

## Standards of conduct Table of Contents

INTRODUCTION TO THE PERSONNEL POLICY MANUAL .....	4
STATEMENT OF NEED .....	5
MESSAGE FROM THE PRESIDENT .....	5
THE LAW .....	5
NATIONAL GOALS OF COMMUNITY SERVICES .....	5
MISSION OF THE NEW YORK DIVISION OF COMMUNITY SERVICES .....	6
VISION .....	6
VALUES .....	6
COMMUNITY ACTION ORGANIZATION MISSION STATEMENT .....	6
<b>II. HIRING POLICIES .....</b>	<b>7</b>
A. HIRING OF PERSONNEL (ANTI-NEPOTISM AND SHARED DECISION-MAKING) .....	7
B. RESTRICTIONS ON POLITICAL ACTIVITY .....	8
C. COMPLIANCE WITH IMMIGRATION LAW .....	8
D. EQUAL EMPLOYMENT OPPORTUNITY .....	9
E. AFFIRMATIVE ACTION AND POSTING OF POSITIONS .....	9
F. RECRUITMENT .....	10
G. HEALTH AND THE AMERICANS WITH DISABILITIES ACT .....	11
H. PROMOTION .....	12
I. (INTENTIONALLY LEFT BLANK) .....	12
J. COMMUNICATION CHAIN .....	12
K. ORIENTATION, MEETINGS AND TRAINING .....	13
L. TRIAL SERVICE AND PROBATIONARY PERIOD .....	14
M. AGENCY HOURS AND LUNCH BREAKS .....	14
N. WORK CLASSIFICATIONS .....	15
O. TIME SHEETS AND PAY DAYS .....	15
P. EMPLOYMENT CATEGORIES .....	16
Q. CONSULTANTS AND VOLUNTEERS .....	17
R. STATEMENT OF EMPLOYMENT AND QUALIFICATIONS .....	17
S. PERSONAL PROPERTY ON EMPLOYER’S PREMISES .....	17
T. USE OF EMPLOYER’S RESOURCES .....	18
<b>III. STANDARDS OF EMPLOYEE CONDUCT .....</b>	<b>18</b>
A. EMPLOYEE CONDUCT .....	18
B. PERFORMANCE EVALUATIONS .....	19
C. REPORTING ABSENCES AND TARDINESS (AND AWOL) .....	20
D. ETHICAL GUIDELINES .....	22
E. WHISTLE BLOWER POLICY .....	23
F. IN-KIND GOODS AND SERVICES .....	23
G. HARASSMENT AND DISCRIMINATION .....	23
H. SUBSTANCE ABUSE .....	26
I. SMOKE FREE WORKPLACE .....	27
J. GAMBLING .....	27
K. PUBLICITY AND PUBLIC INFORMATION .....	27
L. CONFIDENTIALITY .....	29
M. IDENTIFICATION OF STAFF AND VISITORS .....	28
N. TELEPHONE USE .....	29
O. USE OF ELECTRONIC MEDIA .....	29
P. DRESS CODE .....	30
Q. SAFETY .....	32
R. EMPLOYER VEHICLES .....	33
S. LOST, DAMAGED AND STOLEN PROPERTY .....	34

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

T.	STANDARDS OF CONDUCT: HEAD START/EARLY HEAD START STAFF,.....	34
U.	DART CLINIC CODE OF CONDUCT.....	35
<b>IV.</b>	<b>MISCELLANEOUS PERSONNEL INFORMATION .....</b>	<b>35</b>
A.	PERSONNEL FILES.....	35
B.	OTHER RECORDS KEPT IN PERSONNEL .....	36
C.	REFERENCES .....	36
D.	EMERGENCY CLOSINGS .....	37
<b>V.</b>	<b>COMPENSATIONS AND BENEFITS.....</b>	<b>37</b>
A.	SALARIES AND FUNDING SOURCE LIMITATIONS .....	37
B.	CATEGORIES OF BENEFITS PROVIDED BY CAO .....	39
C.	HEALTH INSURANCE (REVISED) .....	39
D.	CONTINUATION OF COVERAGE (COBRA AND HIPAA).....	40
E.	DENTAL INSURANCE.....	40
F.	GROUP TERM LIFE INSURANCE .....	41
G.	WORKERS COMPENSATION INSURANCE .....	41
H.	SHORT TERM DISABILITY INSURANCE.....	41
I.	(INTENTIONALLY LEFT BLANK) .....	42
J.	LONG TERM DISABILITY INSURANCE .....	42
K.	EMPLOYEE ASSISTANCE PROGRAM.....	42
L.	QUALIFIED TAX-DEFERRED ANNUITY PLAN.....	42
M.	TRAVEL EXPENSES .....	43
<b>VI.</b>	<b>TIME OFF FROM WORK - PAID AND UNPAID .....</b>	<b>43</b>
A.	PAID TIME OFF .....	43
B.	HOLIDAYS.....	46
C.	SICK LEAVE .....	47
D.	EXTENDED SICK LEAVE WITHOUT PAY .....	48
E.	BEREAVEMENT LEAVE.....	49
F.	LEAVE FOR JURY DUTY .....	49
G.	EDUCATIONAL LEAVE.....	50
H.	MILITARY LEAVE.....	51
I.	TIME OFF TO VOTE.....	51
J.	BLOOD DONATION LEAVE.....	51
K.	BONE MARROW DONATION LEAVE.....	52
L.	NURSING MOTHERS.....	52
M.	(INTENTIONALLY LEFT BLANK).....	52
N.	BENEVOLENT LEAVE .....	52
<b>VII.</b>	<b>RESOLUTION OF COMPLAINTS: TITLE VII ISSUES.....</b>	<b>53</b>
A.	MATTERS RELEVANT TO DISCRIMINATION COMPLAINTS.....	53
B.	HARASSMENT AND DISCRIMINATION COMPLAINT PROCEDURE .....	54
<b>VII.</b>	<b>DISPUTE RESOLUTION PROCEDURE .....</b>	<b>54</b>
A.	GUIDELINES FOR PROBLEM RESOLUTION.....	54
B.	THREE STEP PROCEDURE .....	55
<b>IX.</b>	<b>REVISION AND AMENDMENT OF PERSONNEL POLICIES .....</b>	<b>56</b>
A.	REVISION BY THE CAO BOARD.....	56
B.	REVISION BY STATUTE OR REGULATION.....	56
<b>X.</b>	<b>APPENDIX.....</b>	<b>56</b>
<b>A:</b>	<b>FMLA.....</b>	<b>56</b>
<b>B:</b>	<b>ELECTRONIC COMMUNICATION ACKNOWLEDGEMENT .....</b>	<b>65</b>

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

**C: CONFIDENTIALITY AGREEMENT**..... 68  
**D: EMPLOYEE ACKNOWLEDGMENT**..... 69  
HANDBOOK RECEIPT ..... 69

# I. INTRODUCTION TO THE PERSONNEL POLICY MANUAL

Welcome to the CAO family.

The purpose of this manual is to describe, to all management staff, employees, consultants and volunteers, the policies that the CAO Board of Directors has adopted to govern personnel matters.

The Executive Director has the responsibility to ensure that all employees and applicants for employment are treated in a non-discriminatory manner in all employment practices, including, but not limited to, recruitment, hiring, promotion, transfer, training, and compensation.

The CAO is funded through grants from various sources. Each grant is subject to its own specific set of rules and regulations. CAO will always endeavor to ensure that, if the criteria established in a specific grant for recruitment, hiring, promotion, transfer, training, or compensation is different from the terms and conditions of other grants, the specific conditions imposed by the grant, including its rules and regulations, will control the terms of employment for employees affected by that grant.

**This personnel policy manual is *not a contract* guaranteeing employment for any specific duration. Although it is our hope that CAO employees will have an employment relationship that will be long term, all employees and CAO as the employer may terminate the employer-employee relationship *at any time, for any reason*, with or without notice, subject to any applicable collective bargaining agreement restrictions for covered employees.**

**The employment terms set out in this personnel policy manual work in conjunction with, and do not replace, amend or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union has with CAO for employees covered by that agreement. In the event of a conflict between the express terms of this manual and the terms in a collective bargaining agreement, employees should consult the collective bargaining which will govern any such conflict between terms.**

## STATEMENT OF NEED

“...tens of millions of Americans are...maimed in body and spirit, existing at levels beneath those necessary for human decency. If these people are not starving, they are hungry, and sometimes fat with hunger, for that is what cheap foods do. They are without adequate housing and education and medical care...even more basic...this poverty twists and deforms the spirit. The American poor are pessimistic and defeated.... And they are victimized...here are the unskilled workers, migrant farm workers, the aged, the minorities and all others who live in the economic underworld of American life.”

Michael Harrington, **The Other America**, 1962.

## MESSAGE FROM THE PRESIDENT

“Let us carry forward the plans and programs of John F. Kennedy, not because of our sorrow or sympathy, but because they are right.... This administration today, here and now, declares unconditional war on poverty in America...our joint federal-local effort must pursue poverty, pursue it wherever it exists. In city slums, in small towns, in sharecroppers’ shacks, or in migrant worker camps, on Indian reservations, among whites as well as Negroes, among the young as well as the aged, in the boomtowns and in the depressed areas.”

President Lyndon B. Johnson, **Message to Congress**, January 8, 1964.

## THE LAW

“The United States can achieve its full economic and social potential as a nation only if every individual has the opportunity to contribute to the full extent of the capabilities of such individual and to participate in the workings of our society. It is, therefore, the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity.” **Economic Opportunity Act of 1964, Section 2**

## NATIONAL GOALS OF COMMUNITY SERVICES

- I. Help low-income people become more self-sufficient.
- II. Improve conditions in which low-income people live.
- III. Provide low-income people with a stake in their community.
- IV. Establish partnerships among supporters and providers of services to low-income people.
- V. Increase agencies capacity to achieve results.
- VI. Assist low-income people, especially vulnerable populations, achieve their potential by strengthening family or other supportive systems.

## **MISSION OF THE NEW YORK DIVISION OF COMMUNITY SERVICES**

Use all available resources and work in partnership with federal, state and local governments as well as communities and funded agencies, to remove obstacles and solve problems; thereby enabling individuals and families to attain the skills, knowledge and opportunity needed to achieve maximum potential and sustainable self-sufficiency.

### **VISION**

To serve as the lead partner in New York State and an active member of the national community services network, dedicated to promoting self-sufficiency and vibrant, healthy communities for low-income people.

### **VALUES**

The following are ethical and moral values and principles that guide the administration of the community service programs.

- Respect all persons, treating everyone with fairness, honesty and trust
- Speak and listen with respect.
- Serve our customers in the most effective way, with the least burden.
- Promote and develop individual and collective ability to attain the highest degree of personal and professional mastery.
- Recognize, respect, and honor human diversity.
- Preserve the dignity of our customers.
- Encourage teamwork, while promoting creativity and innovation.
- Uphold confidentiality and human rights.
- Assess program effectiveness and institute continuous improvement.

## **Community Action Organization**

### **MISSION STATEMENT**

**Vision:** To achieve sustainable human development whereby people in our communities build full family equity and fulfill life needs free from poverty and social exclusion.

**Mission:** To achieve our mission, the Community Action Organization of Erie County in the short term will address the most pressing and immediate needs of our customers. In the long term, we will engage, convene, mobilize and utilize practices, programs and available resources that continually demonstrate the ability to build financial, educational, health, safety and positive social capital in our communities.

## II. HIRING POLICIES

The purpose of this section is to set forth the hiring policies and procedures adopted for the CAO by its Board of Directors. This section describes the role that the Executive Director takes in all hiring decisions at the agency. The executive Director has been given the responsibility for the general management of the agency. As such, the Executive Director has the responsibility for ensuring that all employees and applicants for employment are treated fairly and equally in the terms, conditions, compensation, and privileges of their employment, pursuant to the applicable Federal, State, and local employment statutes, regulations, policies and this Personnel Policy Manual, as they may be from time to time amended, modified, or repealed by the CAO Board of Directors.

### A. HIRING OF PERSONNEL (Anti-Nepotism and Shared Decision-making)

1. The Executive Director is responsible for all hiring throughout the agency. No representative of CAO, other than the Executive Director, has the authority to enter into an agreement of employment for any specified period of time in any Division, Department or Program of CAO. The Executive Director will abide by all Federal, State and local laws, rules and regulations, as well as funding contractual provisions (See especially CFR 45 HHS Section 1304.50(b)1 concerning relationships members of governing boards to the employer/Grantee).
2. The Head Start/Early Head Start Program Performance Standards requires the Policy council (hereafter referred to as PC) or Policy Committee to approve or disapprove decisions of the Agency to hire Head Start/Early Head Start staff. The Board of Directors of the CAO and the Head Start/Early Head Start staff working in cooperation with the PC jointly develop written procedures that implement the shared decision making requirements for the hiring of Head Start/Early Head Start staff.
3. The CAO may hire relatives of employees if they are the best qualified applicants for a position and the employment does not create an actual or perceived conflict of interest. No supervisor will be placed in a position of supervising a relative. Supervisors are responsible for reporting the potential for conflict of interest.
4. Romantic and/or intimate \*personal relationships\* between supervisors and those they supervise may create an actual or perceived conflict of interest or the appearance of a hostile work environment. If any Department Head or supervisor becomes involved in such a relationship, that person must immediately inform the

Executive Director or the Human Resources Director so that reassignment of one of the participants in the relationship may be considered.

\* A personal relationship includes, but is not limited to, dating or living together as a family unit

5. CAO reserves the right to exercise its discretion (in hiring and placing immediate family members of its current employees, or individuals who have close personal relationships with current employees) in a manner calculated to eliminate potential conflicts of interest. To do this, CAO will take action that is fair and equitable and that will remove any direct reporting or management relationship between employees who are defined as immediate family or personal relationships above.

## **B. RESTRICTIONS ON POLITICAL ACTIVITY**

1. CAO and its delegate agencies are deemed by the Community Services Block Grant Act of 1998, and as it may be amended, to be a State or local agency for the purposes of chapter 15, Title 5 of the U.S. Code, subparagraphs (1) and (2) of section 1502a, also known as the Hatch Act.
2. Programs assisted by the CSBG Act of 1998, and as amended, may not use program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with:
  - a) Any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office;
  - b) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or
  - c) Any voter registration activity. (CSBG Reauthorization Act of 1998, and as amended, Section 678F, subsection b)
3. Employees, volunteers, and Board members of CAO and its delegate agencies are advised to consult with the Human Resources Director of CAO to ascertain whether or not a contemplated political activity is restricted or prohibited by the Hatch Act or the CSBG and/or Head Start Reauthorization Act of 1998 and as those Acts may be amended.

## **C. COMPLIANCE WITH IMMIGRATION LAW**

The Federal government requires CAO to employ only those persons who are authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986 and as it may from time to time be amended. As a condition of employment, each new employee must properly complete and sign an INS Form I-9 and provide the documents necessary to establish both identity and employment eligibility within three (3)



days of the date of hire. **Failure to comply with this requirement will result in immediate dismissal.**

## **D. EQUAL EMPLOYMENT OPPORTUNITY**

1. Unlawful employment discrimination based on sex, race, color, creed, national origin, religion, age, disability, marital status, arrest/conviction record, or military status, or any other characteristic protected by law is prohibited by CAO in all of its divisions, departments and locations. All claims of employment or other workplace discrimination within CAO are treated seriously. Questions about or claims of employment discrimination shall be directed to the Human Resource Director.
2. CAO accommodates religious observances and practices that do not create unreasonable interference with productivity, employee safety or other recognized purposes and objectives of the Employer. Employees needing an accommodation on the basis of their religion must contact the Human Resources Director.

## **E. AFFIRMATIVE ACTION AND POSTING OF POSITIONS**

CAO is an Affirmative Action employer, and makes every effort to assure that its work force represents the diversity of its labor market. Members of groups protected under Title VII of the Civil Rights Act of 1965 (and as amended) are given full consideration for employment, development, and advancement within the CAO corporate structure.

1. To implement this policy, all new or vacant positions are posted in all CAO facilities and delegate agencies for five business days for the benefit of current staff who may wish to apply. All postings include job title, salary range, minimum hiring qualifications, and closing date for filing applications. The Human Resources Department sends job postings to all CAO locations and delegate agencies on the effective day of each posting. It is the responsibility of each Department Head and delegate agency to designate a staff member at each location to be responsible for prominently displaying each posting on the employee bulletin board as soon as it is received.
2. Employees of CAO who meet the posted job qualifications for a vacant position are encouraged to apply, and will be considered for each position based upon their qualifications and ability to perform the job. Employees will not be “automatically” transferred or promoted to vacant positions, but must be interviewed and evaluated for hiring in the same manner as all other applicants.
3. After the “in-house” posting period is completed, or before at the discretion of the Executive Director in order to increase the pool of applicants, all new and vacant positions are posted with affiliated non-profit, social service, educational, and

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

community agencies or groups and/or agencies for at least five business days. CAO and delegate agency volunteers may apply for positions during this time.

4. If sufficient applications are not received through these postings, the position is advertised in the public media such as the Buffalo News, community newspapers, radio, television, Internet and the New York State Job Bank. This is the process that is followed for all programs, except those whose funding sources specify more stringent requirements (such as Community Development Block Grant and municipal grant programs). In those instances, CAO will adhere to the requirement of the funding source. (See also Section **H** below, - **PROMOTION**)
5. The posting process may be accelerated with written approval of the Executive Director.

## **F. RECRUITMENT**

1. The objective of this section is to ensure that CAO recruits and selects dynamic, well-qualified staff who possess the knowledge, skills, and experience needed to provide high quality, comprehensive and culturally sensitive services to the targeted community (45 CFR 1304.52(b)(4)). The CAO offers staff, volunteers, consultants and members of governing boards' opportunities and support for ongoing training and development in the area of recruitment.
2. The CAO Board of Directors delegates the hiring of staff in accordance with these policies to the Executive Director. Nothing in these Personnel Policies is intended to give *individual* Board members or Board Committees a direct, day-to-day management function in CAO hiring procedures.
3. Temporary employees may be hired immediately, in response to urgent program needs, without a job posting. Program volunteers will be given preference when filling temporary positions. Temporary employees may not transfer to regular or seasonal status. However, they may apply for "in-house" posted positions in the same manner as any other employee of CAO and its delegate agencies.
4. The Board of Directors of the CAO, and its key management staff, working in partnership with the appropriate community, advisory or policy group develop, review, and approve the policies for the recruitment and selection of staff.

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

- a) Before the Executive Director hires a staff member, there must have occurred, at a minimum, the following documented activity:
    - (1) An interview with the applicant
    - (2) A verification of personal and employment/volunteer references
    - (3) A criminal or child abuse records check, if required by State regulation
  - b) The Human Resource Director reviews all relevant information and reports the findings and recommendation for personnel action to the Executive Director. CAO will make an assessment of the relevancy of any arrest, pending criminal charges, and/or conviction on a case-by-case basis.
- Failure to disclose the above information will result in immediate termination upon discovery.
5. The CAO Board of Directors, working in partnership with key management staff and the appropriate policy group, will share decision making in the recruitment and hiring of Head Start/Early Head Start staff that is consistent with the requirements of Head Start/Early Head Start regulations and the Program Performance Standards Guidance, and these Personnel policies.
  6. If circumstances of disagreement arise between the Head Start/Early Head Start Policy council and the Executive Director regarding specific Head Start/Early Head Start program hiring decisions, the CAO Board Impasse Policy will be followed.

## **G. HEALTH and the AMERICANS with DISABILITIES ACT**

1. Staff members and regular volunteers of certain programs are required, by law or regulation, to have an initial health examination that includes screening for tuberculosis (TB), and a periodic re-examination as mandated by such law or regulation. The purpose of this requirement is to assure that employees do not pose a significant risk to the health or safety of others because of communicable disease.
2. CAO is committed to complying fully with all federal, state and local laws concerning the employment of qualified persons with disabilities. A qualified individual with a disability is one who meets the skill, experience and education or other employment requirements for the job being sought or held and can perform the essential functions of the job held with or without reasonable accommodations.
3. CAO prohibits discrimination against qualified individuals who have or who are perceived as having a disability with respect to selection and hiring, advancement, discharge, compensation, training, job assignments, classifications, organizational structure, position description, lines of progression, seniority or other terms, conditions and privileges of employment. Further, it is the CAO's policy to

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless doing so would pose an undue hardship.

4. Any employee who desires a reasonable accommodation to perform the essential functions of his or her job must submit a written request to the Human Resources with any supporting medical documentation. A medical examination by a CAO physician or other evaluation may be necessary to identify an appropriate and reasonable accommodation. CAO will endeavor to resolve all accommodation requests in as prompt a manner as possible.
5. The Genetic Information Nondiscrimination Act of 2008 (“GINA”) prohibits employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with GINA, we are asking that you do not provide any genetic information when responding to any request for medical information. “Genetic Information”, as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.
6. CAO has an Employee Assistance Program (see Section IV, Part L), which is available to all staff and their household members. The EAP can provide information and assistance to employees regarding mental health and wellness concerns that affect their job performance.

## **H. PROMOTION**

1. Because CAO believes in promoting employees from within, the CAO job posting procedure allows all employees an opportunity to apply for positions throughout the agency that interest them and for which they are qualified. Present staff members (CAO and delegate agencies) will be given first consideration in filling vacancies, but promotion is not automatic solely on the basis of present employment with CAO or its delegate agencies.
2. An employee seeking a promotion or transfer to another position must meet the qualifications and be able to perform the essential functions of the posted position, with or without reasonable accommodation. The employee must be in good standing in terms of his/her overall work record.
3. Employees are responsible for monitoring job postings of interest to them and filing applications at the Personnel Department within the posting period. Employees are not required to notify their supervisor when they apply for a posted position, but should be aware that the supervisor will be contacted to give a recommendation if the employee is under serious consideration for selection to the position.

## **I. (Intentionally left Blank)**

## **J. COMMUNICATION CHAIN**

1. The CAO Board of Directors employs the Executive Director and delegates the responsibility of day-to-day administration of the organization to the Executive Director. Likewise, the Executive Director communicates staff and program needs and concerns directly to the Board of Directors.
2. An employee who wishes to communicate with the CAO Board of Directors, or any member, committee or subcommittee of the CAO Board of Directors, in any matter involving CAO or employment with CAO, should do so through the Executive Director or a member of the CAO management team specifically designated by the Executive Director (such as the official staff liaison to the Board committee or subcommittee).

## **K. ORIENTATION, MEETINGS AND TRAINING**

1. CAO provides agency and programmatic orientation and training to employees at which attendance is required. Employees are paid for all time spent in required on-the-job training. The most common meetings and training programs are listed below. Employees may ask their Supervisors any questions they may have regarding required and recommended meetings and training.
2. New employees receive agency, Personnel, and program orientation. The Personnel Department provides orientation to the Personnel policies for all new

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

employees within the first week of hire. Agency orientation occurs within Personnel and Program orientations and at various agency functions throughout the year.

3. Each Department supervisor schedules meetings as needed for all employees in the department. Employees are required to attend those meetings on days they are scheduled to work.
4. Department supervisors provide ongoing opportunities for staff to acquire additional knowledge and skills as they become necessary to implement the goals and objectives of a program by scheduling training for various employees.
5. CAO management staff continuously implements a structured approach to staff training and development wherever possible, attaching academic credit whenever possible. This system of training is designed to build relationships among staff and to assist staff in acquiring or increasing the knowledge and skills needed to fulfill their job responsibilities.
6. Head Start/Early Head Start management staff provides ongoing opportunities for all employees working in Head Start/Early Head Start Projects to acquire the knowledge and skills to implement the Head Start/Early Head Start Performance Standards including:
  - a) Methods for identifying and reporting child abuse and neglect in accordance with New York State law using a helpful, rather than punitive attitude towards abusive or neglectful parents or care takers wherever possible.
  - b) Methods for planning for successful family transition to and from Early Head Start and/or Head Start.
  - c) Training or orientation to the role and responsibility of the Board of Directors of CAO and its delegate agencies.
  - d) Orientation and ongoing training to Head Start and Early Head Start Policy Group members to enable them to carry out their program governance responsibilities effectively.
7. If an employee's position at CAO requires a license or certification, the employee is responsible for maintaining that credential. The CAO permits time off from work to attend Continuing Education Unit (CEU) courses that the employee requires, when approved in advance by the Supervisor and Department Head. CAO will compensate employees for time spent at CEU training only when attendance at a specific class or training is required by the supervisor of the program. In all other instances, the employee is responsible for the cost of continuing education.
8. Time off from work for education or training exceeding one week is covered in Educational Leave, **Section V-G** of these policies.

## **L. TRIAL SERVICE AND PROBATIONARY PERIOD**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. Employees are the most valuable asset of CAO. It is important that newly hired employees are able to perform the responsibilities of their positions satisfactorily. The first 180 days of employment at CAO is an introductory, trial service period that CAO calls the “probationary period.” During this probationary period, the ability of the new employee to perform the job according to CAO standards and requirements will be evaluated in writing by the supervisor at, minimally, ninety (90) and 180 day intervals.
2. Employees who are transferred or promoted through the in-house posting policy must complete a ninety (90) day probationary period in their new position.
3. Employees terminated at any time during this probationary period do not have recourse to the problem resolution procedure (as outline in Section VIII below).
4. Successful completion of this probationary period does not guarantee continual employment but does provide “regular” or “seasonal” employee status.
5. New employee probationary periods may not be extended beyond 180 days without the expressed permission of the Executive Director, or, in the Director’s absence, the Human Resource Committee of the CAO Board of Directors.

## **M. AGENCY HOURS AND LUNCH BREAKS**

1. The CAO Administrative Offices are open from 9:00 AM to 5:00 PM, Monday through Friday. CAO administers many programs with various hours of operation. Supervisors prepare employee schedules to meet the needs of the agency. It may be necessary for a supervisor to change work schedules from time to time, to meet agency needs. When this occurs, the supervisor will announce changes as far in advance as possible.
2. Unpaid lunch breaks, in accordance with local and state labor laws, are scheduled for all employees, and are at least one-half hour, but not usually more than one hour, in duration. No other work breaks are normally scheduled for CAO employees.

## **N. WORK CLASSIFICATIONS**

1. CAO designates each employee position as either NONEXEMPT or EXEMPT from state and federal wage and hour laws. Additionally, employees are assigned an employment category which defines their benefit eligibility. It is important for each employee to understand their employment classification and category. An employee’s EXEMPT or NONEXEMPT classification may be changed only upon written notification from the Personnel Department.
2. NONEXEMPT employees are paid overtime at the rate of one-and-one-half times the employee’s regular hourly rate for time worked on behalf of the employer beyond forty hours per week. All overtime work (more than 40 hours per week)

must be approved in advance and in writing by the Supervisor and the Executive Director (or designee). Failure to comply with this policy will lead to disciplinary action.

3. If a NONEXEMPT employee works more than eight (8) hours in any work day, the employee and Supervisor must adjust the employees work hours on some other day(s) during the same biweekly payroll period so that the employee does not work more than forty (40) hours in any week, unless overtime has been approved in advance (see above).
4. EXEMPT employees receive a salary and are not paid overtime wages.

## O. TIME SHEETS AND PAY DAYS

1. Accurately recording time worked is the responsibility of every employee. Federal and state laws require CAO to keep an accurate record of time worked in order to calculate employee pay and benefits.
2. Time worked is all the time an employee actually spends on the job performing assigned duties. CAO cautions employees against loitering on CAO premises when they are not actually working or performing a scheduled CAO or community function.
3. NONEXEMPT employees are required to complete a biweekly time sheet in order to be paid for each pay period they work. They should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any departure from work for any reason.
4. The NONEXEMPT time sheet also serves as the activity report. All time sheets must be signed by the employee, certifying that the hours recorded are the hours actually worked. Each time sheet must be verified and approved by the supervisor, and/or the Program Director (or designee). Overtime work must always be approved in writing before it is performed.
5. In instances where an employee is unavailable at the end of the pay period, the supervisor prepares a time sheet on behalf of the absent employee based on available information, and signs his/her own name in the usual place to approve the employee's time sheet. The employee must sign the timesheet upon his/her return to work.
6. No employee is permitted to sign the name of another employee on any time sheet. Altering, falsifying, tampering with time records, or recording time on another employee's time sheet may result in disciplinary action. **Violations of this rule may result in disciplinary action up to and including termination for cause.**
7. The CAO work week is a seven day period which extends from Saturday to Friday. Each pay period consists of two consecutive workweeks. Employees generally receive their paychecks on the Friday following the completion of the biweekly pay



COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

period. Any deviations from this practice must have written, advance approval of the Executive Director.

8. Employees may arrange for direct deposit of their paychecks into their bank accounts with written notice to CAO. Forms are available in the Personnel Office for this purpose. Employees will receive an itemized statement of wages when CAO makes direct deposits.
9. Final paychecks for terminated employees are mailed to the address of record unless the Fiscal Department receives other instructions from the employee.

## **P. EMPLOYMENT CATEGORIES**

CAO has established the following three (3) employment categories. Each category may be full time status or part time status. CAO defines full time status as employment scheduled for at least thirty-five (35) hours each workweek. Employees who work less than thirty-five (35) hours each workweek are considered part time.

Regular: Employees who work continuously throughout the year.

Temporary: Employees who work on short term assignments of less than six months duration.

Seasonal: Employees who work in a program option less than 12 months in any Fiscal year.

NOTE: Independent contractors should not be subject to the CAO Employee Handbook and, thus, a handbook provision regarding independent contractors is not appropriate.

## **Q. CONSULTANTS AND VOLUNTEERS**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. Consultants may provide services to CAO on a contract basis. The contract will be prepared by the agency and must be signed by the consultant and a duly authorized representative of CAO before any services may be rendered. Consultants are not employees of the CAO.
2. Programs are encouraged to use volunteers. Except where impractical due to governmental or funding source regulations, programs must develop and implement a system to actively recruit, train, and utilize volunteers in providing services to the community.

**R. STATEMENT OF EMPLOYMENT AND QUALIFICATIONS**

1. A written job description that includes a statement of minimum qualifications, essential duties, and responsibilities is available to each staff member when he/she first reports to work.
2. A written statement describing each staff position, its roles and responsibilities, relevant qualifications, and salary grade is developed for each staff position at CAO. The job descriptions referred to above are functional – that is, they do not describe specific assignments, but are examples of areas of responsibility, and include the relevant duties for the position.
3. In addition to the above requirements, the Head Start Administrator must ensure that all job descriptions for Head Start and Early Head Start staff, consultants, and volunteers include, as appropriate, the qualifications set forth in 45 the federal regulations.
4. Descriptions of each staff position are retained in the Human Resource Office. In addition, many departments and programs, such as Head Start Administration and DART, must maintain a complete and current set of job descriptions for each staff position within that department or program.

**S. PERSONAL PROPERTY ON EMPLOYER'S PREMISES**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. CAO reserves the right to inspect any packages or personal possessions brought into or removed from CAO premises by employees, visitors, volunteers, consultants, or customers. Notice of this right to inspect may be found on public access bulletin boards or near entrances of each CAO location.
2. The Employer also reserves the right to inspect the workplace and specific locations within the workplace, as well as employee possessions on CAO premises, when the Employer has business-related reasons to do so, and without advance notice to employees. Employees are reminded that closets, lockers, desks and file cabinets are the property of CAO, and employees have no right or expectation of privacy concerning personal items left on CAO premises, nor may employees place their own personal locks on CAO furniture, file cabinets, doors, or other CAO property.
3. Refusal of an employee to permit inspection of packages or possessions, or refusal to cooperate in a search, may result in disciplinary action, up to and including discharge.

## **T. USE OF EMPLOYER'S RESOURCES**

1. CAO encourages employees to volunteer with community organizations and Boards that contribute to the betterment of our community. From time to time, the Executive Director may permit paid or unpaid time off to attend specific meetings or community service activities that have a beneficial effect for CAO. However, approval for the purpose of attending such a meeting or event must be requested in writing at least two weeks in advance. The request must be made to the Supervisor, who makes a recommendation to the Executive Director for paid or unpaid time off.
2. Employees may occasionally use the Employer's equipment, such as a computer, fax machine, photocopier, etc., to perform volunteer services for other community groups. However, employees may NOT do so on work time. Arrangements to perform outside volunteer work on CAO premises during non-work hours must be made with the Supervisor or Department Head.
3. Employees who use CAO supplies or materials to perform work for outside community organizations must reimburse CAO for the cost of the supplies and materials used. This can be arranged through the Business Office.

## **III. STANDARDS OF EMPLOYEE CONDUCT**

### **A. EMPLOYEE CONDUCT**

CAO's reputation for delivering high quality and effective services, and its reputation for executing its mission with high ethical standards and integrity has continued to develop

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

through its many years of struggle against the systems of poverty in our community. Employment at CAO means that every employee has the responsibility for representing CAO as a whole when the employee is engaged in executing his/her job assignment. In addition, an employee's unlawful conduct outside of his/her job requirements at CAO may have a negative impact on the good name and reputation of the CAO.

1. CAO employees and volunteers are expected to show due consideration and concern for co-workers, clients, contractors and vendors, as well as for the community at large. Employees and volunteers are expected to work together in the spirit of our CAO and national mission and vision.
2. CAO encourages employees to follow a personal code of conduct that fosters the well-being of everyone in the workplace and helps employees achieve their work related goals. Some examples of positive workplace behaviors include:
  - Maintaining personal cleanliness;
  - Cleaning your work space at the end of the work day;
  - Expressing your views and opinions without rancor or sarcasm, and without belittling or embarrassing co-workers;
  - Doing your fair share of work and contributing your best efforts always;
  - Completing your assignments on time;
  - Working with supervisors and co-workers as a team to improve work efficiency and quality;
  - Using CAO equipment and supplies responsibly to reduce operating costs.
3. This list is not all-inclusive, but demonstrates the level of behavior expected, at a minimum, in the workplace. Employees who fail to follow standards of positive behavior in the workplace may be subject to disciplinary action up to and including discharge.
4. Employees are encouraged to participate in activities that reflect positively on our organization.
5. Employees who engage in activities that are criminal or otherwise prohibited by law during their employment will be subject to disciplinary action up to and including immediate dismissal.

## **B. PERFORMANCE EVALUATIONS**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. The performance of all employees is evaluated on an on-going basis. Supervisors and employees are encouraged to discuss job performance on a day-to-day informal basis. In addition, regular written performance evaluations will provide an opportunity to discuss job performance, identify and correct weaknesses, and encourage strengths related to the job.
2. Written job performance evaluations are prepared during the new employee probationary period at ninety (90) and 180 day intervals, and made available to the new employee for training and work improvement purposes.
3. At least annually, the immediate supervisor will prepare and conduct a performance evaluation, or staff performance appraisal, based upon the written criteria contained on the performance evaluation form used for each job classification, specific to the duties and requirements of each position. The results of these reviews are utilized to identify staff training and professional development needs, modify staff performance goals, and assist each staff member in improving his/her skills and professional competencies.
4. CAO expects all employees to read and discuss their performance evaluations with their supervisor and to attach a written response or comments to the evaluation. Employees are required to countersign their evaluations, attesting to the fact that they have read the evaluation, whether or not they agree with its content. If an employee refuses to sign the performance evaluation, the immediate supervisor and the Department Head must document such refusal. Such documentation will include the fact that the employee was requested to acknowledge reading the performance evaluation and that s/he refused to sign, noting the date, time and place where the refusal occurred.
5. The completed and signed performance evaluation, with any attachments or supporting documentation, is the property of CAO and remains in the employee's personnel file, and should be treated as a confidential agency document by both the employee and the supervisor involved in the process.
6. CAO believes that the demands of a full-time employee's work schedule make it extremely difficult to perform a second job without serious impairment of job performance and discourages full-time employees from taking outside employment. If outside employment interferes with an employee's availability for work assignments, including possible overtime, or work performance, corrective disciplinary action will be taken.

### **C. REPORTING ABSENCES AND TARDINESS (and AWOL)**

1. In order to serve our community effectively, it is important that employees be at their job promptly each day. If an employee will be late reporting to work, s/he must personally notify the supervisor at or before the scheduled starting time, in the manner the employee is instructed by the supervisor.

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

2. In the event that illness or injury prevents an employee from reporting to work, it is that employee's responsibility to personally notify the immediate supervisor within one hour of the usual starting time of that job. Failure to acquire approval, in advance, or to notify the immediate supervisor of absences or lateness in a timely manner, may result in discipline. Notification to anyone other than the immediate supervisor or the Department head (or designee) will not be accepted as proper notification.
3. When an employee is incapacitated due to an emergency, a member of the employee's immediate family or household (or a previously designated responder if there is no local family member) may provide the initial notification of an absence to the supervisor. Such notice does not relieve any employee from the obligation to notify his/her supervisor personally as soon as the employee is able to do so.
4. Any employee who does not notify his/her immediate supervisor of any absence or whose absence is not approved by the Supervisor is "**Absent Without Official Leave**". An unapproved absence will result in disciplinary action, up to and including termination. Anyone who is AWOL for three or more consecutive working days has voluntarily abandoned the job, and is removed from the active payroll of the agency.
5. Excessive tardiness or a pattern of tardiness is unacceptable and may result in disciplinary suspension from employment (without pay). If the tardiness is not corrected, termination will result. For example, tardiness of 15 minutes or more, three (3) times in a period of four consecutive weeks, is excessive tardiness.
6. Unplanned absences complicate the maintenance of accurate time records. Therefore, an employee who has been absent during regularly scheduled work hours must carefully record this information on the time record, showing the correct element code for the absence. Employees should carefully follow the guidance and requirement for each category of time off described in these policies.

#### **D. ETHICAL GUIDELINES**

1. CAO expects employees always to do what is legal, ethical and honest in performing all work-related duties and in all work-related activities and contacts. Employees must be fair and honest with customers, and clients; employees may not lie, mislead, steal from or mistreat coworkers, clients, customers, the agency or people and organizations with whom CAO does business.
2. There may be times when an employee faces an actual or potential conflict of interest (for example, a customer or vendor offers an employee some gift or service to get preferential treatment). Employees are to reject those opportunities of a real or perceived conflict of interest, and to make decisions that are in the best interest of CAO.
3. Employees may not receive any income or material gain from corporations or individuals outside CAO for materials produced or services rendered in the

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

performance of their duties with CAO. Employee are not to make decisions or take actions that are caused or influenced by offers of gifts, gratuities or favors to their own family or friends. (Generally defined as items or services valued over \$25.00).

4. Any employee who witnesses illegal, unethical or dishonest actions, as defined throughout this handbook by another employee must immediately report such information to a supervisor or another member of management.
5. Selling to or soliciting contributions, or distributing printed materials, for outside organizations from co-workers during regularly scheduled work time detracts from work performance and adversely effects the ability of programs to reach their goals and objectives. Employees who engage in such activities must pursue them outside of their regularly scheduled work time. An employee who performs “outside” activities during regular work time is, in effect, “stealing time” from the employer, which is unethical and dishonest. This policy also applies to visitors and other non-employees on CAO’s premises, who are not permitted to disrupt the work of employees.
6. Employees of the CAO may not have any direct or indirect financial interest in any firm doing business with the CAO. If an employee is uncertain whether his/her relationship with a firm doing business with CAO is a direct or indirect financial interest, the employee must make a full disclosure of the facts and circumstances of the involvement with such firm to the Executive Director (or designee) and receive a ruling from CAO.
7. CAO employees may not perform work for any other employer that is in the same business or activity as the CAO, or is in any way in competition (such as program, grant funding, etc.) with CAO.
8. An employee, who does not behave fairly, honestly and/or ethically, as defined in this handbook when performing duties for the agency will be subject to discipline, up to and including termination of employment.

## **E. WHISTLE BLOWER POLICY**

### **Employee Protection (Whistleblower) Policy**

It is the intent of the Community Action Organization of Erie County, Inc. to adhere to all laws and regulations that apply to the organization. Therefore, the underlying purpose of this policy is to support the organization’s goal of legal compliance. The support of all employees is necessary to achieving compliance with governing laws and regulations. This Policy is intended to encourage and enable employees and others to raise serious concerns within the agency prior to seeking resolution outside of the organization.

### **Reporting Responsibility:**

It is the responsibility of all directors, officers and employees of the Community Action Organization to report violations or suspected violations in accordance with

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

this policy. If any employee reasonably believes that some policy, practice, or activity of the CAO is in violation of the law, a written complaint must be filed by that employee with the Executive Director or the Chair of the CAO Board of Directors.

**No Retaliation:**

No director, officer or employee who in good faith reports a perceived or actual violation of the law shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation, in good faith, is subject to discipline up to and including termination of employment.

**Acting in Good Faith:**

An employee who files a complaint of a violation or suspected violation of the law must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of laws or regulations governing the Agency. Allegations that prove to be unsubstantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

**Handling of Violation /Complaint:**

Upon receiving a complaint the Executive Director and/or the Board Chair will promptly investigate the complaint. Appropriate corrective action will be taken, if warranted by the investigation.

## **F. IN-KIND GOODS AND SERVICES**

1. “In-kind” gifts or services to the agency are not personal gifts or gratuities. “In-kind” goods and services, from contractors, potential contractors and volunteers, are a part of the required “local share” for many programs operated by CAO.
2. All in-kind goods and services are documented in accordance with CAO Fiscal Policies and credited to the correct program or element code.
3. All employees are encouraged to obtain and document donations of goods and services for the benefit of CAO and its programs.



## **G. HARASSMENT AND DISCRIMINATION**

1. CAO prohibits any form of unlawful harassment of, and/or discrimination against employees and co-workers based on race, color, religion, gender, national origin, age, marital status, and veteran status, the presence of disabilities, or any other legally “protected” characteristic or status.
2. Harassment is defined as verbal or physical conduct which is offensive or intimidating and
  - a) Has the effect of unreasonably interfering with an individual’s work or job performance, or
  - b) Where submission to or rejection of such conduct is used as the basis for employment decisions, or
  - c) Creates an intimidating, hostile or offensive work environment
3. Illegal discrimination is defined as actions and/or decisions taken because of an individual’s legally-protected characteristics or status which result in harming, limiting or reversing the individual’s employment status and/or employment opportunities.
4. Some examples of possible illegal behavior are listed below. This list is not intended to be exhaustive or all-inclusive; but illustrates the types of behaviors that CAO deems inappropriate and intolerable.
  - Expressing comments, jokes, puns, innuendoes, bantering, and/or teasing based on an employee’s protected characteristics or status that demean, insult, or offend another person.
  - Expressing words, names and statements regarding protected characteristics or status that demean, insult or offend another person.
  - Leering, gawking, and making nonverbal gestures based upon protected characteristics or status that demean, insult, or offend another person.
  - Posting or displaying pictures, photographs, illustrations or objects referring to protected characteristics or status in the workplace that demean, insult or offend another person.
5. Examples of prohibited conduct which include, but are not limited to the following list of behaviors which are often associated with sexual harassment. This list is not intended to be exhaustive or all-inclusive.
  - Spoken or written comments relating to a person’s sexual behavior,
  - Persistent unwelcome advances or physical contact of a sexual nature, (including repeated requests for dates after the coworker has indicated lack of interest),

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

- Sexually oriented comments about a person's body or behavior,
  - Showing or displaying sexually explicit objects or illustrations in the workplace or while in the performance of duties for the Employer,
  - Offensive jokes, comments, or innuendoes that are sexually explicit,
  - Writing and/or sending offensive notes, memos, e-mail, faxes or other communications that are sexually explicit
6. CAO also prohibits unwelcome sexual advances, requests for sexual favors and other unwelcome conduct, verbal or physical, of a sexual nature when
- Submission to such conduct is made either explicitly or implicitly a part of the terms and conditions of a person's employment.
  - Submission to or rejection of such conduct by a person is used as the basis for employment decisions effecting that person
7. An employee who engages in these types of behaviors is subject to disciplinary action, up to and including termination
8. CAO treats all complaints of unlawful harassment or discrimination seriously. Further information on this subject can be found in Section VIII, part B. - Harassment and Discrimination Complaint Procedure, of these policies.

## H. SUBSTANCE ABUSE

Employees are expected to report to work on time and in appropriate mental and physical condition for work. All employees are prohibited from being under the influence of alcohol or illegal drugs during work hours. It is our intent and obligation to provide a drug-free, healthful, safe and secure work environment.

It is the agency's policy to require all individuals to take and pass a post-offer pre-employment drug test.

Additionally, *any person* whose performance, behavior or physical attributes suggests the influence of an illegal substance, may be subject to 'reasonable suspicion' drug testing at the request of management.

The sale, possession, manufacture, transfer or purchase of illegal drugs on agency property or while performing agency business is strictly prohibited. Such action will be reported to the appropriate law enforcement officials.

The use, manufacture, sale or possession of an illegal drug, alcohol, or controlled substance while on duty is cause for disciplinary action up to and including termination.

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

All employees must notify the CAO Executive Director, through the Human Resources Office, of any criminal drug arrest or conviction no later than five days after such conviction.

If prescription drugs are brought on agency property by any person other than the one for whom it is prescribed, that individual may be required to provide proof that such drugs will be used only in the manner, combination and quantity prescribed.

The substance abuse testing process will include information regarding legal substances that can affect the outcome of the test.

The agency recognizes drug dependency as a serious health problem. The agency also recognizes drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the EAP and our health insurance plans, if eligible for coverage, as appropriate.

Conscientious efforts to seek help will not, by themselves, jeopardize employment with the Agency.

As a condition of employment, employees must abide by the terms of the above policy.

### **SUBSTANCE ABUSE DISCIPLINARY PROCESS**

Upon observation or information, supervisors have the right and obligation to address employees who may be under the influence of alcohol or illegal drugs while in the workplace.

#### ***First Offense***

The employee will be removed from current duty and sent immediately for drug/alcohol testing. If the test results are positive for alcohol, the employee may be allowed to return to work on the next scheduled work day, depending on the circumstance of each individual case. The employee will be given an oral counseling, the record of which will be filed in the employee's active personnel record.

If the employee tests positive for illegal drugs, the employee will be removed from current duty and referred to the EAP with the expectation that s/he will enter and successfully complete a substance abuse rehabilitation program. The employee will remain off-duty until such time that the rehabilitation program certifies that s/he has successfully completed the prescribed treatment program.

If the drug/alcohol test results are negative, the employee will be returned to duty and no documentation will be filed in the individual's personnel folder. If the testing was requested due to deteriorating job performance and/or

unacceptable or unusual behavior on the part of the employee, the supervisor may choose to initiate the performance disciplinary process.

If the employee refuses to take part in a test, s/he will be considered insubordinate, and may be subject to disciplinary measures, up to and including termination.

***Second Offense (Alcohol or Illegal Drugs)***

The employee will be referred to a substance abuse treatment program, and may be terminated from the agency. Upon successful completion of the program, the individual may reapply for employment with the agency.

In the event that a former employee is hired, the individual must pass a pre-employment drug test, regardless of the position for which he/she has applied.

**Random Substance Abuse Testing**

All staff in positions identified in the Substance Abuse policy will also be subject to periodic and random substance abuse testing. This process will supplement the current policy to the extent that individuals in the identified jobs (jobs may be added as appropriate as a result of future organizational changes) who have had an initial substance abuse screening will be retested randomly but at least bi-annually. Additionally, any person who tested positive will be subjected to a follow-up screening on a random basis during the 12-month period following the completion of his/her rehabilitation program.

**Process**

The Human Resources Director will randomly select individuals for screening using an approved software program.

**I. SMOKE FREE WORKPLACE**

1. Smoking is prohibited in all areas of the workplace (including all buildings, grounds and vehicles) except those specifically designated as smoking areas as may be allowable under federal, state and local regulations. Any employee found smoking or using tobacco products in a prohibited area may be subject to disciplinary action.
2. Smokers are encouraged to enter smoking cessation programs through their health insurance provider or our Employee Assistance Program. (Section IV, part L)

**J. GAMBLING**

Organized or professional gambling (such as numbers or craps games) is prohibited on CAO premises. Any gambling as here described will result in disciplinary action, up to and including termination.

## **K. PUBLICITY AND PUBLIC INFORMATION**

1. The CAO strives to anticipate and manage crisis situations in or to reduce disruption to its employees and operations generally. To best serve these objectives, the CAO will respond to the news media or other media sources in a timely and professional manner ONLY through the designated spokespersons. It is imperative that one person speaks for the CAO to deliver an appropriate message and to avoid giving misinformation in any media inquiry. The intent of this policy is to designate a spokesperson who will make official statements for the CAO, and not generally prohibit employees from communicating with the media.

## **L. CONFIDENTIALITY**

1. The protection of confidential agency and client information is vital to the interests of CAO. Such confidential information includes, but is not limited to, the following examples:

*Client information and records information about CAO programs and information concerning individuals receiving CAO services, and any information that is confidential under federal or state laws (such as HIPAA-protected information, financial information of the CAO, and pending projects and grant proposals.*

2. Confidential information may not be released except where the employee or client has executed a valid and sufficient "Authorization for the Release of Information", or pursuant to a valid court order or subpoena, except where release is required by law or regulation.
3. Employees may discuss confidential information only with those staff members and employees who have a work-related need to know. Confidential records are not removed from CAO premises except to be transported in an official and confidential manner from one CAO location to another for business purposes. Employees who improperly use or disclose confidential information of the agency, persons served by the agency, or other employees, will be subject to disciplinary action, up to and including termination of employment.
4. Volunteers and consultants who violate this confidentiality policy are not permitted to provide services to CAO

## **M. IDENTIFICATION OF STAFF AND VISITORS**

1. Identification cards are issued to all employees of CAO, and may also be issued to designated volunteers. These can be worn as badges whenever necessary for the performance of CAO functions. Supervisors may arrange for photo-identification cards on behalf of their staff and volunteers through Human Resources.
2. All employees and visitors at every CAO location must sign in and out in the appropriate “sign-in” log or book. This is important for the safety of all and in case of emergency.
3. Visitors to all CAO locations must be escorted to their destinations within those locations by a staff member or designated volunteer. Employees may not entertain visitors on CAO premises without permission of the Supervisor. Employees are responsible for their guests at CAO.

## **N. TELEPHONE USE**

1. CAO telephone lines are for official business use only. Personal and visitor use of the telephone systems should be kept to a minimum.
2. Employees should not discuss confidential agency or personal matters on wireless telephones, because such conversations may be inadvertently overheard by others.
3. Employees should be aware that the CAO telephone system logs all telephone calls placed through the system and that the system has the capability to be actively monitored, if required by business necessity.
4. Employees needing to make or receive personal long distance calls from CAO telephones must receive advance approval from their supervisor. Such calls may be approved in emergencies. CAO must be reimbursed for personal long distance calls. It is the responsibility of the person making the long distance call to notify the receptionist that it is a personal call. Collect calls will not be accepted by CAO without the advance notice and written permission of the Executive Director.

## **O. USE OF ELECTRONIC MEDIA**

1. All electronic equipment, communication systems, computer network systems, telephone systems, fax or other data transmission equipment, including all hardware and software, and all communication and information transmitted by, received from, or stored in CAO systems are the property of Community Action Organization of Erie County, Inc. They are to be used for the purposes and benefit of CAO.

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

2. No electronic equipment (hardware/peripherals) may be used or attached to CAO business systems or in CAO locations without the authorization or approval of the Executive Director, the Business Manager and the IT Manager. All software (programming/operating systems) used in CAO electronic equipment must be owned or properly licensed for use at CAO. Original diskettes and/or licensing agreements must be maintained by the IT Manager in a secure file.
3. Employees will not use any code, access a computer or electronic file, retrieve any stored communication, or download any online document or software without authorization of a supervisor. All pass codes are the property of the employer. Employees will use only the pass code issued to them and will not change to or use a pass code unknown to the employer.
4. Employees using computers away from the employer's premises to access computers on the employer's premises are to use caution to protect these computers from damage or theft of equipment or files. Employees may not store sensitive or confidential information on computers that are regularly removed from the workplace: such information could be used by others to damage the employer's interests.
5. Employees may not import documents created outside CAO to CAO computer hard drives until the file or document is first scanned by the CAO anti-virus program. Additionally, only the Executive Director and your Supervisor have the authority to select software to use in a CAO computer. The Employer will audit all software on all computers in the workplace from time to time to protect the agency from unlicensed, illegal, or unauthorized software. If such software is found, it will be removed and the person responsible for installing the software may be disciplined, up to and including termination.
6. CAO computer files should be saved to the CAO LAN daily. If this is not possible, such as at remote locations, backup copies of all work files should be saved daily and kept in a location away from the computer hard drive.
7. Employees are not to transmit material on CAO equipment in violation of any state or federal law or governmental regulation. Employees may not disguise their identity when creating or transmitting messages, files, or documents on or from the Employer's equipment.
8. Employees are to use only the pass code assigned to you by CAO, and to use it in all appropriate applications. Employees may not share their assigned pass code with anyone.

## **P. DRESS CODE**

A neat, tasteful appearance contributes to the positive impression you make on our clients. A clean and neat personal appearance bolsters your own poise and self-confidence and enhances the CAO's image.

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

All CAO staff members are expected to dress and groom in accordance with accepted business standards, particularly if your job involves dealing with customers or visitors in person. The primary objective of this policy is to have staff members project an appropriate professional image. You are expected to be suitably attired and well-groomed during working hours or when representing the CAO.

All program staff members (Head Start, Youth Services/BMHC, DART, NSD, and Housing) will be required to wear the designated apparel for that program. If no guidelines have been established for a particular program, staff members associated with that program are expected to wear clothing that is appropriate to his/her role in the CAO.

The following guidelines are intended to provide you with an indication of appropriate and inappropriate attire for the workplace, it is not all inclusive.

### **General Office Guidelines**

These guidelines apply to Central Administration, Head Start Central Administration, Family Partners and Administrative Program staff.

### **APPROPRIATE OFFICE ATTIRE**

Shirts with collars; turtlenecks; blouses; polo shirts; sweaters; suits and sports coats; dress, khaki and corduroy pants; dresses; skirts; split-skirts.

### **INAPPROPRIATE OFFICE ATTIRE**

Sweatshirts, hoodies, sweatpants, athletic attire, t-shirts, shorts, stretch pants, leggings, halters, spaghetti straps, strapless tops, spandex pants/tops, overalls, wind suits, mini-skirts (shorter than 2" above the knee), tank tops without jacket or sweater, flip-flops, slippers, hiking boots or hiking sandals, athletic shoes/sneakers, work boots.

In addition, all clothing should be clean and fit appropriately. No hats are allowed inside any CAO building unless it is related to ethnic or religious beliefs. Tops that are short enough and pants that are low enough to expose mid-torso skin are inappropriate in the workplace.

### **Youth Services Department Guidelines**

All YSD staff members who work in the headquarters locations whose primary role does not involve direct contact with children are expected to follow the 'General Office Guidelines'.

#### **Designated attire for those who work directly with children:**

Khaki pants, clean appropriately fitting (not too loose/baggy, not too tight) jeans, CAO Logo short or long sleeve polo shirt, athletic shoes/sneakers



## **Head Start Guidelines**

All Head Start staff members who work in the headquarters locations whose primary role does not involve direct contact with children are expected to follow the 'General Office Guidelines'.

### **Designated attire for those who work directly with children:**

Khaki pants, clean appropriately fitting (not too loose/baggy, not too tight) jeans, CAO logo short or long sleeve denim shirt, athletic shoes/sneakers

## **DART Guidelines**

### **Designated Attire:**

Khaki pants, clean appropriately fitting (not too loose/baggy, not too tight) jeans, CAO logo shirt; CAO logo medical attire, nursing footwear

## **Neighborhood Services Department Guidelines**

### **Designated Attire:**

See General Office Guidelines

## **Housing Department Guidelines**

### **Designated Attire:**

See General Office Guidelines

## **Q. SAFETY**

1. Safety is everyone's responsibility and a primary concern of CAO. All employees must take precautions to use materials and equipment with care and do their part to keep the work site free from hazards
2. Every accident or injury, no matter how slight that occurs at any CAO workplace must be reported to the immediate supervisor. Written reports of accidents or injuries involving employees and clients must be prepared and forwarded to Personnel as soon as possible.
3. Employees who want to know about any hazardous substances they might use or encounter in the normal course of their job should ask their supervisor. Material Safety Data Sheets (MSDS) are kept with the maintenance supplies at each work site.
4. A copy of the CAO Infectious Disease Control Manual is kept at each CAO work site. Training is provided to staff designated as "first responders" in case of a spill of blood or other bodily fluids. Universal precautions are followed by all staff

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

responding to a medical emergency. Rubber gloves are available from designated staff at each work site.

5. The increase of violence in American society and some workplaces is a concern of CAO. Violent acts in the workplace may result from activity within the workplace that has an intimidating effect on a vulnerable employee. CAO provides the following guidelines in the hope of preventing workplace violence.
  - i. Jestering, bantering and teasing that is offensive to another employee, client or customer of CAO is prohibited.
  - ii. Employees will not engage in threats of violence, aggressive actions, and use of threatening and/or offensive words. Anyone who observes or hears such behavior in the workplace or between co-workers must immediately report it to a supervisor or member of management.
  - iii. Employees will not bring firearms or other weapons onto CAO premises unless it is a requirement included in their job description.
  - iv. Employees who hear or see anything that indicates a co-worker is troubled or acting irrationally should report the observation to a supervisor at once.
  - v. Employees are warned against engaging in any physical or verbal confrontation with a co-worker, client or customer. If someone in the workplace is threatening harm to any other individual, employees are to seek help immediately and/or call 911 for law enforcement help.
  - vi. Any employee who engages in threatening and/or violent behavior in the workplace or against a co-worker will be administratively suspended immediately.
  - vii. Failure to report occurrences of workplace violence and/or threats, or failure to cooperate fully in any investigation of such threats or violence may result in disciplinary action, up to and including termination.
  - viii. All packages brought into or taken out of CAO facilities are subject to search, as are all desks, cabinets, file drawers, offices, etc. (See also Section I-S)

## **R. EMPLOYER VEHICLES**

1. Use of CAO-owned vehicles is restricted to CAO official business. Employees who are assigned to drive agency vehicles must have a valid New York State driver's license and be approved by the insurance carrier that provides CAO vehicle insurance. In order to obtain proper insurance coverage, the employee must submit a copy of his/her current NYS Driver's License to the Transportation Supervisor.
2. Assigned employees may not allow any other individual to drive a CAO vehicle. In the event an assigned employee is arrested and/or convicted of a driving related

offense, the employee must notify the Executive Director immediately. In some cases, the assignment may be suspended immediately.

3. Employees who drive CAO vehicles are expected to keep them clean, inside and out, removing all trash from the vehicle daily.
4. Smoking is prohibited in any CAO vehicle. The use of radar detection or other device designed to circumvent traffic laws is also prohibited in all CAO vehicles.
5. Each assigned employee must report any damage to a CAO vehicle to the supervisor immediately. This includes any scratches, dents, and any internal or external damage. If the vehicle is involved in an accident, the assigned employee must report the accident to the Executive Director as soon as possible.
6. Employee's assigned CAO vehicles on a continuous basis must have regular services performed to properly maintain the vehicle, ensuring that the vehicle is safe and road-worthy at all times. If an employee believes a CAO vehicle is unsafe, the employee should arrange for the repair of the vehicle through his/her supervisor, and should not drive the vehicle until it is again safe to drive.
7. Employees who violate these policies may be subject to disciplinary action, up to and including termination.

## **S. LOST, DAMAGED and STOLEN PROPERTY**

1. CAO provides some employees with equipment and property to assist them in performing their job duties when outside the workplace. Much of this equipment and property, such as cellular phones, computers, modems, etc., have value in excess of \$100.00. Employees who are provided with CAO-owned equipment or property, or who take CAO equipment or property out of the workplace for approved reasons, have a responsibility to protect the property and equipment from being damaged, lost or stolen.
2. If the equipment or property placed in the care of an employee is damaged, lost or stolen because of the negligence or willful disregard of the employee, the employee will be subject to discipline, up to and including termination.

## **T. STANDARDS OF CONDUCT: Head Start/Early Head Start Staff**

In addition to the standards of conduct established by the Board of Directors of CAO and of its delegate agencies for Head Start/Early Head Start projects, all staff, consultants and volunteers in Head Start/Early Head Start Project functions must:

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. Respect and promote the unique identity of each child and family and refrain from stereotyping on the basis of gender, race, ethnicity, culture, religion or disability;
2. Follow all of the Head Start/Early Head Start program's confidentiality policies concerning information about children and families in the program;
3. Not leave a child alone or unsupervised while under their care;
4. Only use positive methods of child guidance and not engage in corporal punishment, emotional or physical abuse, or humiliation. In addition, staff, consultants, or volunteers may not employ methods of discipline that involve isolation, the use of food as punishment or reward, or the denial of basic needs;
5. The Head Start Administrator develops, with the approval of the Policy council, and submits to the CAO Board of Directors a CODE OF CONDUCT, to be utilized by the Head Start/Early Head Start Projects under the CAO grant, that embodies the above minimum requirements, for that body's approval;
6. A violation of this policy will provide the basis for the immediate dismissal of the offending employee, or removal of the consultant or volunteer for cause.

## **U. DART CLINIC CODE OF CONDUCT**

In addition to the standards of conduct established by the CAO Board of Directors, the DART Advisory Board establishes a code of conduct for the DART Clinic.

1. Respect and promote the dignity of each individual and refrain from stereotyping on the basis of gender, race, ethnicity, culture, religion, or disability.
2. Follow all DART Clinic confidentiality policies concerning information about clients and families.
3. Do not leave a client alone or unsupervised while in the care of the DART Clinic.
4. Use only positive methods of counseling and do not engage in emotional or physical abuse or humiliation. In addition, do not employ methods of discipline that involve the denial of medical services and methadone to clients.
5. All clients must be given an opportunity to present any complaints regarding the Clinic to the Program Director.
6. Violation of this policy will provide the basis for the immediate dismissal of the offending employee, or cancellation of a consultant contract for cause.

## **IV. MISCELLANEOUS PERSONNEL INFORMATION**

### **A. PERSONNEL FILES**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. The applications for employment and employee benefits form the basis of each personnel file. CAO relies on the accuracy of information employees present on their employment applications, as well as the accuracy of other information and data employees provide throughout the hiring process and during the course of their employment, in order to properly administer employee benefits and compensation. Any misrepresentation, falsification, or significant omission in any of this information may result in disciplinary action, up to and including termination.
2. Each employee is responsible for notifying Human Resources about changes in his/her name, address, telephone number, marital status, number of dependents, or any other information that might affect his/her employment or benefit records. Incomplete and outdated information could interrupt benefits for employees or their families, cause inappropriate amounts of withholding from paychecks, or cause difficulty in notification in case of emergency.
3. The Employer may investigate an employee's background, employment history, credentials and qualifications at any time during the employment relationship. If, the Employer discovers that the employee has intentionally given false answers or false statements, or has intentionally omitted correct and pertinent information in any document used to obtain or advance employment, the employer may modify the employee's status, reassign, discipline or terminate the employee, regardless of the time elapsed before the discovery.
4. Personnel files are the property of CAO and are used by CAO in making employment decisions. Access to them is restricted to legally authorized officials, and representatives of CAO who have a legitimate need to know.
5. No documents may be removed from Personnel files, and no copies of Personnel documents maybe made, without the knowledge and approval of the Human Resources Director or duly retained agency Counsel. Tampering with Personnel files is a serious offense that will result in disciplinary action, up to and including termination, and possible legal prosecution.

## **B. OTHER RECORDS KEPT IN PERSONNEL**

1. Medical/disability records are highly confidential and are separated from other personnel files. They may not be reviewed by anyone other than Human Resource staff, the Executive Director, legally authorized governmental officials or insurance providers with a need to know, unless the employee executes a signed and notarized release form indicated which documents may be released and to whom they may be released.
2. After a job offer is extended and before beginning work, candidates for employment in specified programs (i.e., Head Start, DART) are required to undergo a pre-employment and/or annual physical examination. Offers of employment and assignment to job duties in programs that require physicals by

funding source regulations are contingent upon satisfactory completion of the physical examination.

Information regarding physicals, immigration status, State Central Registry Child Abuse clearances, criminal record checks and fingerprint records, health insurance benefits, Workers Compensation, disability, personal financial information, payroll deductions, and other highly confidential employee information is kept in other files separate from the Personnel file from which employment decisions are made. Access to them is restricted as in B-1 above. Employee personnel information will be disclosed in accordance with the law for any NLRA-related matters.

## **C. REFERENCES**

1. Only the Human Resource Office is authorized to respond to outside requests for information on current and former employees. All such inquiries must be referred to the Personnel Office.
2. The Human Resource Office responds to reference inquiries in written form only, and will not provide reference information over the telephone.
3. When providing written information in response to a properly authorized written reference or income verification request, the Human Resource Office will provide factual, job-related information.
  - i. In response to authorized reference requests, the Human Resource Office provides dates of employment and position title only.
  - ii. In response to authorized income verification, the Human Resource Office provides only the information that is legally required. If the employee has signed a specific information release, the specifications of the release will be followed. If the employee has not signed a release and CAO is required to release information to a legal authority, the employee will be informed after the required release of information by a Personnel Memorandum.

## **D. EMERGENCY CLOSINGS**

1. If severe weather or natural disaster (such as flood, blizzard, etc.), strikes Erie County, employees should use their best judgment or obey the directives of the City and County Emergency Officials in deciding whether to report to work. If employees are already at work when severe weather or emergency strikes, they should take shelter in the safest area of the workplace or seek appropriate shelter. If employees become aware that a severe weather emergency or natural disaster is approaching, they should seek safety, go to the safest area of the workplace, or go home, if that is safely possible, immediately.
2. Agency closings are announced by the Executive Director through WBEN Radio located at 930 AM, WIVB-TV, channel 4, and other news media where available.

If an emergency travel ban is announced by any municipal authority, employees who live, work, or are required to travel through that area are not expected to report to work during the travel ban, unless they are authorized to perform emergency services for a specified purpose. The Executive Director and informed Supervisors will give instructions regarding other emergency closings in specific programs or locations as needed.

## **V. COMPENSATIONS AND BENEFITS**

### **A. SALARIES AND FUNDING SOURCE LIMITATIONS**

1. Salary increases are usually incremental at the beginning of each fiscal period, and may also be paid upon obtaining a promotional position or upon the completion of an applicable probationary period. Salary increases are computed on the current guidelines from the funding source, provided that funds are available. All non-probationary employees who have worked three months or more in their job title may be eligible for a subsequent annual incremental increase, provided that employee has met the performance standards for his/her current job duties and responsibilities.
2. CAO may also award a one-time non-incremental incentive compensation to eligible employees. Employees who have worked at least six months in a program or department are eligible to be paid an incentive compensation, if allowed by the grant for which services are performed, based upon each employee's contribution of effort to the program or department operation, such as cost reduction, efficient performance, billed time, supervision of additional staff, and other contributions to the development of the organization's services.
3. The determination of the criteria for an incentive compensation award must be established before the end of the applicable program's budget year. CAO recognizes the contributions of efforts made by employees during the period before the incentive compensation award for the purpose of incentive compensation. The incentive compensation award cannot cause the overall compensation paid to any employee to rise above the agency salary scale for the position the employee held during the period covered by the incentive criteria. In the absence of a salary scale for a position, the "average rate of pay in the metropolitan statistical area" will provide the standard which must not be exceeded. Incentive payments may be made in such amounts as permitted by the program budget. All non-incremental incentive payments must be approved by the Department Head, Grants Administrator, Personnel Director, Executive Director, and the governing bodies of the program and agency. Incentive compensation may be paid only to eligible employees whose most recent performance evaluation meets or exceeds program performance standards and who have continued in the performance of their duties of employment with CAO at the time such payment is approved and paid.
4. When cost of living (COLA) salary increases are approved for a specific program, they will be administered according to the guidelines of the funding source for that

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

program. Regular employees whose employment terminates more than two weeks before the official (written) funding source authorization of any COLA are not eligible to receive such COLA.

5. Seasonal employees may be paid COLA salary increases during periods when their program is not actively operating, where they are eligible for rehire for the upcoming program session.
6. Temporary increases in compensation for additional duties and/or responsibilities may be paid by CAO for specific periods of time depending on program needs and/or funding source requirements. Employees who receive such temporary increases will be informed in writing of the amount of increase, the nature of the additional duties/responsibilities they are required to perform, and the applicable period in which they are expected to perform these additional duties/responsibilities. Temporary increases are administered through the CAO Wage Scale Plan Implementation Procedure when sufficient funds are available.

## **B. CATEGORIES OF BENEFITS PROVIDED BY CAO**

1. CAO provides benefit opportunities to eligible employees to assist them in protecting themselves, or their dependents, against financial loss due to injury, illness, and death, and to help them plan for their retirement. Refer any questions regarding eligibility for any of these benefit opportunities to the Human Resources Department.
2. CAO pays the legally required tax or premium for all benefits required by State and Federal laws, including Workers Compensation, Unemployment Insurance, Social Security (and Medicare), and NYS Short-term Disability Insurance.
3. The CAO Board of Directors sponsors benefits not mandated by state or federal laws, whose costs are borne entirely or in part by CAO. These benefits are provided through the CAO Board of Directors, which reserves the right to amend, modify, or repeal any and all of these benefits, for any reason, at any time.
4. The CAO Board of Directors may, from time to time, allow voluntary benefit plans to be offered to employees through payroll deduction plans. The CAO Board of Directors does not endorse any insurers or other vendors who may offer such voluntary plans to CAO employees. CAO permits voluntary benefit plan offerings only insofar as they provide a convenience for sufficient numbers of interested employees.
5. There are also periods of time for which the employee receives compensation although no work is performed, which are covered in Section VI.

## **C. HEALTH INSURANCE**

1. All regular and seasonal full time employees are eligible to enroll themselves and their eligible dependents in the CAO Health Insurance Plan at the time of hire,



COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

upon a qualifying event, or during the annual open enrollment period. The Human Resources Office provides each eligible employee with information about the Plan at the time of employment orientation.

2. Coverage for all plans becomes effective the first day of the month following completion of sixty (60) days employment (eff: 4/22/2013). It is the responsibility of the employee to complete the required health enrollment (or waiver forms) within the first thirty (30) days of hire.
  - Further information regarding the CAO health insurance plan is available in the Personnel Office.
3. If an eligible employee does not enroll in the Plan at the time s/he becomes employed at CAO, s/he will be asked to sign a “waiver of health insurance” form. If that employee later desires health insurance coverage, s/he may be required to wait until the next scheduled open enrollment period, unless there is evidence of a qualifying event under the “COBRA” law. S/he may be subject to insurability requirements specified by the health insurance companies under the Health Insurance Portability and Accountability Act.

In addition, if a CAO employee signs a “waiver of health insurance form” and provides proof of coverage under another health plan, s/he may be entitled to a health benefits buyout incentive. Contact Human Resources for more information on this.

4. Covered employees may enroll eligible dependents in the CAO Health Insurance Plan according to the benefit premium schedule adopted by the CAO Board each year.
5. Employees of CAO, who are otherwise ineligible for health insurance, as described in paragraph 1 above, may enroll in a CAO Group Health Insurance Plan (including Medicare-regulated HMO plans) by completing enrollment forms and making full payment for the coverage requested directly to CAO. Payment may be made, by payroll deduction or other approved method, in the same manner as former employees pay for continued coverage under COBRA (including a 2% administrative fee). Further information about obtaining coverage in the CAO health insurance plan is available in the Human Resources Office.

#### **D. CONTINUATION OF COVERAGE (COBRA and HIPAA)**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. CAO provides information regarding continuation coverage to the employee and any eligible dependents in accordance with state and federal laws. An employee may request information regarding continuation coverage at any time through the Human Resource Department.
2. All COBRA elections of coverage require completed enrollment change forms. All COBRA forms and payments should be sent to the Human Resource Office so a record can be kept in the Personnel file.

## **E. DENTAL INSURANCE**

1. CAO offers a dental insurance plan to all employees who are eligible to participate in the CAO Health Insurance Plan. This benefit becomes effective the first day of the month, following completion of sixty (60) days employment and may cover the employee and all eligible dependents.
2. In order to initiate coverage, the employee must complete the appropriate enrollment form within the first thirty (30) days of employment.
3. Covered employees may enroll eligible dependents in the CAO Dental Plan according to the benefit premium schedule adopted by the CAO Board each year.
4. Changes in dependent coverage must be made on the required change form within thirty (30) days of the change occurrence. Documentation may be required to substantiate the need for the change. Late enrollments or changes are accepted during open enrollment periods.
5. Additional information regarding the dental insurance program can be obtained from the Human Resource Department.

## **F. GROUP TERM LIFE INSURANCE**

1. All Regular and Seasonal employees, working at least twenty (20) hours per week, are enrolled in the CAO Group Term Life Insurance Plan. Group Term Life Insurance coverage is effective the first day of the month following the date of hire. CAO pays the premium in full for each eligible employee.
2. The Certificate of Insurance and more detailed information regarding limits of coverage are contained in the Plan Description booklet. A form to register beneficiaries is available in the Personnel Office.

## **G. WORKERS COMPENSATION INSURANCE**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. All employees are covered for benefits under the New York State Workers Compensation Law. Work-related injuries and illnesses must be reported to the Human Resource Office immediately. Reports must be written, whether or not any professional medical attention is required. Supervisors and/or Department Heads can secure a supply of the necessary reporting forms from the Personnel Office.
2. If an incident results in a potential transfer of blood or other bodily fluids, a separate report may be required under OSHA regulations. Consult the CAO Infectious Disease Control Manual, a copy of which is located at each work site, for further information.

## H. SHORT TERM DISABILITY INSURANCE

1. CAO provides coverage as required under the New York State Disability Benefits Law to provide a cash benefit for disability due to illness or injury not covered by Workers Compensation. This benefit becomes effective after an employee is unable to work due to personal illness or injury for seven consecutive calendar days.
2. Any employee claiming such a disability must file his/her claim immediately as there are time limitations on filing for NYS Disability Benefits. Employees should remain in regular weekly contact with the Human Resource Office while claiming Disability Insurance benefits so that the use of sick leave, Paid Time Off and Benevolent leave are coordinated properly.
2. Forms for this purpose and additional information are available in the Human Resource Office.

## I. (Intentionally Left Blank)

## J. LONG TERM DISABILITY INSURANCE

1. All Regular and Seasonal employees working at least thirty hours per week are covered under the CAO Group Long Term Disability Insurance Plan. The Certificate of Coverage is contained in the plan description booklet, which is available to eligible employees in the Personnel Office.
2. This benefit provides a monthly income to eligible employees who are medically certified as unable to work for more than six (6) months.

## K. EMPLOYEE ASSISTANCE PROGRAM

1. An Employee Assistance Program is a confidential counseling, support, and referral service that help employees and their family members who are facing problems in their lives. Its purpose is to help employees (and their families) control problems before the problems effect their jobs, to keep their problems out

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

of the workplace, or to help them remain employable while dealing with their problems. Employees and their families can receive information about and/or assistance with problems such as Career issues, Parenting issues, Alcohol and Substance abuse, Grief, Marital issues, Finances, Eldercare, Depression, Eating Disorders, Domestic violence, Stress, and other personal concerns.

2. CAO has contracted with Unum (Work-Life Balance Employee Assistance Program) to provide this service. Information regarding this service is posted on bulletin boards at CAO locations and in the Human Resources Office. All employees (both part-time and full-time) and their family members may contact Unum, Work-Life Balance Employee Assistance Program directly at 1-800-854-1446 or online access at [www.lifebalance.net](http://www.lifebalance.net): (user ID and password is: lifebalance). This service is available 24 hours per day, seven days per week, at no charge to the employee or family member.

## **L. QUALIFIED TAX-DEFERRED ANNUITY PLAN**

1. CAO has established a Qualified Tax-Deferred Annuity (403b) Plan as a vehicle for employees to save for retirement through payroll deductions from their earnings before taxes are withheld. This plan is regulated by the IRS and conforms to all current applicable regulations.
2. All employees are eligible to participate in this plan. Information and a summary plan description are available in the Personnel Office.

## **M. TRAVEL EXPENSES**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. CAO will reimburse employees for travel insofar as it is necessary to accomplish the requirements of a specific program grant or agency purpose and it is properly approved.
2. Local travel (within Erie County) must be approved by the Department Head or Project Director. Out-of-area and overnight travel must be approved by the Executive Director.
3. Local travel expenses for the use of the employee's own vehicle to conduct agency business are reimbursable based on mileage rates for exact mileage, based upon actual mileage portal-to-portal, or a standard formula applied by an entire department on a consistent basis, plus any tolls or parking fees, or actual costs of public transportation, on a portal-to-portal basis.
4. Reimbursement for local travel expenses is made on the basis of reports submitted by the employee incurring the expense, approved by the supervisor, and forwarded to the Fiscal Department for reimbursement. Upon the first occasion an employee requests reimbursement for local travel expense based upon actual mileage driven by the employee, the employee must submit a copy of her/his current NYS Driver's License with the request for reimbursement.
5. The CAO mileage reimbursement rate for local automobile travel is established March 1 each year, in accordance with the criteria set annually by the Federal government. Reimbursement for public transit or taxi is based on receipts presented indicating actual cost.
6. Out-of-area or overnight travel requests must be submitted at least one week in advance, on the required form available in the Business Office. Only those costs determined to be essential to the conduct of official business are reimbursed by the agency. All expenses, including transportation, meals, lodging, and necessary expenses, are reimbursed according to the Federal Per Diem schedule or actual expenses. All receipts for actual expenses, where required, must be completed by vendors.
7. CAO Administration reserves the right to determine the use of staff-owned automobiles for out-of-town travel in accordance with the Fiscal Policy.

## **VI. TIME OFF FROM WORK – PAID AND UNPAID**

### **A. PAID TIME OFF**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. All regular employees who are hired to work a basic schedule of at least thirty (30) hours per week earn paid time off. PTO (paid time off) is earned each payroll period and must be used within the agency fiscal year.
2. PTO may not be used by an employee during a new employee promotional or disciplinary probationary period, unless written permission is granted by the Executive Director.
3. PTO may be used in full hour increments by NONEXEMPT employees and in full day increments by EXEMPT employees.
4. PTO must be approved by Department Heads in writing (on approved leave form) before its use.
5. Employees who work or are on approved paid leave for at least half of the regular workdays in any payroll period earn PTO for that payroll period.
6. In the first year of employment, regular employees (hired to work at least 30 hours per week) earn *approximately* ten (10) days of paid time off per year, pro-rated according to the following table:

Hours of work per week	Hours of PTO per year	Hours of PTO bi- weekly
30-34	60	2.31
35-39	70	2.69
40	80	3.08

7. In the second year of employment, regular employees (hired to work at least 30 hours per week) earn *approximately* 14 days of paid time off per year pro-rated according to the following table:

Hours of work per week	Hours of PTO per year	Hours of PTO bi- weekly
30-34	84	3.23
35-39	98	3.77
40	112	4.3

8. In the third and fourth years of employment, regular employees (at least 30 hours per week) earn *approximately* 19 days of paid time off per year, pro-rated according to the following table:

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

Hours of work per week	Hours of PTO per year	Hours of PTO bi- weekly
30-34	114	4.38
35-39	133	5.11
40	152	5.85

9. From the beginning of the first month of the fifth year of employment, regular employees (over 30 hours per week) earn *approximately* 24 days of paid time off per year, prorated according to the following table:

Hours of work per week	Hours of PTO per year	Hours of PTO bi- weekly
30-34	144	5.53
35-39	168	6.46
40	192	7.38

10. Seasonal employees earn paid time off at the prorated equivalent of four (4) days per year, according to the following table.

Hours of work per week	Hours of PTO bi- weekly
30-34	0.92 hours earned bi-weekly
35-39	1.08
40	1.23

11. Temporary employees do not earn paid time off.
12. Pay in lieu of time is not permitted. Any paid time off that remains unused at the expiration of the agency fiscal year is forfeited, without exception.
13. The entire Agency, except for vital care units like DART, Emergency Services and the Food Pantry, shuts down annually beginning with the last full week of the year prior to the New Year. Normal business hours resume the day after the New Year

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

holiday. Employees who are eligible are paid regular Holiday pay only for this period. As a result the shut down period requires some employees to use an additional four days or 32 hours of Paid Time Off (please check with your immediate supervisor to determine if this applies to you). Employees who do not work during the shut down, yet expect to be paid for this period are encouraged to budget their PTO accordingly during the year prior to shut down. Employees who do not have PTO or Holiday Time will not receive pay for this period.

## B. HOLIDAYS

1. CAO offices shall be closed in observance of the following holidays:

New Years's Day	Independence Day	Day after Thanksgiving
Martin Luther King Day	Labor Day	Christmas Eve
President's Day	Columbus Day	Christmas Day
Memorial Day	Thanksgiving Day	

When a holiday falls on Saturday or Sunday, the Executive Director or designee will stipulate the date that holiday will be observed, usually coinciding with the dates observed by the County Government.

2. All full-time regular and part-time regular employees who are scheduled to work at least twenty (20) hours per week or more will be eligible for a paid holiday if the holiday falls on a regularly scheduled workday. Full-time seasonal employees will be paid for holidays if they are scheduled to work the day before and the day after the holiday. The number of paid holiday hours will be prorated for employees according to the following table:

Hours per week	Hours payable per holiday
20-24	4
25-29	5
30-34	6
35-39	7
40	8

3. Those programs that must continue operating on agency holidays will schedule a day off during the same payroll period for each employee eligible for paid holidays that must work on a designated holiday due to program needs.
4. In order to be paid for a holiday, the employee must work, or be on approved paid leave, on the last scheduled workday before and the first scheduled workday after the holiday. If an employee is absent due to illness the workday immediately



COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

before or after a holiday, verification of the illness by a medical practitioner is required in order for the employee to receive pay for the holiday.

5. In addition to the eleven (11) paid holidays listed above, each employee eligible for paid holidays, according to the chart above, is entitled to two “floating” holidays which may be used for religious holidays not listed above, or for other personal business. Approval for “floating” holidays must be obtained in advance on the Paid Time Off request form
6. Pay in lieu of holidays will not be granted.
7. An employee on educational leave, extended sick leave, FMLA or any absence without pay will not be paid holiday pay unless the employee has worked at least three full days of the week in which the holiday occurs.

### C. SICK LEAVE

1. Regular and seasonal employees who are scheduled to work at least twenty (20) hours per week earn sick leave with pay on a biweekly basis, up to a cumulative total according to the following table:

Hours of work Per week	Hours of sick leave biweekly	Maximum accumulation of hours
20-24	2.3	520
25-29	2.88	650
30-34	3.46	780
35-39	4.04	910
40	4.62	1040

2. Sick leave may be used for an employee’s own illness and/or the illness of an immediate family member, as well as for the birth, adoption, or placement of a foster child, as defined by the Family and Medical Leave Act of 1993 (as amended).(See Appendix, FMLA)
3. For the purpose of sick leave, immediate family members consist of spouse, children (as determined by legal arrangement or relationship), and parents.
4. A written excuse from a medical practitioner is required whenever an employee is absent because of illness for three or more consecutive workdays, or whenever an employee is absent because of illness on the regular workday immediately before or after a holiday, whether or not a weekend intervenes. Failure to supply

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

acceptable medical verification, as required for absences due to illness, will result in a loss of pay for the third and following sick days that remain undocumented, and for the holiday before or after a sick day. Failure to supply required medical documentation may also result in disciplinary action.

5. Abuse of sick leave is described by CAO as using all sick time throughout the year on a regular or patterned basis, wherein no chronic, documented illness is involved. Final determination regarding abuse of sick leave will be made by the Executive Director. Sick leave is a privilege, and **abuse of sick leave may result in termination.**

#### **D. EXTENDED SICK LEAVE WITHOUT PAY**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. Where an employee has used all accrued paid leave for which s/he is eligible within the first 180 calendar days of an extended personal illness, the employee may be eligible for up to a maximum of ninety (90) calendar days (twelve weeks) of extended sick leave without pay during a twelve month period for reasons of personal or family illness. The combined total of paid and unpaid sick leave may not exceed 180 calendar days (six months), however each case will be evaluated separately and the CAO may grant additional time off from work as a reasonable accommodation.
2. Extended sick leave without pay must be requested in writing as soon as the employee becomes aware that all paid leave accruals will soon be or have been exhausted. Requests are addressed to the Executive Director, who has the delegated authority for approving such requests. Each request must specify the reason for the request, the duration of the leave requested, and must include the medical or other documentation to substantiate the request.
3. All such requests are routed to the immediate supervisor, department head, Human Resource Office, and the Executive Director in a confidential manner. The Human Resource Office will advise the employee of the status of approval of each request, in writing.
4. While on an approved extended sick leave without pay, the employee retains all employee benefits rights and seniority, except that no sick leave, holiday pay, or other paid leave will accrue or be payable. At the time the employee is able to return to work from extended leave, the employee's original position may or may not be vacant. If it has been filled, every effort will be made to place the employee in an open position that s/he is qualified to perform.
5. If the employee is unable return to work, due to personal or family medical reasons, at the end of the approved extended sick leave without pay, termination will result. Employees terminated under this circumstance may be considered for rehire if a suitable position is available at the time the former employee reapplies for employment and if s/he is physically capable of performing the job for which s/he is applying.
6. If an employee chooses not to return to work at the expiration of approved extended sick leave without pay, for personal reasons not associated with the continuation, recurrence, or onset of a serious illness of the employee or family member, the employee is liable for repayment of premium amounts that were paid by CAO upon his/her behalf for health, dental, vision, group life or other insurance coverage.
7. Extended sick leave without pay may be requested on an intermittent basis under the terms of the Family Medical Leave Act of 1993, as amended.
8. An employee who has a spouse, parent, child that is on Active Duty in the Armed Forces may be eligible for 12 weeks Family leave.

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

In addition, an employee who has a spouse, parent, child or next of kin service member who has currently experienced serious injury or illness and is on Active Duty may take up to 26 weeks in one 12 month period, to care for the injured service member if needed.

Further information can be obtained from the Personnel Office.

## **E. BEREAVEMENT LEAVE**

1. A paid leave of absence due to death of a member of the employee's family may be granted to any regular or seasonal employee who is scheduled to work at least twenty (20) hours per week.
2. For the purpose of Bereavement, the definition of family includes spouse, children (by birth, law or legal relationship), parents (in-law), siblings (in-law), grandparents (in-law), and grandchildren (in-law).
3. Up to five (5) days of bereavement leave (prorated in accordance with number of hours per week the employee is generally scheduled to work) are available to eligible employees in each agency fiscal year
4. Requests for bereavement leave must be properly documented and requested on a form provided by CAO for that purpose, and must be approved by the immediate supervisor, Department Head, Personnel, and the Executive Director.
5. In extenuating circumstances, additional unpaid time off may be granted by the Executive Director, when properly requested in writing. Persons on such unpaid leave retain all employee rights and benefits for the duration of the unpaid leave as approved by the Executive Director.

## **F. LEAVE FOR JURY DUTY**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. Regular and Seasonal employees who are called for jury duty or subpoenaed as witnesses for agency-related purposes shall be given time off with pay for the time required for such duty. Employees serving on jury duty or serving as witnesses in court for agency related purposes are not entitled to payment from the Court when receiving their regular salary from CAO.
2. Jury duty must be documented before the necessary absence from work.
3. In cases where an employee may be on call for jury duty, but not required to serve on a jury for a particular day, the employee is required to report to work in accordance with the regular work schedule. Employees should advise their immediate supervisors each day they will be absent for jury duty.
4. Upon return to work at the completion of jury duty, the employee must provide documentation from the officer of the court for each day of paid jury leave requested.
5. Employees on jury duty leave retain all fringe benefits and seniority.
6. Temporary employees whose workdays are scheduled in advance will be paid for the first three (3) days of jury duty in accordance with State and local laws.

## **G. EDUCATIONAL LEAVE**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

1. The Executive Director may grant Educational leave without pay, for a period of up to one year, to employees with at least twenty-four months of continuous regular or seasonal full time employment. Extensions of Educational leave without pay beyond the twelve month period must be approved by the CAO Board of Directors.
2. Educational leave may be approved if the course of study is related to the work performed by the staff member or prepares the staff member for upward mobility within the agency.
3. All requests for educational leave must be submitted in writing to the Executive Director, accompanied by documentation indicating the duration of the leave requested and the nature of the course of study.
4. Employees on educational leave do not earn any employee benefits except seniority. Accumulated vacation leave must be liquidated before the start of the educational leave. Where the unpaid educational leave continues beyond one month (30 days), the employee no longer retains CAO paid benefits (including, but not limited to, health insurance, vision insurance, dental insurance, group term life insurance, group long term disability insurance, NYS Workers Compensation Insurance, NYS Short-term Disability Insurance, Employee Assistance Program) unless required by law, regulation, or the particular provisions of the plan.
5. Upon return to work after the educational leave, sick leave in the amount remaining to the employee at the start of the educational leave is restored.
6. Employees on educational leave must notify their immediate supervisor and the Human Resource Department of the intended return-to-work date at least two weeks prior to the ending date of their approved leave, so their name may be returned to the payroll. If a person on educational leave does not return to work as scheduled, they are AWOL and subject to the disciplinary policy of the agency.

## **H. MILITARY LEAVE**

1. Employees who are absent from work due to service in the uniformed services, including, but not limited to, service in the armed forces of the United States or the Armed Forces reserves, the National Guard, or another commissioned corps of public service, will be granted a leave of absence in accordance with federal and state laws governing such leaves.
2. When an employee will be absent under the military leave policy, the employee may elect to receive his/her accumulated paid time off during the period of absence. This request must be made in writing and approved on the form provided by CAO for PTO in the usual manner. When the employee elects to receive PTO during an absence for military leave, the paid time will not be included in the five year maximum accumulation period.
3. If an employee will be absent due to military leave more than 30 days, the employee and any eligible dependents are entitled to COBRA medical insurance coverage. If the period of military leave is 30 days or less, the employee and

eligible dependents will continue to be covered under CAO's health insurance plan in the same manner as when the employee is working.

## **I. TIME OFF TO VOTE**

CAO encourages all employees to exercise their right to vote in Federal, state and local elections. If possible, you should schedule your voting activities during non-work hours. If you have four consecutive hours between either the opening of the polls and the beginning of your shift, or the end of your shift and the closing of the polls, you are presumed to have sufficient time in which to cast your ballot. However, if you have less than four hours between the opening of the polls and the beginning of your shift, and the closing of the polls, you may take reasonable time off to vote. We will provide up to two hours of paid leave to employees who meet these criteria, provided that you notify your supervisor of your need for voting leave at least ten days prior to the election in which you desire to use the leave. You must take the Voting leave at the beginning of your shift, prior to reporting to work, unless you and your supervisor agree otherwise.

## **J. BLOOD DONATION LEAVE**

Unless otherwise required by applicable law, upon request, employees working 20 or more hours per week on average will be given three (3) hours of unpaid time off in each twelve month period to donate blood. You must obtain approval from the Human Resources Department prior to scheduling an appointment to donate blood. The CAO may, due to business necessities, deny a request for a particular leave time and require that the leave be taken at a more appropriate time. You will be required to provide documentation to verify blood donation leave and enable the CAO to classify the time spent out of the office. Retaliation for requesting leave of absence for purposes of donating blood is prohibited.

## **K. BONE MARROW DONATION LEAVE**

Unless otherwise required by applicable law, upon request, eligible employees will be given unpaid leaves of absence to undergo a medical procedure to donate bone marrow. The combined length of the leaves will be as determined by the physician conducting the procedure, but may not exceed twenty-four work hours, unless otherwise agreed by CAO. Employees will be required to provide documentation from the physician conducting the procedure to verify the need for and length of bone marrow donation leave.

## **L. NURSING MOTHERS**

In consideration of working mothers who may be lactating, CAO will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's child (infancy up to three years of age). If possible,

such break time should be taken during the rest breaks already provided to the employee. Any additional breaks taken to express milk may be unpaid. CAO will make reasonable efforts to provide a room or other location for the employee to express milk in private. If you are in need of such an accommodation, please contact your supervisor as soon as possible so that any necessary arrangements can be made. The agency prohibits discrimination on the basis of the need to express breast milk.

### **M. (Intentionally left Blank)**

### **N. BENEVOLENT LEAVE**

1. All employees who have accumulated 240 hours or more of sick leave may designate up to 24 hours in any twelve month period to be used by a CAO employee who has an FMLA-qualified illness or injury that requires the use of all his/her sick leave and paid time off.
2. Employees who wish to “donate” sick leave must complete a Benevolent Leave Designation form, which must be approved by the Executive Director. Once approved, the Personnel Office will notify payroll processing of the leave designation. If any donated sick leave remains unused, it will accumulate in a “benevolent sick leave bank” for future use, unless the donating employee requests otherwise at the time of donation.
3. Benevolent leave will not be paid by CAO if the employee is or will be receiving NYS Short-term Disability Benefits or Group Long-term Disability Insurance under a CAO Plan.
4. Employees may contact the Human Resource Department for more information about Benevolent Leave.

## **VII. RESOLUTION OF COMPLAINTS: TITLE VII ISSUES**

CIVIL RIGHTS ACT OF 1964(AS AMENDED)

CIVIL RIGHTS ACT OF 1991 (AS AMENDED)

AGE DISCRIMINATION IN EMPLOYMENT ACT

AMERICANS WITH DISABILITIES ACT

### **A. MATTERS RELEVANT TO DISCRIMINATION COMPLAINTS**

1. All employees who believe they have been illegally harassed, intimidated, coerced or discriminated against must immediately file a complaint with their supervisor or the Human Resources Director.



COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

2. CAO expressly prohibits any form of unlawful harassment or discrimination that interferes with the ability of any employee to perform his/her job duties.
3. Federal and state law prohibit employment *discrimination* based on race, color, sex (gender) and marital status, national origin and citizenship, religion and sincerely held moral and ethical beliefs, age (over 40), disability, arrest/conviction record (unless directly related to employment qualifications) and military status. *Illegal employment discrimination* includes actions and/or decisions, taken because of an employee's "protected" characteristics or status, which limit, harm, or otherwise adversely affect his/her employment status or opportunities.
4. *Harassment* is defined as severe, pervasive, offensive and unwelcome verbal or physical conduct which is insulting or intimidating, and either has the effect of unreasonably interfering with an individual's work or job performance; or creates an intimidating, hostile or offensive work environment.
5. The Human Resources Director will investigate complaints of discriminatory conduct and harassment in the workplace. The HR Director also makes recommendations regarding appropriate disciplinary action when a complaint has been verified.
6. Any employee who witnesses harassing behavior in the workplace has a duty to report it to a Supervisor or the Human Resources Director. Any Supervisor or Department Head who becomes aware of harassing behavior must immediately report it to the HR Director or the Executive Director, and must immediately act to end the harassing behavior. Retaliation against individuals who complain or participate in any investigation concerning harassing behavior is strictly prohibited. Employees who believe they have been subject to retaliation should file a report with the Director of Human Resources.
7. Persons involved in the filing or investigation of a Discrimination or Harassment complaint may be required to maintain confidentiality regarding the investigation depending on the facts and circumstances of the complaint and all related matters. To the extent any of confidentiality is imposed, individuals will only be permitted to discuss the matter and information involved in the complaint with persons who have a "legitimate need to know". Questions about confidentiality should be referred to the Human Resources Director.

## **B. HARASSMENT AND DISCRIMINATION COMPLAINT PROCEDURE**

When the alleged harasser is not a supervisor, the offended employee must report the offending behavior to the Supervisor. In many situations, the offending employee is not fully aware that his/her conduct is unacceptable. The Supervisor will meet with the alleged harasser regarding the offensive behavior, review these Personnel Policies with the offending employee, and advise the alleged harasser of the employment consequences for continuing the offensive behavior. In cases of severe harassment, appropriate discipline up to and including discharge will result

subject to any just cause standards or restrictions of collective bargaining agreement.

## VIII. DISPUTE RESOLUTION PROCEDURE

### A. GUIDELINES FOR PROBLEM RESOLUTION

1. In any workplace, misunderstandings and problems may occur between coworkers. Because misunderstandings and problems in the workplace can have an adverse impact on the quality of the employment relationship and on the quality of our services, the Employer will assist employees in resolving and eliminating misunderstandings and problems in the workplace.
2. Every employee of CAO, regardless of position or title, will treat coworkers with respect in a fair manner at all times. If any employee believes s/he is not being treated fairly or with respect, or if an employee believes that a mistake has been made in the administration of a policy, practice or condition of employment, the employee has the responsibility to inform management so that management can resolve the matter promptly and effectively.
3. Supervisors have the responsibility to address all questions, concerns, problems or grievances raised by employees in a manner appropriate to the issue raised. Supervisors also have the responsibility to investigate serious matters and provide employees with responses as promptly as possible.
4. The Employer does not tolerate any form of retaliation against an employee who properly uses this problem resolution procedure in good faith. Any employee or member of management who retaliates against an employee for using this procedure in good faith may be subject to disciplinary action.
5. This problem resolution procedure is to be used as a guideline to an informal and amicable process for solving problems in the workplace. The use of this procedure does not in any way limit, prevent or delay the Employer's right to initiate disciplinary action, where appropriate and necessary.
6. Wherever the word "days" is used in this policy, the Employer is referring to regular CAO workdays. The limit of "days" may be extended because of previously approved Paid Time Off, brief episodes of sick leave, agency-required travel or necessary but unforeseen absences of the responding party. The limit of "days" may also be extended by mutual agreement of the parties involved.

### B. THREE STEP PROCEDURE

1. **First Step:** the employee must make an attempt to resolve the problem, conflict or complaint in an informal, verbal discussion between the employee and the Supervisor. The Supervisor will create and retain a synopsis of the discussion in his/her supervisory notes.

2. **Second Step**: if the employee cannot reach an acceptable resolution within five (5) days of initiating the informal, verbal discussion, the employee may file a **Problem Resolution Statement** form, which can be obtained in the Personnel Office. This must be completed and presented to the Department Head within ten (10) days of the initial informal, verbal discussion that was held with the Supervisor.
3. The Department Head will investigate the matter raised in the **Problem Resolution Statement**, and will respond within ten days of receiving it.
4. **Third Step**: if the employee is not satisfied with the resolution offered in the Department Head's response, the employee may file a copy of the **Problem Resolution Statement**, including the Department Head's written response, with the Executive Director. This must be done within ten (10) days of the Department Head's written response.
5. The Executive Director will arrange a personal appointment with the employee within five (5) days of receiving the filing of the **Problem Resolution Statement**. The Executive Director will conduct whatever investigation s/he deems appropriate.
6. Within fifteen (15) days of receipt of the employee's written filing, the Executive Director will communicate his/her decision to the employee and the Department Head. **The Executive Director's decision is final.**
7. Copies of all statements, information relating to the statements, and decisions will be placed in a separate file maintained by the Personnel Division. No copies will be placed in employee files.

## **IX. REVISION AND AMENDMENT OF PERSONNEL POLICIES**

### **A. REVISION BY THE CAO BOARD**

The Personnel Policies contained in this manual do not constitute a contract of employment. This Personnel Policy Manual is not intended to create a contract of employment. It is simply intended to describe the CAO and its present personnel policies, which supersedes all prior personnel policies, and may be changed, revised or amended at any time, by the Board of Directors, in its sole discretion, without prior notice. Employment with CAO can be terminated with or without cause, and with or without prior notice, at any time at the option of either the employer or the employee. No one has the authority to make any verbal statements of any kind at any time which is legally binding on CAO and which are not consistent with this paragraph.

### **B. REVISION BY STATUTE OR REGULATION**

Whenever any statute, regulation or grant requirement changes, such change will be implemented as required and will automatically be incorporated into these policies to whatever extent is necessary to remain in compliance with governmental regulations and legally constituted grant requirements.

## **X. APPENDIX**

### **A. FMLA**

This Family and Medical Leave Act (the “FMLA”) policy outlines the procedures that CAO will follow in providing employees with leave under the FMLA.

#### **Employee Eligibility**

To be eligible for FMLA Leave, an employee must:

- 1) have worked for CAO for at least twelve (12) months;
- 2) have worked at least 1,250 hours during the twelve months immediately preceding the commencement of the leave, and
- 3) be employed at a location where 50 or more employees are employed by the CAO within 75 miles of that location.

#### **Leave Entitlement**

- 1) General Leave Entitlement. CAO will grant an eligible employee up to twelve (12) weeks of unpaid leave during any “rolling” twelve (12) month period (measured backward from the date an employee uses FMLA leave) for any of the following reasons.

- (a) The employee’s own serious health condition prevents him or her from performing any one of these essential functions of his or her job;

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves (a) inpatient care; or (b) continuing treatment by a health care provider.

- (i) Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity, as defined by the law, or any subsequent treatment in connection with such inpatient care.
    - (ii) A serious health condition involving continuing treatment by a health care provider requires any one or more of the following:

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

- (1) A period of incapacity of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves; (1) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders or on referral by, a health care provider; or (2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider.
  - (2) Any period of incapacity due to pregnancy or for prenatal care;
  - (3) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
  - (4) A period of incapacity which is permanent or long-term due to a condition which treatment may not be effective; and
  - (5) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by health care provider.
- (b) Birth and care of the employee's newborn child (during the newborn's first twelve months);
  - (c) The placement of a child under the age of 18 with the employee for adoption or foster care, and to care for the newly placed child (during the first twelve months of placement of the child).
  - (d) To care for the employee's spouse, son, daughter, or parent (but not parent-in-law) with a serious health condition; and
  - (e) Any "qualifying exigency" arising out of the fact that the employee's spouse, child or parent is a military member in the United States Armed Forces, Reserves, or National Guard on covered active duty or who has been notified of an impending call or order to covered active duty status ("Military Member").
    - (i) "Covered active duty," for members of the Regular Armed Forces, means duty during deployment of the Military Member with the Armed Forces to a foreign country. "Covered active duty," for members of the National Guard or Reserves, means duty during the deployment of the Military Member with the Armed Forces to a foreign country under a call or order to active duty in support of a "contingency operation," as defined by law.
    - (ii) A "qualifying exigency" exists where one of the following events occurs;

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

- (1) Short-notice deployment. To address any issue that arises from the fact that the Military Member is notified of an impending call or order to covered active duty for a period of seven (7) or less calendar days from the date of the notification;
- (2) Military events and related activities. To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the Military Member, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to active duty status of the Military Member;
- (3) Childcare and school activities. To attend to certain childcare and school activities that are necessitated by the Military Member's active duty or call to active duty status, such as (1) arranging for alternative childcare; (2) providing childcare on an urgent, immediate need basis (but not on a routine, regular or everyday basis); (3) enrolling in or transferring to a new school or daycare facility; and (4) attending meetings with staff at a school or daycare facility;
- (4) Financial and legal arrangements. To make or updated financial or legal arrangements to address the Military Member's absence while covered active duty or call to covered active duty status;
- (5) Counseling. To attend counseling provided by someone other than a health care provider, for oneself, for the Military Member, or for the biological, adopted or foster child, a stepchild, or a legal ward of the Military Member, or a child for whom the Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty of the Military Member;
- (6) Rest and recuperation. To spend time with a Military Member who is on short-term, temporary, rest and recuperation leave during deployment for up to fifteen (15) calendar days;
- (7) Post-deployment activities. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the Military Member's covered active duty status; and to address issues that arise from the death of a Military Member while on covered active duty status;

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

- (8) Parental Care. To provide certain care to a Military Member's parent who is incapable of self-care, and where each instance of the care provided is necessitated by the Military Member's covered active duty. Covered activities provided to the parent of a Military Member under this provision include: (1) arranging for alternative care for a parent of the Military Member; (2) providing care for a parent of the Military Member on an urgent, immediate need basis; (3) admitting or transferring the parent of a Military Member to a care facility; and (4) attending meetings with staff at a care facility where the parent of the Military Member resides or stays; or
  - (9) Additional activities. To address other events which arise out of the Military Member's covered active duty or call to covered active duty status, provided that CAO and the employee agree that such leave shall qualify as an exigency, and both agree to the timing and duration of such leave.
- 2) Military Caregiver Leave. The FMLA allows an eligible employee who is the spouse, child, parent, or "next of kin" of a Covered Servicemember, to take up to 26 workweeks of unpaid leave during a single 12-month period to care for the Covered Servicemember ("Military Caregiver Leave"). The single 12-month period is measured from the first day of the employee takes such FMLA leave.
- (a) "Covered Servicemember" means:
    - (i) A current 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 ("Current Servicemember"); or
    - (ii) A veteran who: (1) is undergoing medical treatment, recuperation, or therapy for a serious injury or illness; (2) was a member of the Armed Forces (including a member of the National Guard or Reserves); (3) was discharged within the five-year period before the eligible employee first takes FMLA leave to care for him or her; and (4) was discharged or released from the Armed Forces under conditions other than dishonorable ("Covered Veteran"). An eligible employee must commence leave to care for a Covered Veteran within five years of the Covered Veteran's active duty service.
  - (b) For purposes of Military Caregiver Leave, "serious injury or illness" means:
    - (i) In the case of a Current Servicemember, an injury or illness that was incurred by him or her in the line of duty on active duty in the Armed Forces (or that existed before the beginning of his or her active duty and was aggravated by service in the line of duty on active duty in the Armed Forces)

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

and that may render the Covered Servicemember medically unfit to perform the duties of his or her office, grade, rank or rating; and

- (ii) In the case of a Covered Veteran, an injury or illness that was incurred or aggravated by him or her in the line of duty, while on active duty in the Armed Forces, and which manifested itself before or after he or she became a veteran and is:
  - (1) A continuation of a serious injury or illness that was incurred or aggravated when the Covered Veteran was a member of the Armed Forces and rendered him or her unable to perform the duties of his or her office, grade, rank or rating;
  - (2) A physical or mental condition for which the Covered Veteran has received a VA Service Related Disability Rating (“VASRD”) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for leave;
  - (3) A physical or mental condition that substantially impairs the Covered Veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
  - (4) An injury including psychological injury, on the basis of which the Covered Veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- (c) Important limitation: If an employee does take all of his or her 26 workweeks of leave entitlement to care for a Covered Servicemember during the 12-month period, the remaining part of his or her 26 workweeks of leave is forfeited.
- (d) Maximum duration of leave in any 12-month period: The Military Caregiver Leave is applied on a per-Covered-Servicemember, per-injury, basis such that an employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different Covered Servicemember or to care for the same Covered Servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within a single 12-month period.
- (d) “Next of kin:” An employee is “next of kin” of a Covered Servicemember if he or she is the nearest blood relative of the Covered Servicemember (other than the Covered Servicemember’s spouse, parent or child). Unless the Covered Servicemember’s has specifically designated in writing a particular blood relative as his or her nearest blood relative for the purposes of the Military Caregiver Leave, the following is the order of priority used to identify the nearest blood relatives of the Covered Servicemember: (a) blood relatives who have been granted legal custody of the Covered Servicemember; (b) siblings; (c)



grandparents; (d) aunts and uncles; and (e) first cousins. When no such designation is made and there are multiple family members with the same level of relationship to the Covered Servicemember, all such family members shall be considered the Covered Servicemember's next of kin and may take FMLA leave to provide care to the Covered Servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the Covered Servicemember's next of kin.

- (3) FMLA Leave Where Both Spouses Employed by CAO. Spouses who are eligible for FMLA leave and who are both employed by CAO may be limited to a combined total of 12 or 26 weeks of leave, depending on the type of leave, during the applicable 12-month period if the leave is taken for the birth of the employee's child or to care for the child after birth, for placement of a child with the employee for adoption or foster care, to care for the employee's parent with a serious health condition, or to care for a Covered Servicemember with a serious injury or illness.

### **Computation of Leave**

Leave will be granted during a "rolling" twelve (12) month period. Each time an employee takes FMLA leave, the remaining leave entitlement will be the balance of the twelve (12) weeks that has not been used during the immediately preceding twelve (12) months. Two examples are set forth below:

- (1) If an employee has taken eight (8) weeks of FMLA leave during the past twelve (12) months, four (4) weeks of leave remain.
- (2) If an employee used four (4) weeks of FMLA leave beginning February 1, and four (4) weeks beginning June 1, and four weeks beginning December 1, the employee would not be entitled to any FMLA leave until the following February 1, (assuming he or she was otherwise eligible) and then would only be entitled to four (4) weeks of leave.

### **Intermittent Leave**

When medically necessary, an employee may take leave intermittently (a few days or a few hours at a time) for their own serious health condition, to care for an immediate family member with a serious health condition, to care for a Covered Servicemember with a serious injury or illness, or when necessary for "qualifying exigency" leave.

Medically necessary means that there must be a medical need for the leave and the leave can best be accomplished through an intermittent schedule. An employee taking intermittent leave, or leave on a reduced leave schedule, may be required to transfer temporarily to a position for which the employee is qualified, with equivalent pay and benefits, that better accommodates recurring periods of time.

When leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must attempt to schedule treatment so as to

minimize disruption to CAO's operations. Employees should consult with CAO prior to scheduling the treatment in order to arrange a schedule that best suits the needs of the employee and CAO. In the case of intermittent leave, the employee is required to notify CAO at least 30 days in advance (or, if not possible, as soon as practical) for each absence.

## **Pay During Leave**

FMLA is unpaid, except as follows:

- (1) Nothing in this policy prevents an employee from applying for Workers' Compensation or Disability Benefits. Leave which is covered by Workers' Compensation or Disability Benefits will be designated as FMLA leave.
- (2) Employees not receiving Workers' Compensation or Disability Benefits will be required to use their accrued paid time off (PTO) and/or sick leave during FMLA leave, and such leaves will run concurrently with the employee's FMLA leave.
- (3) Full-time employees receiving Disability Benefits will be required to use five days of paid vacation, personal and/or sick leave for the first five days of FMLA.
- (4) Where vacation, personal, or sick days are used to receive pay during FMLA leave, those days will be counted as part of the 12 weeks of FMLA leave.

## **Maintenance of Health Benefits**

- (1) CAO will maintain group health insurance benefits for employees on FMLA leave on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period. Any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. Arrangements will be made for employees to pay their share of the group health insurance premiums while on FMLA leave.
- (2) If an employee's premium payment is more than thirty (30) days late, his or her group health insurance benefits may be terminated and the employee will be extended continuing coverage opportunities in accordance with the Consolidated Omnibus Budget Reconciliation Act ("COBRA").
- (3) If CAO pays the employee's share of any premium payments, CAO reserves the right to recover the full value of those payments made in any manner permitted by law.
- (4) An employee on approved FMLA leave will be subject to any changes in CAO's group health plan that occur while he or she is on FMLA leave (e.g. changes in coverage, premiums, deductibles).

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

- (5) For all periods when an employee is required to use paid leave (such as sick time or vacation time) concurrently with FMLA leave, benefits that are accumulated on an accrual basis (e.g. personal or sick time) will continue to accrue. No accrual of paid time off (sick or personal time) will occur during any unpaid portion of leave.
- (6) If an employee gives unequivocal notice of his or her intent not to return to work, CAO's obligation to continue group health insurance benefits will cease, subject to COBRA.
- (7) An employee on approved FMLA leave who fails to return to work at the end of his or her leave will be required to reimburse CAO for all premium payments expended by CAO on the employee's behalf during the period of unpaid FMLA leave, unless the reason the employee does not return to work is due to:
  - (a) The continuation, reoccurrence, or onset of a serious health condition of the employee or the employee's spouse, son, daughter or parent;
  - (b) The serious injury or illness of a spouse, son, daughter or parent, or next of kin, who is Covered Servicemember; or
  - (c) Other circumstances beyond the employee's control.

### **Job Restoration**

- (1) Upon return from FMLA leave, an employee will be restored to the position he or she held when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment, unless the employee's employment was, or would have been, terminated for reasons unrelated to the leave (i.e. reorganization, lay off, etc.).
- (2) Under specified and limited circumstances, CAO may refuse to reinstate certain highly paid "key" employees after using FMLA leave. This determination will be made in accordance with applicable law.
- (3) In an employee's need for FMLA ceases prior to the end of the requested leave, the employee is required to promptly return to work. If the employee fails to return to work, the employee will be considered to have voluntarily quit.
- (4) After exhausting the FMLA leave entitlement, an employee must return to work or, if applicable, request additional unpaid leave as an accommodation. An employee that fails to return to work after exhausting his or her FMLA leave, and fails to request additional leave, may be terminated. If additional leave is requested, but not granted, the employee must return to work, otherwise he or she may be terminated.

### **Notice and Medical Certification**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

- (1) Except where leave is unforeseeable, whenever possible and practicable, all employees requesting leave under this policy must submit their request in writing to the Human Resources Office thirty (30) days before the leave is to commence. If an employee fails to provide thirty (30) days notice for foreseeable leave, the leave request may be denied until at least thirty (30) days from the date the employee provides notice.
- (2) Where the need for leave is not foreseeable, the employee must submit a written request as soon as is practicable (normally no later than the next business day after learning of the need for leave).
- (3) Employees seeking FMLA leave may be required to complete and submit medical certification forms to Human Resources Office before the leave is to commence. Failure to provide a completed medical certification form in a timely fashion may result in the delay of the start or denial of leave. An employee who has not provided CAO with the required leave form and, where applicable, the medical certification form, must follow the call-in procedure for each day that he or she is absent from work. Failure to do so shall be considered a no call/no show.
- (4) Upon review of an application for leave and, if applicable, medical certification form, CAO has the right to require the employee to obtain the opinion of a second health care provider. CAO will pay for the examination by the second health care provider, who will be selected by CAO. In the event of a dispute between two medical options, CAO and the employee will choose a third health care provider. The third health care provider will render a binding opinion as to the serious health condition.
- (5) CAO may require an employee to provide periodic medical recertification of his or her condition of the condition of a family member that necessitates the leave.
- (6) CAO may require an employee to provide medical certification of an employee's ability to return to work.
- (7) If it becomes necessary for an employee to take more leave than originally planned, the employee is obligated to give CAO reasonable advance notice of the change in circumstances necessitating such additional leave.
- (8) While on leave, employees must periodically report to CAO the status of their medical condition and their intent to return to work. If an employee gives unequivocal notice of intent not to return to work, CAO's obligation to restore the employee to employment ceases.

If an absence of three (3) or more days is due to an FMLA-qualifying reason, CAO reserves the right to designate that leave as FMLA leave, whether or not the employee requested such designation.

This policy is intended to implement the FMLA and accompanying regulations. To the extent this policy is inconsistent therewith, the FMLA and the regulations will govern.

## **B. ELECTRONIC COMMUNICATION ACKNOWLEDGMENT**

### **COMPUTER SECURITY, SYSTEMS & INTERNET USAGE POLICY PROVISIONS**

Computer information systems and networks are an integral part of business at the CAO of Erie County, Inc. The agency has made a substantial investment in human and financial resources to create these systems.

The enclosed policies and directives have been established in order to:

- Protect this investment.
  - Safeguard the information contained within these systems.
  - Reduce business and legal risk.
  - Protect the agency and its employees.
- (1) The CAO has software and systems in place that monitor and record all Internet usage. Our security systems are capable of recording (for each and every user) each World Wide Web site visit and each email message into and out of our internal networks, and we reserve the right to do so at any time. No employee should have any expectation of privacy as to his or her Internet usage.
  - (2) We reserve the right to inspect any and all files stored in private areas of our network in order to assure compliance with policy.
  - (3) The display of any kind of sexually explicit image or document on any CAO system is a violation of our policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited, or recorded using our network or computing resources.
  - (4) The CAO uses independently-supplied software and data to identify inappropriate or sexually explicit Internet sites. We may block access from within our networks to all such sites that we know of. If you find yourself connected accidentally to a site that contains sexually explicit or offensive material, you must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program.
  - (5) The CAO Internet facilities and computing resources must not be used to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way. Use of any CAO

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

resources for activity prohibited by federal, state or local laws is grounds for immediate dismissal and we will cooperate with any legitimate law enforcement activity.

- (6) No employee may use CAO facilities to download or distribute pirated software or data.
- (7) No employee may use the CAO Internet facilities to propagate any virus, worm, Trojan horse or trap-door program code.
- (8) Official statements of the CAO on social media or on the internet will be made only by the designated CAO representatives, as described previously in this employee manual. CAO representatives may not endorse any political candidate for office.
- (9) The CAO retains the copyright to any material posted on the Internet by any employee in the course of his or her duties.
- (10) Employees are reminded that it is inappropriate, and in some instances illegal, to reveal confidential information (as defined in this employee manual), and any other material covered by existing CAO confidentiality policies and procedures on the Internet.
- (11) Use of CAO Internet access facilities to commit infractions such as misuse of CAO assets or resources, sexual harassment, and misappropriation of intellectual property are also prohibited by general agency policy and will be sanctioned under the relevant provisions of the personnel handbook.
- (12) Because a wide variety of materials may be considered offensive by colleagues, patrons or clients, it is a violation of CAO policy to store, view, print, or redistribute any document or graphic file that contains discriminatory or harassing content, similar material that might make an employee's work environment "hostile." This provision shall not be construed as prohibiting employees from viewing or redistributing via e-mail information or communications that employees have a legal right to view or distribute.
- (13) Employees with Internet access may not use CAO Internet facilities to download entertainment software or games, or to play games against opponents over the Internet.
- (14) Employees with Internet access may not use CAO Internet facilities to download images or videos unless there is an express business-related use for the material. However, e-mails with images or videos may be opened and viewed by employees during nonwork time on their computers and e-mail systems, to the extent the video or image does not contain any malware, virus, copyrighted material, or other type of information that the employee is prohibited from accessing under this policy or the law.
- (15) Employees with Internet access may not upload any software licensed to the CAO or data owned or licensed by the CAO.
- (16) Employees with Internet access may not use the CAO Internet facilities to download messaging software or use instant messaging services such as AOL Instant Messenger, MSN Messenger (live Messenger) or Yahoo Messenger.

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

- (17) Employees with Internet access may not use the CAO Internet facilities to access personal email accounts or correspondence, such as AOL Mail, Hotmail, etc...
- (18) Employees with Internet access may not use the CAO Internet facilities to download Peer to Peer or other file sharing applications such as Kazaa, Limewire, or Piratebay.
- (19) No programs or applications shall be downloaded and/or installed on any CAO equipment, and no configuration changes shall be made to any computers and/or hardware supplied by CAO.
- (20) No employee shall leave a "logged on" computer unattended. If leaving the workstation, every employee must "Lock" or "Log Off" in order to prevent unauthorized access.
- (21) No employee may remove labels, tags or serial numbers or in any way deface CAO computers and/or equipment. This includes writing an employee's name, location or department on any/all equipment.
- (22) No employee shall move or otherwise rearrange any CAO computer hardware or telephone equipment without the express permission or direct supervision of the IT department.
- (23) Any employee who obtains a password or ID for a Computer or Internet resource from the CAO must keep that password confidential. CAO policy prohibits the sharing of user IDs or passwords obtained for access to Computers, Internet sites and/or e-mail.
- (24) Employees should schedule communications -intensive operations such as large file transfers, video downloads, mass e-mailings and the like, for off-peak times.
- (25) Any file that is downloaded must be scanned for viruses before it is run or accessed, without exception.
- (26) The CAO has installed an internet firewall to assure the safety and security of the agency's networks. Only those internet services and functions with documented business purposes for this agency will be enabled at the internet firewall. Any employee that attempts to disable, defeat or circumvent any security faculty will be subject to immediate dismissal and any such disciplinary proceedings will be pursued and conducted in accordance with any applicable collective bargaining agreement for employees covered by a collective bargaining agreement.
- (27) No employee is to use CAO's email resources to compose or forward any pornography, spam, spyware, malicious code, chain letters, jokes, quizzes and/or abusive/offensive material.

## **C. CONFIDENTIALITY AGREEMENT**

COMMUNITY ACTION ORGANIZATION OF ERIE COUNTY, INC.  
PERSONNEL POLICY HANDBOOK

During the course of my employment with Community Action Organization of Erie County, Inc., I may learn or have access to information concerning a client's condition, personal or financial affairs.

I agree that this information is strictly confidential, and I will not discuss such information with other clients, visitors, family members or friends. Further, I will not discuss this information with fellow employees unless they have a need to know in order to perform their jobs.

Additionally, I agree that I will not disclose any client information to anyone outside the Community Action Organization of Erie County, Inc., unless authorized to do so by my supervisor or by the Executive Director of the Community Action Organization of Erie County, Inc.



## D. EMPLOYEE ACKNOWLEDGMENT HANDBOOK OF ELECTRONIC HANDBOOK

I am aware that it is my responsibility as a Community Action Organization of Erie County, Inc. employee to initially read and regularly review changes to the PERSONNEL POLICY HANDBOOK online from the Community Action Organization of Erie County, Inc. website ([www.caoec.org](http://www.caoec.org)). I acknowledge that I am responsible for fully understanding and aligning my on-the-job behavior with these policies.

I understand that the PERSONNEL POLICY HANDBOOK is not a contract of employment, either expressed or implied, between the Community Action Organization of Erie County, Inc., and myself, and that I should not view it as a contract or promise of continuing employment.

I understand that this HANDBOOK takes precedence over, supersedes and revokes all previous versions of any handbook, bulletin, policy or procedure issued prior to the date occurring below, by Community Action Organization of Erie County, Inc., or any of its subsidiary programs, interests or corporations, on any subject discussed in this HANDBOOK. I also understand and agree that Community Action Organization of Erie County, Inc., reserves the right to change or alter these policies at any time.

I understand and agree that my employment is for no definite period of time and may, regardless of the time and manner of payment of my wages or salary, be terminated at any time by Community Action Organization of Erie County, Inc., or myself, with or without cause, and with or without previous notice subject to – where applicable – the collective bargaining agreement and any just cause requirements.

I also understand that no representative of Community Action Organization of Erie County, Inc., other than the EXECUTIVE DIRECTOR, has authority to enter into an agreement with me for employment for any specified period of time, or to make any agreement contrary to the above.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_