors or other employees, sleeping or loafing on the job, any willful acts detrimental to people receiving services, other employees or Community Options as an agency;
- Unexcused or excessive absenteeism or tardiness including taking unauthorized vacations or other leave or failing to return at the end of annual or sick leave;
- Violation of any policy in this Handbook, Community Options Policies and Procedures or other procedural documents;
- Loss of license, certification, credential or other professional designation that is essential to job performance or otherwise makes the employee unqualified for the job;
- Incarceration after conviction of a violation of any law or incarceration that interferes with performance of job duties.

**ALCOHOL AND DRUG-FREE WORKPLACE.** The use of controlled substances and the misuse of alcohol increase the risk of accidents and jeopardize the safe work environment for employees, people receiving services and the public in general. Community Options' goal is to provide a safe and healthy workplace. Therefore, Community Options is committed to an alcohol and drug-free workplace to promote the safety and well-being of its employees, people receiving services and the public affected by the conduct of employees during the course and scope of his/her employment.

The following conduct by employees is prohibited on any premises or vehicles owned, leased or used by Community Options for performing services, or any place while employee is performing services for Community Options: 1) alcohol or controlled substance possession or use, 2) the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, 3) having detectable amounts of alcohol or controlled substances in the employee's system or, 4) smelling of alcohol or controlled substances on the job, regardless whether the employee is under the influence.

"Drugs" or "controlled substances" means a controlled substance listed in Schedules I through V of 21 U.S.C. 812 and as further defined by federal regulations (21 CFR Section 1300.11 through 1300.15). This list includes but is not limited to marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). It does not include over-the-counter medications taken in accordance with the manufacturer's instructions, or drugs prescribed by a physician for the employee when taken in the manner, combination, and quantity prescribed, unless possession or use is illegal despite a prescription. Employees who are using over-the-counter or medically prescribed drugs that could adversely affect his/her ability to perform work in a safe manner must notify his/her manager prior to starting work. The employee may be required to provide a physician's certification that it is safe for the employee to perform the essential job functions while using the medications as a condition of continuing to work.

**WARNING ABOUT MARIJUANA:** Although the Colorado Constitution has decriminalized certain use of marijuana, Colorado does not require employers to accommodate the use of marijuana by employees. Further, use of marijuana is still illegal under federal law. Community Options prohibits being under the influence of marijuana while at work and will treat its use the same as any other use of another controlled substance. In short, testing positive for marijuana may result in immediate discharge (see below).

Any employee who is convicted of a drug-related crime for any violation occurring within the course or scope of employment by Community Options, must notify Community Options of the conviction no later than five (5) days after such conviction. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of federal or state criminal drug statutes. Notice of such conviction should be given to the HR department.

Sanctions will be imposed on any employee so convicted. Within thirty (30) days after receiving notice of the conviction, Community Options will take appropriate disciplinary action against the employee, up to and

including termination. Sanctions may be imposed if Community Options has reasonable suspicion of a violation of this policy, regardless of whether the employee is convicted or criminally prosecuted.

**Basis for Testing.** Testing may be required as a condition of employment under the following circumstances:

**Reasonable Suspicion Testing.** If, in management's opinion, reasonable suspicion exists that an employee is in violation of this policy, the employee may be required to submit to testing for alcohol and/or controlled substances. Some of the circumstances that might provoke reasonable suspicion testing are evidence of repeated errors on the job, sleeping on the job, slurred speech, smelling of drugs or alcohol, uncharacteristic appearance or behavior, or unsatisfactory time or attendance patterns, if coupled with specific events that indicate probable drug/alcohol use. Reasonable suspicion for testing may also exist if other individuals have first-hand knowledge relating to an employee's violation of this policy and report this to Community Options.

**Post-Accident Testing.** Any employee injured while on duty, which injury requires any medical examination or treatment, may be subject to an alcohol and drug test if the employee's own conduct could possibly be a contributing cause of the accident or injury.

Although testing should never delay necessary and immediate medical treatment, testing must be performed as soon as possible following an accident. If requested, the employee must submit to an alcohol and drug test within two hours following an accident. If testing cannot be completed within the two-hour time allowed, employee must provide the HR department with a written explanation as to why the employee did not comply with this requirement.

Any employee whose injuries prevent him or her from providing a specimen in a timely manner shall, as soon as able, provide to the agency the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in the employee's system and the alcohol concentration level.

**Consequence of Violation.** Any violation of this policy will likely result in immediate termination.

**Refusal to Submit to Testing.** The following behavior constitutes a "refusal" to take a test:

- Express refusal to take the test.
- Failure to provide sufficient quantities of breath or urine to be tested without a valid medical explanation for the failure or engaging in conduct that clearly obstructs the testing.
- Tampering with or attempting to adulterate the specimen or collection procedure.
- Not reporting to the collection site in the time allotted.
- Leaving the scene of an accident without a valid reason and not submitting to the test as required in this policy.
- Refusal to submit to required testing is considered a violation of this policy and the consequences will be the same as though there has been a positive test result.

Testing will generally be by urinalysis. Results of blood tests or Breathalyzer (for alcohol) may also be relied upon by Community Options. The testing will be performed by an approved lab and administered by a qualified testing facility at Community Options' expense.

**Employment At-Will.** Nothing in this policy changes the fact that all employment with Community Options is at-will and can be terminated at any time by the employee or Community Options with or without cause or prior

notice. Nothing in this policy requires Community Options to test before terminating an employee for violation of this policy.

**CONFIDENTIALITY.** It is the policy of Community Options Inc. (Community Options) that all identifying information regarding persons requesting or receiving services shall be treated as confidential and will be handled in accordance with all applicable statutory and regulatory requirements.

All staff are responsible to guard all confidential information of clients to the utmost to assure that confidential information is not made available to any unauthorized individuals or entities. Identifying information is any information which could reasonably be expected to identify the person seeking or receiving services or their family or contact persons, including, but not limited to, name, social security number, Medicaid number, household number or any other identifying number or code, street address, and telephone number, photograph or any distinguishing descriptors. Identifying numbers assigned and used internally shall be excluded from this policy.

This policy does not preclude or interfere with the rights of employees protected by the National Labor Relations Act or any other applicable statute concerning the employment relationship. In the event of an investigation involving abuse, neglect, mistreatment or exploitation of a person receiving services, all involved employees will cooperate with the investigator and all the procedures within the investigation.

Protecting the confidentiality of information regarding the people we serve has always been one of our most sacred duties. With the proliferation of mobile devices of all kinds, it is necessary to observe the following guidelines:

- The best solution is to never have any confidential/identifying information regarding clients or his/her families on any mobile device. This includes pictures on cell phones, client names, addresses, phone numbers and text messages with identifying information.
- The same can be said for confidential personnel information. For those staff who have direct reports, performance evaluations, wage information, disciplinary actions etc. should not be kept on any mobile device.
- Anytime there is a legitimate need to have any of this information away from your work station, you must notify your manager or director who will make arrangements with the IT department to make confidential information available to you within the confines of a secure system.
- Any breach of this information will result in notification of all the appropriate individuals and necessary government agencies. Staff involved with a breach of client confidentiality will be subject to disciplinary action up to and including termination.

**CONFLICT OF INTEREST.** Any situation in which an individual or corporation, either private or governmental, is in a position to exploit a professional or official capacity in some way for his/her personal or corporate benefit is deemed to be conflict of interest. A conflict of interest is not, in and of itself, evidence of wrongdoing. A conflict of interest can become a legal issue if an individual tries to and/or succeeds in influencing the outcome of a decision for personal benefit.

All employees must act in accordance with applicable laws, rules and regulations and with established agency policies, procedures and standards. All employees are expected to consider the rights, interests and responsibilities of the agency, those outside the agency and themselves, and to protect his/her reputation and the reputation of the agency against conflicts. All situations in which one's own interests actually conflict or may be construed as conflicting with those of the agency, must be avoided and must be disclosed to the director, Executive Director, or designee.

- A gift is something of value voluntarily given by one person to another person without compensation.

- For purposes of this policy, this would include receiving personal gifts or loans from third parties dealing with or competing with Community Options. The receipt of any gift is disapproved except gifts of a total value less than \$50 that could not be refused without discourtesy. No gift of money should ever be accepted, regardless of amount.

Employees are expected to avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of the agency. Employees who are unsure whether a certain transaction, activity or relationship constitutes a conflict of interest should discuss it with his/her manager or other member of management regardless of whether or not the employee derives a financial benefit from the outside interest or activity. In the case of the Executive Director, disclosure shall be made to the President of the Board of Directors. Disclosures shall be made in writing. Failure to adhere to this policy, including failure to disclose any conflicts or to seek an exception, may result in disciplinary action up to and including termination of employment.

Employees shall avoid giving unwarranted special consideration or preferential treatment to any person or organization. No employee shall:

- demand or accept a reward, gift, or favor of any kind from a person or organization with whom said employee is, or may be, dealing with on behalf of the agency except as described as a gift outlined above.
- disclose to others or use to further his/her personal interest or to the agency's detriment, confidential and/or proprietary information acquired in the course of performing official duties or as a result of his/her relationship with the agency.
- exert undue influence on a person receiving services or his/her family regarding choice of service agencies or any other decision related to the person's services.
- use agency property or equipment for personal use or activities without prior approval from the appropriate authority.

All employees will make every effort to provide information that will allow current or prospective people receiving services to make informed choices regarding service and provider options.

Community Options prohibits, as a conflict of interest, supervision of an employee by a relative. For purposes of this section, "relative" is defined as: husband, wife, parents, children, in laws, brothers, sisters, grandparents, as well as any "step" relationships. Community Options reserves the right to prohibit or discontinue an employment situation involving any relative of any sort which, in Community Options' opinion, is contrary to the intent of this section. Should family relationships negatively impact the work environment or become a perceived conflict of interest, Community Options reserves the right to intervene and the situation may result in disciplinary action up to and including termination of employment.

**AGENCY PROPERTY.** Employees are entrusted with certain items of agency property such as credit cards, keys to vehicles or facilities and all the supplies and equipment within facilities including things such as furniture, appliances, nick knacks, office supplies etc. All equipment, supplies and facility property are for the sole use of Community Options for provision of services to the people served. Employees may not use any agency property for any other use, including for themselves, family or friends. The security of Community Options' facilities, employees and people receiving services is paramount. As such, employees have a responsibility to safeguard all agency property. This policy also covers any items owned by the people served.

The loss or misuse of any of these items can have a significant fiscal and/or security impact. Therefore, it is a Community Options policy that anyone who misuses or does not return any of these items will have the cost deducted from his/her final paycheck. Misuse of agency property may result in disciplinary action up to and including termination.

Misuse of any company owned equipment or supplies may result in disciplinary action up to and including termination of employment. Employees are asked to reference the full policy titled, Use of Agency Property in the Policy & Procedure Manual.

Community Options' supplies many of the employees with computer hardware, software and access to the Internet with the expectation that these resources will be used in a responsible and professional manner. Laptops and all other agency owned equipment are for use by agency employees only.

Agency communications systems are available and intended for business related purposes. The agency reserves the right to monitor, access or read any and all employee communications received or sent while using agency equipment or resources. Determination as to the appropriate use or abuse of agency communications systems or devices shall be at the discretion of the director, IT department, HR department or Executive Director.

Staff are not to share passwords with anyone, even within the agency with the exception of the IT department. Staff have full responsibility for the use of accounts and will be held responsible for any policy violations that are traced to his/her account.

While using any electronic communication devices at work, use of obscene, harassing, racist, sexist, religious, or abusive language or behavior will not be tolerated. Staff can never intentionally access any site containing sexually explicit or hate materials. In addition, use of the Internet to access, send, receive, or solicit sexually oriented material is strictly prohibited.

**AGENCY COMMUNICATION SYSTEMS.** Use of any of the agency's communication systems or accounts for personal gain or for more than occasional personal use is prohibited and at no time should personal use ever conflict with work. Community Options does not to allow electronic device usage that disrupts the work environment or interferes, in any way, with employees in the safe and efficient discharge of his/her duties.

Personal telephone calls should be minimal. Repetitive personal phone calls or texts while on duty will not be tolerated. All long-distance calls from agency phones are subject to review by the director and any cost will be charged to the employee.

Smartphones are available in some departments and in all agency vehicles for emergency only. Due to the cost of all incoming and outgoing calls, staff are not to make any personal calls on agency Smartphones. As Smartphones are for business purposes only, staff are not to give phone numbers out to family, friends, or others not associated with Community Options. Staff need to be very careful not to lose or misplace them as they will be held responsible for replacement costs. All phone usage will be monitored by the director.

Fax machines are also available at some facilities for business related purposes. Personal local (non-toll) use of fax machines should be minimal.

Staff must safeguard against using email, social media or the Internet to transmit personal comments that could be mistaken as the position of Community Options. Staff are never to send messages claiming to be from someone else or participate in chain letters, pyramid programs or other illegal schemes. Staff must exercise caution when receiving email attachments that may contain viruses. Deleting any unsolicited attachments and refraining from clicking on unfamiliar links are considered good policy. For the protection of network resources, staff are prohibited from downloading or installing software without the knowledge and consent of the IT department.

No one should interfere with the ability of other staff to make effective use of the agency's computing and network systems. This means that common sense should be exercised in utilizing "streaming" content like music channels, news feeds, and other content that continually feeds into a workstation. Use of such Internet services can degrade the amount of bandwidth that other staff have available to complete his/her work.

Staff must be aware of and comply with copyright law. Downloading and/or distributing copyrighted material without proper permission can be a serious offense. If information gathered from the Internet is to be relied upon for actions of significant consequence, staff are asked to check sources for consistency, relevance and accuracy.

If making purchases online, the proper approvals must be secured from supervisors, etc. When sending agency credit card information online, ensure that the host server is operating in a secure mode (i.e., using an "https" address).

Employees must keep in mind that his/her personal social media profile(s) may be visible to other Community Options employees, contractors, vendors and, most importantly, the people served and their families. To that end, employees are encouraged to exercise caution. Once information is posted to social networking sites, an employee's control of that information can be lost.

As communications technologies change rapidly, the intent of this section should be assumed to cover any new technologies as they are acquired by Community Options in the future.

Any reports of misuse of agency communication systems will be taken seriously. Violations of any of these policies or procedures may result in appropriate disciplinary action up to and including termination of employment. Employees are asked to reference the full policy titled, Use of Agency Communication Systems in the Policy & Procedure Manual.

**APPROPRIATE DRESS AND PERSONAL APPEARANCE.** It is the policy of Community Options to determine workplace dress as safe, clean, professional and appropriate. As an employee of Community Options, you should come to work dressed and groomed appropriately for the working conditions.

- **Safe:** Clothes should be well fitted so as not to interfere with the provision of service to people receiving services. Proper footwear is a necessity and needs to be safe for current weather and the working environment in which the employee is assigned. Employees in direct contact with people receiving services must wear adequate footwear: flip-flops, open toe shoes, high heels and slippers are deemed inappropriate and inadequate for work while assisting or working with people receiving services.
- **Clean:** Clothing should be in good repair and clean. T-shirts are acceptable so long as they do not have any offensive messages, obscenities or graphics deemed inappropriate for the work place. Employees are expected to be clean and free of any offensive odor(s).
- **Professional:** On a day-in day-out basis, each employee must consider what his/her work demands of them. If employees will be attending meetings with families and/or outside professionals (i.e. doctors, social workers, school personnel and community business people, etc.), the expectation for professional dress is higher than if working in the community garden. Employee appearance is expected to be modest and not distracting to fellow staff or people receiving services. Tops with straps that are less than 2 inches wide and are worn alone are not appropriate. Shorts and skirts must reach the bottom of the wearer's fingers when the arm is extended towards the leg.
- **Appropriate:** Working with people receiving services is a privilege and honor and our dress should project that to the people receiving services and those around them. We need to project to everyone at the work setting our respect and "model" good behavior in how we dress. Employees are asked to maintain a level of dress that is respectful while remaining "mainstream" in our environment. In many ways, we serve as ambassadors for people with disabilities in the community-at-large and dress can demonstrate that people



with disabilities deserve to be treated with dignity and respect. If staff are wearing clothes that are dirty or torn, are too revealing, or have foul language on them, staff are not projecting a good “model” for the people we serve.

Should an employee arrive at work and his/her appearance is in any way inappropriate, the employee will be asked to return home to change. The time taken to return home will be unpaid.

**SMOKING AND TOBACCO USE.** No special rights are granted to tobacco users. Employees must strive to assure that any personal habits do not interfere with the effective production of work and must adhere to regular break times. Often, the people who receive services from Community Options look to staff as role models for behavior. As a result, all tobacco use is prohibited in all Community Options’ facilities except in designated outside smoking areas. E-cigarettes and chew are to be treated the same as tobacco use. Tobacco use is strictly prohibited in all Community Options vehicles and around anyone using medical oxygen. Any employee who uses tobacco in any form in designated, outside areas shall not leave debris (cigarette butts, wrapping paper, matches, spit or other evidence of tobacco use etc.) on Community Options’ property or adjacent properties.

**DATING IN THE WORKPLACE.** Community Options strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business and enhancing productivity. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the work environment. If a relationship between staff negatively impacts the work environment and/or creates a perceived conflict of interest (such as favoritism), it may result in intervention which may include disciplinary action up to and including termination of employment. Dating anyone within the chain of command who has supervisory authority is expressly prohibited. Any manager, director, executive or official in a sensitive or influential position with Community Options must disclose the existence of a romantic or sexual relationship with another employee.

Disclosure should be made to the immediate manager, director or to the HR department. This disclosure will enable Community Options to determine if any conflict of interest exists because of the relative positions of the individuals involved. Community Options reserves the right to prohibit or discontinue an employment situation that involves any relationship that is contrary to the intent of this section.

## IV. SAFETY

All employees must be aware of his/her responsibilities to the organization, to fellow employees and to our clients. Each employee is responsible for safety on the job. Failure to comply with safety regulations, carelessness on the job or similar negligent behavior that jeopardizes the employee's health and safety or that of his/her co-workers or clients may result in disciplinary action.

**WORKPLACE VIOLENCE.** Community Options strives to prevent workplace violence and to maintain a safe work environment. Employees must cooperate with Community Options to maintain a work environment free from violence, threats of violence and behavior that makes others reasonably fearful for his/her safety.

**1. Dangerous Devices/Substances Prohibited.** Employees are prohibited from engaging in fighting, horseplay, or other conduct that may be dangerous to others. Firearms and other dangerous weapons or hazardous devices or substances are prohibited on the premises of Community Options, or its vehicles, or in the possession of employees or around people receiving services during work time unless there is a work-related necessity for the device or substance and the director has authorized its use. Community Options reserves the right to determine what may or may not be hazardous or dangerous.

**2. Threatening Conduct Prohibited.** Conduct that is intended to, or can reasonably be expected to threaten the physical safety of another employee, manager, people receiving services or a member of the public, or that effectively causes another to fear for physical safety is prohibited when it occurs on-the-job and when it occurs off-the-job with actual or potential adverse impact on the workplace. Bizarre or frightening comments regarding violent events, even if made in jest, and bizarre or frightening behavior on the telephone, in faxes, e-mails or other communications are prohibited. Such behavior includes oral or written statements, gestures or expressions that reasonably could, or do, communicate a threat of physical harm.

**3. Reporting Required.** Community Options needs the cooperation of all employees to effectively implement this policy and maintain a safe working environment. Do not ignore violent, bizarre, frightening, or threatening behavior that occurs in the workplace, threatens to spill-over into the workplace, or has an adverse impact on the workplace. All threats of violence or actual violence in violation of this policy of which the employee has first-hand knowledge must be reported immediately to the manager or director and as soon as possible to the Executive Director. If the threat of harm is immediate, call 911. Do not place yourself in peril by attempting to intercede when the threat is immediate.

**4. Investigation.** Employees will be responsible for cooperating with any investigation conducted by Community Options or by any investigative or law enforcement agency of conduct that is alleged to violate this policy. This may include providing interviews, testimony and written statements of the events observed.

Examples. Threats of violence can include verbal, written or physical threats. Statements to the effect that someone intends to shoot, maim, kill, strangle or otherwise cause physical harm to another are not to be made, even if there is no intent to actually engage in this conduct. Threatening conduct can include blatant insubordination, loud arguing, swearing at others, expressions of hostility, clenched fists, glaring or staring at another, threatening or harassing phone calls or e-mail, surveillance or stalking another person, pushing or poking another person, throwing items or slamming doors, intentional or reckless destruction of property, among other acts.

**5. Consequences of Conduct.** Anyone determined to be responsible for threats of violence or actual violence or other conduct that is in violation of this policy will be subject to disciplinary action up to termination of employment.

**GENERAL SAFETY.** Community Options makes every effort to provide a safe working environment for all employees and persons receiving services and to observe governmental safety regulations. No one will be required to work in an unsafe manner or environment. It is understood that Community Options may serve people who engage in unsafe behaviors. Employees are encouraged to contact his/her manager with any concerns regarding behavior of people receiving services.

All employees must be aware of his/her responsibilities to the organization, to fellow employees and to people receiving services. Each employee is responsible for safety on the job. Failure to comply with safety regulations and/or carelessness on the job or similar negligent behavior jeopardizes the employee's health and safety and that of co-workers, as well as people receiving services. Such failure may result in disciplinary action up to termination of employment.

Any unsafe working condition or circumstances are to be reported immediately to a manager or other member of management at Community Options. By being careful on the job, employees can help make Community Options a safe place to work for everyone.

**EMPLOYEE INJURIES AND WORKERS' COMPENSATION CLAIMS.** Workers' Compensation is a state law providing for medical payments and income when injuries and/or accidents, including disease, arise out of, and in the course of employment. Community Options will provide, through its insurer and medical providers, appropriate medical treatment and facilitate the recovery of the employee so as to return the employee to the workplace in the shortest possible time. If an employee is injured on the job or becomes ill as a direct result of the job, it is very important to report this fact immediately, no matter how minor, to the manager or director. Any delay in reporting a job-related accident, injury or disease may make it difficult to validate the claim at a later date. Employees receiving Workers' Compensation, or any other disability payments or compensation/reimbursement from another source are not eligible for Extended Illness Bank.

Employees must verbally report the injury or disease to his/her manager immediately. Alcohol and drug testing may be required if the employee's own actions or omissions could possibly have caused the accident that led to injury. Failure to report the injury and to timely submit to testing, if required, could result in discipline or discharge.

**WARNING:** IF STAFF ARE INJURED ON THE JOB, WRITTEN NOTICE OF THE INJURY MUST BE GIVEN TO THE SAFETY MANAGER OR DESIGNEE WITHIN FOUR WORKING DAYS AFTER THE ACCIDENT, PURSUANT TO SECTION 8-43-102(1), COLORADO REVISED STATUTES. DELIVER THE NOTICE TO THE MANAGER, DIRECTOR, SAFETY MANAGER OR HR DEPARTMENT.

IF THE INJURY RESULTS FROM USE OF ALCOHOL OR CONTROLLED SUBSTANCES, WORKERS' COMPENSATION DISABILITY BENEFITS MAY BE REDUCED BY ONE-HALF IN ACCORDANCE WITH SECTION 8-42-112.5, COLORADO REVISED STATUTES.

Community Options has the right to require that employees are treated by a treating physician selected from a list of physicians designated by Community Options. Failure to use a physician from the designated list may result in loss of medical benefits.

The treating physician may recommend that an injured employee return to work on limited duty. In such event, Community Options may require the employee to return to work performing duties within the medical restrictions even if such work is different than the employee's regular job duties. An employee's refusal of limited duty may

result in termination of temporary disability benefits and is a basis for discipline or discharge, except that if the employee is entitled by law to Family Medical Leave (FML), refusal of limited duty for FML will not be a basis for discipline or discharge.

**SAFE DRIVING.** All employees who drive as a part of his/her duties with Community Options must maintain a valid Colorado driver's license and a driving record acceptable to Community Options' insurance. Community Options will reimburse the cost of procuring a specialized driver's license if this is part of an employee's job. Cell phone usage is prohibited while driving any agency vehicle.

Employees are expected to use good judgment and observe safe driving practices. Employees are required to report all traffic offenses and accidents, on or off-the-job, to Community Options within five calendar days of the occurrence.

**Use of Personal Cars to Transport:** The use of personal cars to transport people receiving services is strongly discouraged. In the event of an accident or injury that occurs while engaging in agency business in a personal vehicle, the owner's insurance will have responsibility for liability.

As an insurance requirement, Community Options must verify that employees maintain liability insurance on his/her personal vehicles. Each employee must provide proof of insurance on all vehicles that may be used on Community Options business. If the employee does not own a vehicle, they must sign a statement that should they obtain a vehicle they will submit proof of insurance to the manager and the HR department. If they own a vehicle and do not have insurance, they must sign a statement that they will not drive his/her vehicle on any Community Options business or transport any client or employee of Community Options.

## V. COMPENSATION AND BENEFITS

**Pay Process:** An employee may choose to receive his/her compensation as a direct deposit or a pay card. Employees shall have the right to review his/her own timesheets for accuracy. A pay day starts at 12:01 AM and runs until midnight of the same day. The pay week starts Sunday morning at 12:01 AM and runs until Saturday night at midnight. The pay period is one full month and payday is no later than the 7<sup>th</sup> day of each month for the prior month's work. When paydays fall on weekends or holidays for which the banks are closed, direct deposits are made on the last workday before the regular pay date.

**Equal Pay Act:** Community Options will not unlawfully discriminate between employees on the basis of sex, including by paying an employee of one sex a wage rate less than the rate paid to an employee of a different sex for substantially similar work except where the wage differential is based on;

- a seniority system; or
- a merit system; or
- the geographic location where the work is performed specific to local minimum wage rate; or
- education, training or experience to the extent that these factors are reasonably related to the work in question.

Accordingly, if an employee believes that his/her compensation does not comply with this requirement, they are asked to contact the HR department. Should his/her concern persist, employees are asked to follow the Employee Problem Solving Process (EPSP).

Community Options will not:

- seek the wage rate history of a prospective employee or
- require disclosure of wage rate as a condition of employment;
- rely on a prior wage rate to determine a wage rate;
- discriminate or retaliate against a perspective employee for failing to disclose the employee's wage rate history;
- discharge or retaliate against an employee for actions by an employee in asserting the rights established by Colorado law against an employer; or
- discharge, discipline, discriminate against or otherwise interfere with an employee for inquiring about, disclosing or discussing the employee's wage rate.

Community Options also identifies that it will announce to all employees employment advancement opportunities and job openings and the pay range for the openings to all current employees on the same calendar day and prior to making the decision. Each posting will include the compensation rate/range and a general description of all the benefits and other compensation to be offered to the hired applicant. Community Options will keep all records of job descriptions and wage rate history for each employee for the duration of employment plus two years in order to determine if there is a pattern of wage discrepancy. Employees are considered to be promoted should they move from part time to full time work.

**Colorado Overtime & Minimum Pay Standards (COMPS Order):** Time worked means time during which an employee is performing labor or services for the benefit of Community Options, including all time s/he is permitted to work, whether or not required to do so. Employees will be paid time and one-half of the regular rate of pay for any work in excess of any of the following;

- 40 hours per workweek;
- 12 hours per workday; or
- 12 consecutive hours without regard to the start and end time of the workday.

**Meal & Rest Periods:** Employees shall be entitled to an uninterrupted and duty-free meal period of at least 30 minute duration when the shift exceeds 5 consecutive hours. However, when the nature of the business activity (i.e. providing direct support to clients) or other circumstances make an uninterrupted meal period impractical, the employee shall be permitted to fully consume a meal of choice while performing duties without any loss of time or compensation.

Because Community Options provides Medicaid services, rest periods need not be 10 minutes every 4 hours for any employees. Rest periods can average, over the workday, at least 10 minutes per 4 hours worked in increments of at least 5 minutes. It is not necessary for the employee to leave the premises for the rest period.

All employees are authorized and permitted to take the following rest breaks of not more than 10 minutes each. Rest Periods will be required based on the following chart:

Worked Hours	Rest Periods Required
2 or fewer hours	0
Over 2 hours and up to 4 hours	1
Over 4 hours and up to 10 hours	2
Over 10 hours and up to 14 hours	3
Over 14 hours and up to 18 hours	4
Over 18 hours and up to 22 hours	5
Over 22 hours	6

Community Options will display a COMPS Order poster in all facilities in areas frequented by employees where it may be easily read during the workday. Additionally, Community Options will provide each employee a copy of the poster within one month of hire and if the employee requests a copy.

**Mid-Month Draw.** This benefit is available to “regular” staff working 20+ hours per week. A mid-month draw is an advance on hours already worked during the first 2 weeks of the actual month. This draw will be collected from the next month’s paycheck as a deduction. Employees can start and stop receiving a mid-month draw at any time with proper notification. The amount of the draw can be changed only during May and November.

**Wage Deductions.** Community Options shall automatically take the legally required deductions (e.g. FICA, income tax withholdings) from gross wages. Deductions for insurance premiums and other benefits shall require the prior written authorization from the employee, except in cases of court orders or where otherwise permitted by law.

**Working “off the clock” is prohibited.** Non-exempt employees are not permitted to perform work “off-the-clock” i.e., without being clocked in or identifying that time as time worked on the time sheet. Community Options requests that you immediately inform the HR department or the director if anyone (e.g., co-worker, manager, coordinator, etc.) requests you to work off the clock or to perform work duties before or after clocking in/out. If you are requested to work off the clock by anyone, please inform the HR department. Community Options will make every effort to ensure that all employees are paid for time worked.

**Deductions from Exempt Employee’s Salary.** Exempt employees are paid on a salary basis and, in general, must be paid his/her full salary for any pay period in which they perform work, according to the FLSA. Exceptions under the FLSA include:

- Exempt employees who are absent for a full day for personal reasons or because of sickness or disability need not be paid for that day once they have exhausted all applicable paid leave benefits.
- Exempt employees who take leave under the Family Medical Leave Act (if it applies) will not be paid for that time unless they have accrued benefits under applicable paid leave benefits. His/her pay will be reduced by the hours missed even if it is less than a full day.
- Exempt employees who are absent from work for jury duty, attendance as a witness at a trial, or temporary military leave will have his/her pay reduced by the amount of payment they receive in the form of jury fees, witness fees, or military pay (not including reimbursement of expenses). His/her pay will not be reduced by the number of hours or days they are absent from work unless they perform no work for Community Options in a given workweek.

- If an Exempt employee violates a safety rule of major significance, his/her pay may be reduced in an amount to be determined by Community Options as a penalty for that violation. Exempt employees may be suspended without pay for violating workplace conduct policies, but only in full-day increments. His/her pay will be reduced in an amount that is proportionate to the number of days suspended.
- Exempt employees who work less than 40 hours during his/her first or last work week of employment will be paid a proportionate part of his/her full salary for the time actually worked.

Community Options will reimburse any exempt employee whose pay is reduced in violation of this policy and who reports the improper deduction to the business office. Improper deductions must be reported to the business office by the employee within five days of the deposit.

**Final Check Deductions:** Community Options requires all employees to sign written authorization at time of hire for Community Options to deduct from his/her final pay check the value of any of Community Options property that is not returned within the 10-day audit period, to the fullest extent permitted by law. Employees are responsible for paying to Community Options the balance of any amount owed for property not returned to Community Options. Employees who convert or steal Community Options property may be liable for three times the value of the property not returned, plus Community Options' costs and attorney's fees incurred in obtaining a judgment for the damages and penalties, pursuant to Colorado's civil theft statute (§18-4-405). Community Options has the right to withhold the final pay check for up to 10 days in order to audit the return of all property and to determine the value of any property not returned.

**Promotion, Transfer or Demotion.** Promotion from one job position to another requires that the person seeking a promotion has the qualifications, training, education, experience and ability as set forth in the job description for that position. All employees who meet the qualifications for an open position are welcomed to apply. Promotions may include an increase in pay rate. If an employee desires to move to a new position that is at a lower pay rate, the lower pay rate will prevail. Transfers are moving from one program to another but retaining the same job title and/or payrate.

**Payment of Overtime: Exempt vs. Non-Exempt Employees.** All non-exempt employees shall be paid for overtime work at the rate of one and one-half times the employee's regular pay rate. Community Options' work period for overtime purposes is one week, defined as 12:00 AM Sunday through 11:59 PM on Saturday. Exempt employees do not receive overtime. Exempt employees are paid a pre-determined salary each pay period that covers all hours worked.

**Medical Insurance.** Coverage is available to employees scheduled to work 30 hours or more per week, subject to a waiting period (60 days from the 1<sup>st</sup> of the month following the date of employment or 60 days from the date of employment if such date is the 1<sup>st</sup> day of a month except for February). If an employee averages 30 or more hours per week during the "look back" period, he/she will also qualify for medical insurance. Employees pay a portion of the premium cost and will be asked, when they begin employment, to indicate in writing if they want this coverage or not. Those who decline coverage at initial employment may enroll during open-enrollment periods. Failure to return enrollment forms to the business office by the specified date will be treated as declination of coverage. Specific information as to coverage is available through the business office.

**Flexible Spending Account.** A Flexible Spending Account, also known as an FSA, allows an employee to set aside a portion of earnings to pay for qualified expenses for medical expenses or dependent care. Money deducted from an employee's pay into an FSA is not subject to payroll taxes, resulting in payroll tax savings.

**Automobile Liability Insurance.** Community Options carries liability insurance on Community Options' owned or leased vehicles including liability coverage for all employees driving on Community Options business. Anyone who drives Community Options' vehicles shall have a valid Colorado driver's license and have a driving record acceptable

to Community Options' insurance company. If personal vehicles are driven for Community Options business, private insurance must be carried by the employee and will be first to pay.

**General Liability Insurance.** General liability insurance is carried by Community Options in accordance with all laws and funding agency requirements. This coverage does not extend to civil liability and all employees shall conduct themselves accordingly.

**Employee Assistance Program.** The Employee Assistance Program, also known as an EAP, is a program to help employees deal with personal problems that might adversely impact his/her job performance, health and well-being. The program includes short-term counseling and referral services, and may include financial advisors, legal consultation and ID recovery assistance for employees and his/her household members. The EAP services are free to the employee and his/her household members. This benefit may or may not be offered from year to year.

**Life Insurance.** A basic life insurance policy is provided for all employees working 30 hours or more per week subject to a waiting period (60 days from the 1<sup>st</sup> of the month following the date of employment). Additional employee and dependent coverage may be available for an additional monthly charge.

**Credit Union.** All employees are eligible to join the San Juan Mountains Credit Union. Information on this benefit is available at the credit union.



## VI. PAID LEAVES

### GENERAL INFORMATION ABOUT PAID LEAVES

When submitting a leave request for time off other than sick leave, employees are required to utilize annual leave if available. Leave without pay requests will not be considered if annual leave is available. If all annual leave is exhausted, then leave without pay may be considered for approval by the manager or director. Staff working in Supported Living Services (SLS), Children's Extensive Services (CES) or Early Intervention (EI), because of extremely flexible schedules, may follow an alternative monthly procedure.

Community Options may require employees to use his/her annual leave, at the sole and exclusive determination of Community Options. Exceptions to this policy with respect to annual leave may be approved by the director when work related issues prevent the employee from taking leave in a timely manner. Such requests and approvals must be in writing.

Abuse of leave is excessive use of sick, unscheduled annual leave or Leave Without Pay (LWOP) or any combination, consistently used on weekends, holidays or next to regular days off. Abuse of leave may result in disciplinary action up to termination.

**ANNUAL LEAVE.** Annual leave is recognized as helpful in revitalizing the enthusiasm and creative energy of employees. As a result, employees are encouraged to plan regular time off. Annual leave will accrue on a monthly basis at the employee's respective monthly accrual rate based on actual hours worked. No annual leave will be accrued in the first six (6) months of employment. Annual leave will not be accrued by relief staff, temporary staff and staff regularly scheduled for less than 30 hours per week.

Employees shall submit written or electronic requests for annual leave at least two (2) weeks prior to the requested leave time. Approval of annual leave is at the discretion of the manager or director and will depend on available coverage. Annual leave time can be denied by a manager or director due to scheduling and/or programmatic needs of the agency. Annual leave may be applied when total hours worked do not reach the hours regularly scheduled based on the FTE status or Personnel Status Form.

After six months of work, the employee will accrue a lump sum based on actual hours worked (see below) during the first six months. Annual leave hours, once accrued according to these procedures, belong to the employee and any remaining hours at the time of separation will be paid out on the final check.

Employees will accrue annual leave at a rate proportionate to the actual hours worked including any annual, sick, holiday and miscellaneous leave hours. Overtime hours are generally not included in the formula and accruals will not exceed 40 hours a week or the regularly scheduled hours per week.

Annual leave will be accrued based on the number of years of service and the following formulas:

Year One	.01923 times eligible hours
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For example: Someone who is paid 40 eligible hours a week will earn 40 hours of leave time (one week) for the entire year. Someone who is paid 32 eligible hours a week will earn 32 hours of annual leave time (one week) for the entire year.

Years Two through Five	.03846 times eligible hours
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For example: Someone who is paid 40 eligible hours a week will earn 80 hours of leave time (two weeks) for the entire year. Someone who is paid 32 eligible hours a week will earn 64 hours of leave time (two weeks) for the entire year.

Years Six or More .05769 times eligible hours

For example: Someone who is paid 40 eligible hours a week will earn 120 hours of leave time (three weeks) for the entire year. Someone who is paid 32 eligible hours a week will earn 96 hours of annual leave (three weeks) for the entire year.

The maximum number of annual leave hours an employee may accumulate is 200 hours.

**HEALTHY FAMILIES AND WORKPLACE ACT (HFWA)** Request for sick leave should be submitted on the Leave Request Form. When the use of paid sick leave is foreseeable, the employee shall make a good-faith effort to provide notice in advance to the manager or director and shall make a reasonable effort to schedule the use of paid leave in a manner that does not unduly disrupt the operations of the facility. Community Options shall not deny paid sick leave to the employee based solely on noncompliance with this policy.

- Each employee earns one hour of paid sick leave for every thirty eligible hours (one eligible hour equals .033 of sick leave).
  - Employees will accrue sick leave at a rate stated above including any worked, annual, sick, holiday and miscellaneous leave hours. Overtime hours are generally not included in the formula.
- An employee begins to accrue paid sick leave on the first day worked and may use paid sick leave once it is accrued.
- Exempt employees accrue paid sick time based on forty hours per week. If the employee's normal work week is fewer than forty hours, the employee accrues paid sick leave based upon the number of hours noted on the status form or the average number of hours actually worked over a 14-day period, whichever is greater.

When all accumulated sick leave has been used, additional leave with pay must be charged to available annual leave. If all accumulated annual leave is used and the employee is ineligible or otherwise not approved for Extended Illness Bank participation, the Executive Director, or designee, may grant additional leave without pay. Request from the employee must be in writing and submitted to the director who will relay it to the HR department and Executive Director. (Please see Leave Without Pay).

The manager, director or HR department may require reasonable documentation from a health care provider when paid leave is used for 4 or more consecutive days. A health care provider's statement is a verifiable statement, signed by a health care provider which indicates the employee's condition and that the employee is or has been under the care of that health care provider. Other verifiable statements may be considered on a case-by-case basis.

An employee on leave with pay will be considered to have been on the job for the purpose of benefits and accruals including annual and sick leave and will accrue during that time. The employee is responsible for payment of any employee portion of benefits. Worker's Compensation and Extended Illness Bank will not accrue leave time.

Accrued, unused paid sick time may be rolled from year to year but cannot exceed more than 300 hours of paid sick time. Once an employee meets the 300 hour threshold, no further paid sick time will accrue.

Sick leave is available to employees to use when absent from work due to the employee or an employee's family member who:

- has a mental or physical illness, injury or health condition that prevents the employee from working; or
- needs to obtain a medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or
- needs to obtain preventative medical care; or
- the employee or the employee's family member has been a victim of domestic abuse, sexual assault or harassment and the use of leave is to;
  - Seek medical attention for the employee or the employee's family member to recover from the mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment; or
  - Obtain services from a victim services organization; or
  - Obtain mental health or other counseling; or
  - Seek relocation due to the domestic abuse, sexual assault or harassment; or
  - Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault or harassment.

Community Options will not require disclosure of details relating to domestic violence, sexual assault or stalking or the details of an employee's or family member's health information as a condition of providing paid sick leave.

When a request is made for paid sick leave, Workers' Compensation payments must be considered. If and when the compensation is received from Workers' Compensation, sick leave benefits may be adjusted accordingly.

**Public Health Emergency.** A public health emergency means an act of bioterrorism, a pandemic influenza or an epidemic caused by a novel and highly fatal infectious agent, for which;

- An emergency is declared by a federal, state or local public health agency; or
- A disaster emergency is declared by the Governor; or
- A highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the Governor.
- Due to a public health emergency, a public official has ordered closure of:
  - The employee's place of business; or
  - The school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.

Community Options will comply with payment of sick leave based on the public health emergency conditions as stated in the Healthy Families and Workplace Act and any further orders or laws that are promulgated during that time.

In addition to paid sick leave accrued on the date a public health emergency is declared, Community Options shall supplement each employee's accrued paid sick leave as necessary to ensure that an employee may take the following amounts of paid sick leave for the purposes specified.

- Employees who normally work forty or more hours a week will receive 80 hours of paid sick leave.
- Employees who normally work fewer than forty hours a week, the amount of time the employee is scheduled to work in a fourteen day period or the amount of time the employee actually worked on average in a fourteen day period, whichever is greater.
- Employees may use this specific paid sick leave until four weeks after the official termination or suspension of the public health emergency.

Documentation is not required to take paid sick leave specific to public health emergencies although it is requested at the employee's earliest convenience. Employees are only eligible for paid sick leave in the amount described above once during the entirety of a public health emergency even if such public health emergency is amended, extended, restated or prolonged.

Community Options shall not take retaliatory action or discriminate against an employee or former employee because the person has exercised, attempted to exercise or supported the exercise of rights protected including the right to request or use paid sick leave. Staff are encouraged to utilize the Employee Problem Solving Process if they feel they have been denied any rights under this policy. These protections apply to any person acting in good faith who alleges a violation, even if the allegation is determined to be mistaken.

Community Options will not provide financial or other reimbursement of unused paid sick leave to an employee upon termination, resignation, retirement or other separation from employment. Sick leave hours may be used by the employee as set forth in these procedures but remain the property of Community Options.

The effective date of an employee's resignation is his/her last day of work. In the event that an employee resigns immediately prior to or while on leave with pay status and does not return to the job, the last day of actual performed work will be considered the effective date of resignation. The exception is when an employee resigns due to health (as verified by the health care provider). The resignation may be effective at the end of his/her sick leave hours.

If an employee separates from employment and is rehired within six months after the separation, Community Options will reinstate any paid sick leave that the employee had accrued but not used during the employee's previous employment.

**HOLIDAYS.** Community Options' designated holidays shall be approved each year by the Executive Director and the Administrative Team. Designated holidays are New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day and Christmas Day. Since some Community Options programs are open and staffed throughout the day, seven days per week and on holidays, staff at those programs will be paid in the following fashion:

- Staff who are regularly scheduled for 20 or more hours per week will receive holiday pay, based on their FTE and based off of the regular payrate, regardless if they work or not. If staff who are regularly scheduled for 20 hours or more per week work on a designated holiday, they will be paid their regular payrate for both the actual hours worked and holiday pay, equal to actual hours worked, up to 8 hours. Staff whose facility/office is closed will receive holiday pay only. Relief staff who work on a designated holiday will be paid their regular payrate for both the actual hours worked and holiday pay, equal to actual hours worked, up to 8 hours. Relief staff only get holiday pay if they work on the designated holiday. Holiday pay will be recognized from midnight to midnight on the designated holiday.
- When July 4th, Christmas or New Year's Day falls on a Saturday or Sunday, those facilities that are closed for business will observe the holiday on either Friday or Monday as determined by the agency. Residential staff working that holiday on Saturday or Sunday will be paid as stated above or may, with their manager's approval, substitute the holiday pay by taking another day off with pay within the month, in reasonable proximity to the holiday. This procedure is effective January 2, 2021.

**EXTENDED ILLNESS BANK.** The Extended Illness Bank (EIB) is a discretionary benefit for employees of Community Options that is not required by law. The purpose of the EIB is to provide additional paid time for employees who need paid time off due to his/her own serious medical condition. The EIB will be monitored by the HR department and requests will be considered on a case-by-case basis.

Any regularly scheduled employee who is eligible for Family Medical Leave (FML) (1250 hours and one year of employment with Community Options) is eligible to apply for hours from the EIB. "Relief" staff are not eligible to apply. Requests for EIB must be for the employee's medical condition, not that of the immediate family or anyone else. All of the employee's sick and annual leave must be depleted before receiving hours from the EIB. All employees wishing to request hours from the EIB must use the appropriate agency form.

It is incumbent on the employee to anticipate exhaustion of his/her sick and annual leave and submit a signed, written request to the manager 30 days in advance of the anticipated leave or as soon as possible. If the employee is not physically able, the manager and director may submit the request on behalf of the employee if asked to do so by the employee.

All requests must be accompanied by a health care provider's certification confirming the severity of illness and approximate time the employee is expected to be off work. Completed FML certification is acceptable documentation and EIB may be utilized simultaneously with FML. Community Options may request updated certification as needed. Signatures must be obtained from the employee, manager and director and requests will be reviewed and approved or denied by the Administrative Team.

The number of hours the employee desires must also be stated in the request with no less than one work week (the regularly scheduled hours of the employee) and not to exceed six work weeks in a rolling year.

Considerations for granting leave from the EIB will be at the sole discretion of Community Options Administrative Team. All wages paid for these hours will be treated as taxable income and based on the number of regularly scheduled hours for each employee. Re-application for additional hours, if needed, may be submitted following the procedure as described above so long as the six weeks has not been exceeded in the current rolling year.

Employees who are otherwise eligible and qualified for FML will be able to draw down his/her full 12 weeks of unpaid FML even if denied EIB paid time. Should an employee proceed with separation while utilizing EIB, no payment of EIB will be made after the resignation is received or the last day worked; whichever comes first.

This policy prohibits employees from donating annual leave or sick leave on behalf of an individual employee.

**PROFESSIONAL LEAVE.** Community Options recognizes the value derived from an employee's participation in professional meetings, conferences, workshops and classes that relate to the employee's work. For this reason, attendance is encouraged at such gatherings with the employee entitled to regular pay. Requests for this kind of leave should be made to the director and/or Executive Director and will be subject to budget limitations.

**FUNERAL/BEREAVEMENT LEAVE.** Leave with pay because of death in the immediate family will be given to regularly scheduled employees up to five (5) regularly scheduled working days (not to exceed the regularly scheduled hours of the employee. Immediate family includes the following: husband, wife, life-partner, parents, children, brothers, sisters, grandparents, grandchildren, and in-laws (mother/father, brother/sister, son/daughter).

For any other relative not mentioned above, such as aunts, uncles, other in-laws, cousins, foster parents/children, sick leave or annual leave may be used up to three (3) working days maximum leave with approval of the manager or director. For anyone else not mentioned, annual leave must be used.

For a person with whom an employee has had a business relationship through Community Options, including people receiving services or their family members, co-workers or their family members, other agency employees or former agency employees, up to four (4) hours of work time may be used. Such leave must have prior approval of the director.

For leave requests in excess of the limits stated above, annual leave must be used. All requests for leave must have prior approval of the employee's manager or director. The maximum days specified apply to each individual occurrence and are not a maximum per year. Community Options reserves the right to require adequate documentation of the need for funeral leave such as a death certificate or obituary.

**PAID DAY OFF FOR BIRTHDAY.** Regularly scheduled employees who have been employed for ten (10) consecutive years will get his/her birthday off with pay. The number of paid hours will be based on the number of regularly scheduled hours (FTE) on the most recent status form.

**ADMINISTRATIVE LEAVE.** Periodically, it is necessary to place an employee on administrative leave (with or without pay) in order to further investigate a given situation. This is most commonly used when an investigation of mistreatment, abuse, neglect or exploitation of a person receiving services is conducted, although other circumstances may warrant administrative leave. The employee placed on administrative leave will be notified verbally (by phone or in person) and may also receive a letter. If placed on unpaid leave and then exonerated, payment of lost wages may be considered.

## VII. UNPAID LEAVES

Unpaid leave is defined as time an employee is absent from work and receives no compensation because there is no paid leave available or it was not approved. An employee on unapproved leave may be subject to disciplinary action up to and including termination.

Unpaid leave requests will not be considered if applicable leave is available and time-off is approved. For leave requests due to illness or injury, all sick and annual leave must be exhausted before leave without pay will be considered. For leave requests due to reasons other than illness or injury, all annual leave must be exhausted before leave without pay will be considered.

**No Greater Rights.** An employee shall have no greater rights to continued employment or to other benefits and conditions of employment than if the employee was not entitled to leave under this policy. Nothing in this policy shall be construed to limit the right of Community Options to discipline or terminate any employee for any reason, including but not limited to reductions in work force or termination for cause or for no reason at all, other than exercising his or her rights under this policy.

### FAMILY AND MEDICAL LEAVE ACT (FMLA)

**1. Statutory Rights Only.** This policy is in accordance with the Family Medical Leave Act (“FMLA” or “Act”) of 1993, as amended. The policy is intended to explain those rights and obligations required by the Act and is not intended to create any additional or contractual rights or obligations. This policy applies only if Community Options has 50 or more persons on its payroll during at least 20 workweeks of the current calendar year, or 20 workweeks of the last calendar year. Community Options meets this criterion.

**2. Eligibility.** To be eligible for FMLA, an employee must have been employed for at least 12 months (total, but not necessarily continuous if within the past seven years) by Community Options and must have worked at least 1,250 hours for Community Options during the 12 months before leave is to be taken. Unless all these conditions are satisfied, the employee will not be eligible for FMLA.

**3. FMLA Benefit.** Eligible employees shall be granted a total of 12 weeks of FMLA during a rolling 12-month period for one or more of the following:

- Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
- Because of the placement of a son or daughter with the employee for adoption or foster care;
- To care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition;
- Because of a serious health condition that makes the employee unable to perform the functions of the position of the employee;
- Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. “Qualifying exigency” is defined by the FMLA Regulations at 29 CFR §825.126. “Covered active duty” means in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of Title 10, United States Code. Appropriate documentation will be required.

A “week” is equal to the average weekly hours worked by the employee during the 12 weeks prior to the start of the leave. A “rolling” 12-month period is the 12 months immediately preceding the date of leave under consideration for FMLA benefits. If the leave taken by husband and wife includes leave for the reasons identified in bullet points 1 or 2 or the care of a parent with a serious health condition, the aggregate number of workweeks of leave to which they may jointly be entitled can be limited to 12 workweeks for FMLA purposes.

**4. Serious Health Condition.** A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; any period of incapacity requiring absence from work, school or other regular daily activities of more than three calendar days, that also involves continuing treatment by a health care provider; continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or so serious that if not treated would likely result in a period of incapacity of more than three calendar days; or prenatal care.

**5. Intermittent/Reduced Schedule.** Intermittent and reduced schedule leave is available only for a medical necessity that can be best accommodated through an intermittent or reduced schedule leave. If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, Community Options may require such employee to temporarily transfer to an available alternative position for which the employee is qualified that has equivalent pay and benefits, and which better accommodates the recurring periods of leave. The employee is required to make timely notifications of any intermittent leave to the manager and FMLASource.

**6. Notice of Need for FMLA.** In any case in which the necessity for FMLA is foreseeable, the employee shall provide Community Options with at least 30 calendar days’ notice before the date the leave is to begin, or as much notice as is practical. In any event, notice should be provided the same day or the next business day after the employee becomes aware of the need for leave. The notice should be in writing and must make Community Options aware that the employee needs leave for one of the reasons described above and the anticipated timing and duration of the leave. Notice must be given by completing a Leave Request Form.

**7. Certification of Need for Leave.** Community Options requires that a request for leave involving a serious health condition or to care for a qualified service member as defined, be supported by a certification issued by a health care provider of the eligible employee, son, daughter, spouse, parent or next of kin of the employee, as appropriate. The certification shall state:

- The date on which the serious health condition commences;
- The probable duration of the condition;
- The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- For purposes of leave as noted above, a statement that the employee is needed to care for the child, spouse or parent and an estimate of the amount of time the employee is needed;
- For purposes of leave as noted above, a statement that the employee is unable to perform the functions of the employee’s job position;
- In the case of certification for intermittent leave, or leave on a reduced schedule, for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment, the medical necessity for the intermittent or reduced schedule leave for the employee’s own serious health condition or to care for another with a serious health condition;
- Any other information permitted by the FMLA to assist Community Options in evaluating the leave request.



Community Options may require that the employee use the Medical Certification Form provided and may also require, at its own expense, that the employee obtain a second opinion from a health care provider designated or approved by Community Options.

**8. Continuation of Health Insurance Benefits.** Employees on FMLA are entitled to a continuation of any group health insurance benefits to which they are normally entitled and reinstatement to the same or equivalent position. Community Options will pay its normal contribution to the health insurance premiums of employees who are on FMLA, but Community Options' obligations (if any) to contribute to health insurance premiums and to restore the employee to similar employment terminates when FMLA is exhausted or when the employee gives Community Options unequivocal notice of intent not to return to work, whichever occurs first. The employee may then have the right to continue benefits, at employee's own costs, pursuant to Title 10 of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). employee must make arrangements with the Business Office for how employee will pay his/her share of premiums while on leave. If electing COBRA coverage, the employee must make arrangements with the COBRA administrator.

**9. Loss of Insurance Benefits.** The employee's failure to pay his/her share of the premiums may result in loss of coverage. Should the employee fail to pay his/her share of premiums during the leave period, Community Options will terminate coverage for failure to pay. In this event, the agency has the right to deduct the amount advanced from the employee's paycheck (including, but not limited to holiday, annual, sick leave, or Extended Illness Bank) upon return to work. This right to pay the employee's premium by the agency is solely at agency's discretion and this policy does not give the employee any right to demand that the agency pay the employee's portion of the insurance premium.

**10. Right to Recover Insurance Premiums.** Community Options may recover from the employee Community Options' portion of premiums paid during any period of unpaid FMLA if the employee fails to return to work, as defined by the Act, after the employee's FMLA entitlement has expired, unless the reason that the employee does not return is due to: (1) the continuation, reoccurrence of or onset of a serious health condition that would entitle the employee to FMLA (either affecting employee or immediate family) or (2) other circumstances beyond the control of the employee.

**11. Medical Recertification.** Employees on leave because of a serious health condition may be required to furnish medical recertification from a health care provider every 30 days, outside of the initial duration determined on the health care provider certification. This will affirm the employee's continuing need for leave, unless the medical certification states that the employee will be unable to work for a longer designated period. In all cases, recertification may be required every six months. Employees on leave are also required to furnish Community Options with periodic reports (at least every 30 calendar days) of employee's intent to return to work. If the circumstances of an employee's leave changes, and employee can return to work earlier than the date originally indicated, employee will be required to notify Community Options at least two work days prior to the date the employee intends to report for work.

**12. Fitness for Duty.** Before the employee may return to work following FMLA because the employee's own serious health condition, the employee must provide Community Options with a certification issued by a health care provider stating that the employee has the ability to perform the essential duties of the job. This must be received by Community Options and FMLASource at least three business days prior to return to work.

**13. Extension of Leave.** If for any reason Community Options grants employee additional leave after the employee has exhausted all FMLA, such leave shall be unpaid discretionary leave not subject to the rights and obligations of the Family and Medical Leave Act. That leave, to the extent granted, shall not

require Community Options to pay any portion of employee's health insurance premiums and shall not guarantee employee's return to the same or equivalent position upon return to work. Community Options has no obligation under this policy or the Act to grant leave more than the period specified by the FMLA.

**14. Use of Paid Leave during FMLA.** Employee is required to exhaust employee's accrued sick and annual leave, if any, during FMLA. FMLA is, otherwise, unpaid leave. The total period of absence considering all paid time off (sick or annual leave) and family leave used for reasons covered by this Family and Medical Leave policy cannot exceed 12 weeks in a rolling 12-month period for FMLA, or 26 weeks in a single 12-month period for Service Member Family Leave. Annual and sick benefits accrue if the employee is being paid by Community Options, which includes being paid by annual or sick leave hours. No paid time off (sick or annual leave) benefits accrue while on unpaid FMLA or EIB due to annual and sick hours being exhausted.

**15. Forms.** Request for FMLA starts with a Leave Request Form. Additional forms are available through FMLASource for requesting FMLA and for fulfilling Medical Certification requirements.

**16. Termination During Leave.** Employees on FMLA generally have a right to return to the same position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. But this does not entitle the restored employee to accrual of any seniority or employment benefits during any period of leave, or any right, benefit or position of employment other than that which the employee would have been entitled to, had the employee not taken the leave. This means that an employee on FMLA may be laid off or terminated during the leave period at will, the same as any other employee, so long as the lay-off or termination is not because of the employee's legitimate use of FMLA.

**17. Key Employee Exception.** Community Options may deny restoration of a "Key Employee" following FMLA, and also if: (i) such denial is necessary to prevent substantial and grievous economic injury to the operations of Community Options; (ii) Community Options notifies the employee of the intent to deny restoration on such basis at the time that Community Options determines that such injury would occur; and (iii) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice. A "Key Employee" is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by Community Options.

**18. Service Member Family Leave.** Subject to meeting certification requirements by the health care provider, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of twenty-six (26) workweeks of leave during a single twelve (12) month period to care for the covered service member.

"Covered service member" means: A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

"Next of kin of a covered service member" means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of

military caregiver leave under the FMLA. When such designation has been made, the designated individual shall be deemed to be the only next of kin.

The leave described in this paragraph shall be available during a single 12-month period. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave under FMLA benefits and Service Member Family Leave. The “single 12-month period” begins on the first day the eligible employee takes FMLA to care for a covered service member and ends 12 months after that date. If an eligible employee does not take all his/her 26 workweeks of leave entitlement to care for a covered service member during this “single 12-month period,” the remaining part of the 26 workweeks of leave entitlement to care for the covered service member is forfeited.

Where husband and wife are both employed by Community Options, the aggregate number of workweeks of leave to which both husband and wife may be entitled for service member family leave may be limited to 26 workweeks during the single 12-month period if the leave is service member family leave or a combination of such leave and FMLA.

Reference to FMLA in this policy includes Service Member Family Leave, unless stated otherwise.

- **Serious Injury or Illness.** “Serious Injury or Illness” in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period noted above (covered service member), means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.
- **Notice of Leave Due to Active Duty of Family Member.** In any case in which the necessity for leave is due to a qualifying exigency relating to a service member as noted above, the employee shall provide such notice to Community Options as is reasonable and practical.

**19. Employer Responsibility.** Community Options will inform employees requesting leave whether the employee is eligible for leave under the FMLA. If the employee is eligible, the notice will specify any additional information required as well as the employees' rights and responsibilities. If the employee is not eligible, Community Options will provide a reason for the ineligibility.

**20. Unlawful Acts by Employers.** The FMLA makes it unlawful for any employer to: (1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or (2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

**21. Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**LEAVE WITHOUT PAY (LWOP)** Leaves without pay, for any reason, may be granted by the Executive Director on a case-by-case basis. Leave without pay will not be considered so long as annual leave or other

applicable leave may be available. While an employee is on leave without pay, they will not accrue annual leave or sick leave or add time in employment credit. An employee may request being kept on medical and voluntary benefits and paying for these benefits in full, while taking leave without pay. Approval for this request will be at the discretion of the Executive Director.

Leave without pay is generally granted when such leave is in the mutual interest of both Community Options and the employee. Granting leaves of absence for other kinds of reasons, such as the desire of the employee to pursue some special interest, to have an extended period of time off from work, to take a trip, etc. have to be measured against the inconvenience caused by the absence. In finding competent short-term replacements for an experienced staff member, a strain is placed both on the administration and on the co-workers of that person, not to mention the adjustment or loss of services to the persons receiving services. Therefore, an employee wishing to request an extended leave without pay must demonstrate that the inconvenience to the agency will be minimal and must obtain the endorsement of the immediate manager and director. The terms under which an employee is granted leave without pay will be made a part of the employee's personnel file and if the employee fails to return to work at the agreed time, or accepts employment elsewhere during any leave of absence, his/her association with the agency may be terminated. Holidays which occur during any leave of absence shall not be paid.

The format for requesting a leave without pay is as follows: a) date of the beginning of leave without pay; b) date on which the employee agrees to return to work; c) statement that the employee understands that if they do not return to work on the date specified, that his/her right to return may be forfeited; d) reason for the request; e) if a request for continued medical insurance benefits is to be made; and f) information or argument to be considered in support of that request.

**STATUTORY LEAVES OF ABSENCE.** The following leaves are required by law. This policy is intended to comply with the legal requirements. It is not intended to provide rights or create obligations in addition to the legal requirements. Therefore, if the laws upon which these policies are based are changed, the policies are automatically changed to comply with the revised laws.

**1. Jury Duty.** If an employee is served with a summons to jury duty, the employee must inform the manager and Human Resources Department by the next regular work day and provide a copy of the summons. Leave will be granted for jury duty. Non-exempt employees will be paid his/her regular wages for the first three days of jury duty that they would otherwise have been scheduled to work. Thereafter, any pay they receive for jury duty is paid by the governmental entity. Any payment from the court after three days must be surrendered to Community Options. Exempt employees will receive regular salary during jury duty but must remit to Community Options any pay (not including expense reimbursement) received from the government for jury duty that covers the same period for which the exempt employee is receiving pay from Community Options. Community Options has no obligation to pay wages for jury duty until and unless the employee tenders a juror service certificate provided by the Court confirming that the employee was on jury duty during that period. Employees are expected to return to work on any day or portion of a day they are released from jury duty.

**2. Voting Leave.** Employees who are registered, eligible electors entitled to vote in an election shall be entitled to two hours off, with pay, for the purpose of voting on the day of the election during the time the polls are open, if they apply for the leave of absence prior to the day of election and if they have less than three hours between the time of opening and the time of closing of the polls during which they are not required to be on the job. Community Options may specify the hours during which the employee may be absent.

**3. Military Duty.** Employees will be allowed leave of absence for military duty in compliance with applicable Federal and State laws. Employees must present official documentation of the military duty prior to the leave and upon returning from leave. Military leave for non-exempt employees is without pay. Exempt employees will be paid salary, unless no work is performed for Community Options during the pay period, and subject to reduction for wages received from the military for the same period.

**4. Civil Air Patrol Mission Leave.** Any regularly scheduled employee who is a member of the Civil Air Patrol, Colorado Wing, and who is called to duty for a Civil Air Patrol Mission is entitled to an unpaid leave of absence for the time when the employee is engaged in the mission, not to exceed a total of fifteen work days in any calendar year. The leave shall be allowed only if the employee gives evidence to Community Options of the satisfactory completion of the Civil Air Patrol service. This period of leave shall in no way affect the employee's rights to other paid leaves for which the employee is eligible, bonuses, advancement, or other employment benefits or advantages relating to and normally to be expected for the employee's particular employment. Leave is allowed only if the employee returns to his/her job as soon as practical after being relieved from service for the Civil Air Patrol Mission. The employee satisfying these requirements and all statutory requirements set forth in CRS §28-1-102 through §28-1-106 shall be entitled to return to the same or a similar position as held before leave began.

**5. Emergency Volunteer Service Leave.** Any regularly scheduled employee who is a "Qualified Volunteer" called to service by a "Volunteer Organization" for the purpose of assisting in a "Disaster" as these terms are defined by CRS §24-32-2202 through §24-32-2228, is entitled to an unpaid leave of absence for the time spent assisting, not to exceed a total of fifteen work days in any calendar year. In order to be eligible for this leave, the employee must comply with all requirements of these statutes, including, without limitation, providing Community Options with proof they are a Qualified Volunteer. Leave need not be granted if the employee is designated an "Essential employee" by Community Options (meaning the employee is essential to the operation of the daily enterprise whose absence would likely cause Community Options to suffer economic injury or whose duties include assisting in disaster recovery for Community Options) or if granting the leave would result in more than 20% of Community Options' employees being on Emergency Volunteer Service leave on any work day. This period of leave shall in no way affect the employee's rights to other paid leaves for which the employee is eligible, bonuses, advancement, or other employment benefits or advantages relating to and normally to be expected for the employee's particular employment. Leave is allowed only if the employee returns to their job as soon as practical after being relieved from Emergency Volunteer Service. The employee satisfying the statutory requirements shall be entitled to return to the same or a similar position as held before leave began.



## **THE HEALTHY FAMILIES & WORKPLACES ACT (“HFWA”): Paid Leave Rights**

### **Coverage: Employers with at least 16 employees are required to provide paid leave under the HFWA**

- Employees earn 1 hour of paid leave per 30 hours worked (“accrued leave”), up to 48 hours a year.
- Up to 80 hours of supplemental leave applies in a public health emergency (PHE), until 4 weeks after the PHE ends.
- Regular hours and pay set the rate of accrual and compensation for leave, during which benefits continue.
- Up to 48 hours of unused accrued leave carries over for use the next year.
- For details on specific situations (irregular hours, non-hourly pay, etc.), see Wage Protection Rule 3.5, 7 CCR 1103-7.

### **Employees can use accrued leave for the following safety or health needs:**

- (1) a mental or physical illness, injury, or health condition that prevents work, including diagnosis or preventive care;
- (2) domestic abuse, sexual assault, or criminal harassment leading to health, relocation, legal, or other services needs;
- (3) has a family member experiencing a condition described in category (1) or (2); *or*
- (4) in a PHE, a public official closed the workplace, or the school or place of care of the employee’s child.

### **In a public health emergency (PHE), employees can use supplemental PHE leave for the following needs:**

- (1) self-isolating or work exclusion due to exposure, symptoms, or diagnosis of the communicable illness in the PHE;
- (2) seeking a diagnosis, treatment, or care (including preventive care) of such an illness;
- (3) being unable to work due to a health condition that may increase susceptibility to or risk of such an illness; or
- (4) caring for a child or other family in category (1)-(3), or whose school or child care is unavailable due to the PHE.

During a PHE, employees still earn up to 48 hours of accrued leave and may use supplemental leave before accrued leave.

### **Employer Policies (Notice; Documentation; Incremental Use; Privacy; and Paid Leave Records)**

- **Written notice and posters.** Employers must (1) provide notice to new employees no later than other onboarding documents/policies; and (2) display updated posters, and provide updated notices to current employees, by end of year.
- **Notice for “foreseeable” leave.** Employers may adopt “reasonable procedures” in writing as to how employees should provide notice if they require “foreseeable” leave, but cannot deny paid leave for noncompliance with such a policy.
- **An employer can require documentation to show that leave was for a qualifying reason only if leave was taken for four or more consecutive work days** (*i.e.* days on which an employee would have worked, not calendar days).
- **Documentation is not required to *take* paid leave**, but can be required as soon as an employee can provide it after returning to work or separating from work (whichever is sooner). **No documentation can be required for PHE leave.**
- **To document leave for an employee’s (or an employee’s family member’s) health-related need**, an employee may provide: (1) a document from a health or social services provider *if* services were received and document can be obtained in reasonable time and without added expense; *otherwise* (2) the employee’s own writing.
- **To document that an employee (or an employee’s family member) required leave for a need related to domestic abuse, sexual assault, or criminal harassment**, an employee may provide: a document or writing under (1) above (*e.g.* from a provider of legal or shelter services) or (2) above, or a legal document (*e.g.*, a restraining order or police report).
- **If an employer reasonably deems an employee’s documentation deficient**, the employer must: (A) notify the employee within seven days of either receiving the documentation or the employee’s return to work or separation (whichever is sooner), and (B) give the employee at least seven days to cure the deficiency.

- **Incremental use.** Depending on employer policy, employees can use leave in either hourly or six-minute increments.
- **Employee Privacy.** Employers cannot require employees to disclose “details” about an employee’s (or their family’s) HFWA-related health or safety information; such information must be treated as a confidential medical record.
- **Records must be provided upon request.** Employers must provide documentation of the current amount of paid leave employees have (1) available for use, and (2) already used during the current benefit year, including any supplemental PHE leave. Information may be requested once per month or when the need for HFWA leave arises.

### **Retaliation or Interference with HFWA Rights**

- **Paid leave cannot be counted as an “absence”** that may result in firing or another kind of adverse action.
- **An employee can’t be required to find a “replacement worker” or job coverage when taking paid leave.**
- **An employer cannot fire, threaten, or otherwise retaliate against, or interfere with use of leave by**, an employee who: (1) requests or takes HFWA leave; (2) informs or assists another person in exercising HFWA rights; (3) files a HFWA complaint; or (4) cooperates/assists in investigation of a HFWA violation.
- **If an employee’s reasonable, good-faith HFWA complaint, request, or other activity is *incorrect***, an employer need not agree or grant it, but cannot *act against* the employee for it. Employees *can* face consequences for misusing leave.

## **THE PUBLIC HEALTH EMERGENCY WHISTLEBLOWER LAW (“PHEW”): Worker Rights to Express Workplace Health Concerns & Use Protective Equipment**

### **Coverage: All Employers and Employees, Plus Certain Independent Contractors**

- PHEW covers not just “employers” and “employees,” but all “**principals**” (an employer **or** a business with at least 5 independent contractors) and “**workers**” (employees **or** independent contractors at a “principal”).

### **Worker Rights to Oppose Workplace Health/Safety Violations During Public Health Emergencies:**

- It is unlawful to retaliate against, or interfere with, the following acts during, and related to, a public health emergency:
  - (1) **raising reasonable concerns**, including informally, to the principal, other workers, the government, or the public, about workplace violations of government health or safety rules, or a significant workplace health or safety threat;
  - (2) **opposing *or* testifying, assisting, or participating** in an investigation or proceeding about retaliation for, or interference with, the above-listed conduct .
- A principal need not address a worker’s PHEW-related concern, but it still cannot fire or take other *action against* the worker for that reason, as long as the concern was reasonable and in good-faith.

### **Workers’ Rights to Use Their Own Personal Protective Equipment (“PPE”):**

- A worker must be allowed to **voluntarily wear their own PPE** (mask, faceguard, gloves, etc.) if the PPE (1) provides **more protection** than equipment provided at the workplace, (2) is **recommended** by a government health agency (federal, state, or local), and (3) does not make the worker **unable to do the job**.

## **COMPLAINT RIGHTS (under both HFWA & PHEW)**

- Violations may be reported to the Division as complaints or anonymous tips, or may be filed as in court after exhausting pre-lawsuit remedies.

This Poster summarizes two Colorado workplace public health laws, SB 20-205 (paid leave) and HB 20-1415 (whistleblowing and personal protective equipment). It does not cover other health or safety laws, rules, and orders, including under the federal Occupational Safety and Health Act (OSHA), from the Colorado Department of Public Health and Environment (CDPHE), or from local public health agencies. Contact those agencies for such health and safety information.

**This poster must be displayed where it is easily accessible to workers, shared with remote workers, provided in languages other than English as needed, and replaced annually.**

**For full versions of these laws, more detailed fact sheets, or questions, information, or complaints as to these or other labor laws, contact:**

**Division of Labor Standards and Statistics, [coloradolaborlaw.gov](http://coloradolaborlaw.gov), [cdle\\_labor\\_standards@state.co.us](mailto:cdle_labor_standards@state.co.us), 303-318-8441 / 888-390-7936.**





# COLORADO OVERTIME & MINIMUM PAY STANDARDS

## ORDER (“COMPS Order”) #37 POSTER

### Division of Labor Standards & Statistics

Effective January 1, 2021  
*Must be updated annually; new poster  
available 1st week of each December*

**Colorado Minimum Wage: \$12.32 per hour, or \$9.30 for Tipped Employees, effective 1/1/2021.**

- The minimum wage adjusts annually by inflation; next year’s COMPS Order and Poster will provide the 2022 minimum wage.
- The minimum wage applies to all adults and emancipated minors, whether paid hourly or any other basis (salary, commission, piecework, etc.), unless exempted by COMPS Order Rule 2. Unemancipated minors may be paid 15% below the minimum.
- The federal minimum wage (\$7.25) and any local minimum wages (including \$14.77 in Denver as of 1/1/21) may also apply. If work is covered by multiple minimum or overtime wage rules, the rule with the higher wage or standard applies.

**Overtime: 1½ times the regular pay rate for hours over 40 weekly, 12 daily, or 12 consecutive.**

- Hours in two or more weeks cannot be averaged in computing overtime.
- Employers may not provide time off (often called “comp time”) instead of time-and-a-half premium pay for overtime hours.

**Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours.**

- Employees must be completely relieved of all duties, and allowed to pursue personal activities, for meal periods to be unpaid.
- If work makes uninterrupted meal periods impractical, eating an on-duty meal must be permitted, and the time must be paid.
- To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts.

**Rest Periods: 10 minutes, paid, every 4 hours.**

#Work Hours:	Up to 2	>2, up to 6	>6, up to 10	>10, up to 14	>14, up to 18	>18, up to 22	>22
#Rest Periods:	0	1	2	3	4	5	6

- Rest periods need not be off-site but must not include work and should be in the middle of the 4 hours to the extent practical.
- Two 5-minute rest periods, instead of one 10-minute, are permitted if employees and employers agree voluntarily and without coercion, and if 5 minutes is enough to go back and forth to a bathroom or other place where a genuine break would be taken. Additional flexibility with 5-minute periods applies to agriculture, Medicaid home care, and collectively bargained work.
- Employers that do not authorize and permit rest periods must pay extra for the work time that would have been rest periods.

**Time Worked: Time employers allow performance of labor/services for their benefit must be paid.**

- All time on-premises, on duty, or at prescribed workplaces (but not just letting off-duty employees be on-premises), including:
  - putting on or removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-the-clock duty;
  - awaiting assignments at work, or receiving or sharing work-related information; or
  - security/safety screening, clocking/checking in or out; or
  - waiting for any of the above tasks.
- Travel for employer benefit is time worked; normal home/work travel is not. For more on travel and sleep time, see Rule 1.9.2.

**Deductions, Credits, & Charges from Wages: Subject to limits in C.R.S. 8-4-105 and below.**

- Tip credits of up to \$3.02 per hour (lowering minimum wages to \$9.30) are allowed for those regularly, customarily receiving over \$30 per month in tips. If hourly pay plus tips is below the full minimum wage, the employer must pay the difference.
- Meal credits are allowed for the cost or value (without employer profit) of a voluntarily accepted meal.
- Lodging deductions are allowed only if housing is voluntarily accepted by the employee, primarily for the employee’s (not employer’s) benefit, recorded in writing, and limited to \$25 or \$100 per week (depending on the housing type).
- Uniforms that are ordinary clothes, without special material or design, need not be provided; other uniforms must be provided at no cost. Employers must pay for any special cleaning required, and cannot require deposits or deduct for ordinary wear and tear.

**Exemptions from the COMPS Order: All listed in Rule 2; key exemptions listed below.**

- Executives/supervisors, decision-making administrative employees, and professionals (Rule 2.2.1-3) paid the exempt salary:

2021	2022	2023	2024	Each Year After 2024
\$40,500	\$45,000	\$50,000	\$55,000	Prior year’s salary, inflation-adjusted

- 20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management (2.2.5).
- Highly technical computer-related employees (defined in 2.2.10), if paid at least \$28.38 per hour.
- Various in-residence workers, including property managers, range workers, and camp/outdoor education field staff (2.2.7).
- Various, but not all, types of salespersons (2.2.4, 2.4.1, 2.4.2) and taxi drivers (2.2.6).
- Certain medical transportation and hospital/nursing home employees have modified overtime rules (2.4.4, 2.4.5).
- Downhill ski/snowboard employees, including on-mountain food but not lodging, are exempt from 40-hour overtime (2.4.3).
- Agriculture (2.3) and some transportation (2.4.6) jobs are exempt from overtime and meal periods, and have more flexible rest periods (agriculture) or no (transportation) rest periods.

**Complaint & Anti-Retaliation Rights.**

- The Division of Labor Standards and Statistics (contact info at the bottom of this Poster) accepts complaints and tips as to violations of COMPS or other wage rights under federal, state, or local law. Alternatively, employees may file lawsuits in court.
- Parties liable for unpaid wages include the employer as an entity, and individuals with operational control over the entity.
- Employers cannot retaliate by threatening, coercing, or discriminating for purposes of reprisal, interference, or obstruction, as to actual or anticipated wage investigations, hearings, complaints, or proceedings.
- Violations of wage or anti-retaliation provisions may be reported to the Division as complaints or anonymous tips.
- Immigration status is irrelevant to wage rights. The Division will investigate and rule on complaints without asking, reporting, or considering status. Using status to interfere with rights is illegal under Wage Protection Rule 4.8 and other applicable law.

**This poster must be displayed where easily accessible to workers, included in any existing employee handbook or manual, shared with remote workers, provided in languages other than English as needed, and replaced annually.**

**This Poster summarizes key wage rules in the COMPS Order, but not all, and should not be relied upon as complete information. For the full Order, more detailed fact sheets, or for questions, information, or complaints as to wage or other labor laws, contact:**

**Division of Labor Standards and Statistics, [coloradolaborlaw.gov](http://coloradolaborlaw.gov), [cdle\\_labor\\_standards@state.co.us](mailto:cdle_labor_standards@state.co.us), 303-318-8441 / 888-390-7936.**

## THE EMPLOYER IS REQUIRED BY LAW TO POST THIS NOTICE

Colorado Employment Security Act (CESA), 8-74-101(2); Regulations Concerning Employment Security 7.3.1 through 7.3.5

### NOTICE TO WORKERS

**You have the right to be properly classified as an employee** if you meet the criteria in Colorado Revised Statute 8-70-115. If you believe you have been improperly classified as an independent contractor, there is a complaint process available to you. On the first offense, an employer may be fined up to \$5,000 per misclassified employee. To file a complaint, call the Unemployment Insurance Audit section at 303-318-9100 and select Option 3, or visit [www.colorado.gov/cdle/ui](http://www.colorado.gov/cdle/ui).

You, as an employee, are entitled to unemployment insurance benefits if you become unemployed through no fault of your own. Your employer contributes to unemployment insurance and cannot deduct this from your wages.

If you become unemployed and wish to file for unemployment insurance benefits, go to [www.colorado.gov/cdle/ui](http://www.colorado.gov/cdle/ui) and click on File for Unemployment. You may also call one of the following numbers instead:

303-318-9000

(Denver-metro area)

1-800-388-5515

(Outside Denver-metro area)

TDD 303-318-9016

(Hearing Impaired Denver-metro area)

TDD 1-800-894-7730

(Hearing Impaired Outside  
Denver-metro area)

If your hours of work and pay are reduced, you may be entitled to partial unemployment benefits.

**IMPORTANT NOTICE:** Be sure to have your social security number and the name and address of your last employer available when you call to file a claim for unemployment insurance benefits.

### AVISO PARA EMPLEADOS

**Usted tiene el derecho de ser propiamente clasificado como un empleado** si se cumplen los criterios en Estatuto Revisado de Colorado 8-70-115. Si cree que ha sido impropriadamente clasificado como un contratista independiente, hay un proceso de queja disponible. Por la primera ofensa, un empleador puede ser multado hasta \$5,000 por cada empleado misclasificado. Para presentar una queja, llame a la sección de Auditoría de Seguro de Desempleo al 303-318-9100, y marque Opción 3 o visite [www.colorado.gov/cdle/ui](http://www.colorado.gov/cdle/ui).

Usted, como empleado, tiene derecho a los beneficios de seguro de desempleo si se encuentra desempleado y no es responsable por la separación. La compañía contribuye al seguro de desempleo y no puede deducirlos de su sueldo.

Si se encuentra desempleado y desea reclamar los beneficios de seguro de desempleo, vaya al sitio [www.colorado.gov/cdle/ui](http://www.colorado.gov/cdle/ui) y haga click en en enlace File for Unemployment. También puede llamar a los números siguientes.

303-318-9333

(Área metropolitana de Denver)

1-866-422-0402

(Fuera del área metropolitana de Denver)

TDD 303-318-9016

(Impedimento Auditivo Área de Denver)

TDD 1-800-894-7730

(Impedimento Auditivo Fuera del área  
metropolitana de Denver)

Si sus horas de trabajo y pago son reducidas, usted puede tener derecho a los beneficios parciales de seguro de desempleo.

**AVISO IMPORTANTE:** Asegúrese de tener su número de seguro social y el nombre y la dirección de su empleo mas reciente cuando llame para establecer su reclamo de seguro de desempleo.

Employers can download copies of this poster at [www.colorado.gov/cdle/ui](http://www.colorado.gov/cdle/ui), click on **Forms & Publications**, and then click on **Employer Forms**.

Additional copies can be requested by contacting the Colorado Department of Labor and Employment, Unemployment Insurance Program, P.O. Box 8789, Denver, Colorado 80201-8789 or by calling 303-318-9100 or 1-800-480-8299