

**EVERGREEN YOUTH & FAMILY SERVICES, INC.  
PERSONNEL POLICIES & PROCEDURES**

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**EVERGREEN YOUTH & FAMILY SERVICES  
PERSONNEL POLICIES & PROCEDURES**

**INTRODUCTION**

**A. Purpose**

This Personnel Policies & Procedures has been designed as a resource for the employees of Evergreen Youth & Family Services, hereafter referred to as “Evergreen”. These policies and procedures will answer many of your questions regarding Evergreen’s expectations and your responsibilities. The policies and procedures described are in a summary form and not conditions of employment or to be considered an employment contract. Minnesota is an “at will” employment state. All employees are “at will”. “At will” employment means that either the employee or the agency may terminate employment at any time and for any reason, with or without cause, and without any previous notice. You are expected to read and comply with the provisions of these policies and procedures, separate written policies provided to you, memos and notices, along with all other instructions from your supervisor, and agency management personnel, including the Executive Director. If you do not understand something, please ask questions. A violation of any of these policies and procedures, separate written policies, memos, notices, or instructions from your supervisor or the Executive Director is considered serious and may result in disciplinary action and/or termination of employment.

**B. Amendments**

1. Evergreen reserves the right to improve, change, rescind or add to any of the policies, procedures, benefits, or practices described in the personnel policies & procedures, without prior notice. The contents of the personnel policies & procedures are for informational purposes only and should in no way be construed to be a contract of employment.
2. The Personnel Policy & Procedures will be reviewed at least every three years by the Executive Director, the Personnel Committee, and Management Team. Any amendments of policies and guidelines shall be referred to the Board of Directors for action. As an employee, you are welcome to recommend changes or additions to your supervisor to take to the Human Resources Director and Personnel Committee.
3. Amendments shall be in writing and added to the Personnel Policies & Procedures. Copies will be distributed to all employees and all members of the Board of Directors.

**C. These Personnel Policies & Procedures replaces all handbooks or personnel policies that have been previously given to you.**

**D. A copy of the Personnel Policies & Procedures may also be found in the Evergreen Shelter Program Manual and at the Evergreen Youth Services Human Resources office.**

**EVERGREEN MISSION AND PHILOSOPHY STATEMENT**

Evergreen is a private not-for-profit organization. Our Mission Statement is: Evergreen is a community-based organization committed to strengthening youth, preserving families, and building relationships with an emphasis on those living in northern Minnesota.

**A. Philosophy Statement**

Two underlying tenets of Evergreen philosophy when working with youth and families are:

- (1) Human behavior is influenced by a combination of life experiences and heredity that may or may not be controllable by the individual.
- (2) An individual’s response, their behavior, can be changed.

An individual will respond to situations based upon their “world view” which is comprised of their values, assumptions, beliefs, and life experiences. It is the obligation of Evergreen programs to learn as much as possible about the “world view” of those served as part of helping them to make positive changes in their lives.

Evergreen believes our role is to be a facilitator of change. This is accomplished by:

- encouraging, respecting, listening, and supporting youth and families - to empower them to regain control over their lives in a confidential manner
- including youth in the development and implementation of services
- respecting and affirming diversity amongst youth and families
- assisting youth and families to positively resolve problems
- serving as their advocate and speaking out when youth and families are unable to do so themselves
- helping youth to make their own significant life decisions and empowering them to successfully transition to independent living as adults
- encouraging healthy family relations after a youth’s transition to adulthood
- strengthening families to stay together or reunite as swiftly as possible and as deemed in the best interest of youth and families
- assisting families to identify and implement solutions in ways that best meet their needs
- teaching and assisting youth and families to take responsibility for their behavior and the natural consequences that may result
- helping youth and families to identify and build upon their strengths
- being proactive educators and advocates for runaway, homeless and high-risk youth and families at a local, regional, state and national level

Evergreen programs must strive for solutions that are in the best interest of the child and family. Safety must be the primary concern.

Family reunification, when applicable, is the ultimate goal. Evergreen believes it is important to provide a safe environment for runaway, homeless and high-risk youth; an environment free from harassment, abuse, threats, discrimination and intimidation. This environment must provide them with the opportunity to stop running, to begin working on their issues and to reunite with their family and community.

Evergreen believes its programs have a responsibility to instill a positive value system for runaway, homeless and high-risk youth and families served. This includes respect for themselves and others, honesty, dignity to make choices and self-empowerment.

Diversity needs to be recognized and celebrated. Programs need to provide services that meet the unique needs of youth and families including cultural, ethnic, spiritual, sexual orientation, gender, and alternative lifestyles. In addition, Evergreen must strive to reflect the diversity found in its service population including in the composition of its Board of Directors, employees and volunteer(s).

Evergreen is committed to maintaining a high level of professional standards and integrity in the provision of services to youth and families. This includes employee(s), volunteers, Board of Directors, peer leaders and contractual providers.

Evergreen believes it must work in partnership with communities, being open and resourceful to new and creative ways of serving runaway, homeless and high-risk youth and families. Program development and service delivery systems must be inclusive of youth and families.

## **ORGANIZATIONAL STRUCTURE AND EXPECTATIONS**

### **A. Organizational Structure**

The Board of Directors employs the Executive Director, to whom it delegates responsibility for the day-to-day administration of Evergreen. The Executive Director manages the staff, in accordance with policies approved by the Board of Directors.

Evergreen staff members are accountable to their immediate supervisors. Program Directors, the Associate Director, Operations/Finance Director, HR Director, and Executive Assistant are accountable to the Executive Director, through whom all work related communication to the Board is channeled.

### **B. Open Door**

All staff members are encouraged to provide input and suggestions concerning the overall operation and programs of Evergreen, following the proper channels of communication. The proper channels of communication are:

1. Staff members should initially bring their comments and ideas to their immediate Supervisor.
2. In those cases where the above order may be not timely, the staff member may approach the Human Resource Director, or the Executive Director. Employees may be asked to make an appointment to provide feedback.

Evergreen operates in an “open door” manner. All staff input is considered and may be presented without fear of personal reprisal to the staff member or his or her position if staff input is presented in accordance with methods outlined above. ( See Addressing Concerns in the Workplace,).

### **C. Workplace Atmosphere**

Evergreen provides a variety of services for at-risk clients and we are dedicated to their health and welfare. It is necessary that our workplace maintain a professional atmosphere as well as one of warmth and friendliness. Employees are expected to contribute to an atmosphere which is pleasant and productive to all employees, and comfortable for our clients and families.

### **D. Children in the Workplace**

The presence of employee’s children in the workplace is prohibited except in extraordinary, pre-approved situations during employee’s working hours. This policy is to avoid disrupting job duties of the employee and/or co-workers, to reduce liability for injuries or property damage, and to help maintain the agency’s professional work environment. When clients are not present, the presence of an employee’s children on-site occasionally or during emergency situations is understood. Employees are expressly prohibited from having their children on-site during any hours they are serving clients or supervising clients or responsible for the safety and well-being of clients and/or agency property.

If bringing a child to work with the employee is unavoidable, the employee must contact their supervisor as soon as possible to discuss the situation and obtain permission to have the child accompany the employee while working. Factors the supervisors will consider are the age of the child, how long the child needs to be present, the work environment in the employee’s area, and any possible disruption to the employee’s and co-workers’ work. If a child’s presence on-site unduly affects an employee’s productivity, permission to have a child on-site may be denied. Employees are prohibited from bringing a sick child to work.

Any child of an employee brought to the workplace is the responsibility of the employee and must be under the direct supervision of the parent (not coworkers) at all times.

## **E. Professional Standards of Conduct**

1. Evergreen is committed to maintaining professional standards of conduct and a high level of integrity in the provision of services to youth and their families.
2. Professional Standards of Conduct refers to behavior/acts exhibited by employees towards or in the presence of program participants or other employees during working and non-working hours. Employees are expected to conduct themselves in a professional manner at all times.
3. These Professional Standards of Conduct extend to all forms of communications (including, but not exclusive of, phones, e-mail, cell phones, and electronic social networking environments).
4. Evergreen does not consider dual roles to be inherently harmful but does urge staff to exercise caution when undertaking dual roles and to discuss any questions with their supervisor. This is not intended to prohibit agency staff from providing supervision to youth at their homes in their roles as parents or to prohibit staff from serving in other volunteer or paid professional and community roles, such as sports coaches, Girl Scout or Boy Scout leaders, church youth group leaders, etc. When an agency staff member has an outside volunteer or paid professional or community role that brings them into contact with current or former agency clients whom they served at Evergreen, the following principles should be observed:
  - a. The interaction should be in the best interests of the child;
  - b. Staff should consider the vulnerability of the clients Evergreen serves; and
  - c. The agency's liability should be considered.

In situations in which the dual roles may conflict, agency employees are asked not to undermine the credibility or professionalism of their role as an Evergreen employee and are expected to discuss the issue with their supervisor.

5. Evergreen staff members are expected to abide by all professional standards and codes of ethics adopted by the relevant licensing body for licenses they hold.
6. Inappropriate behavior
  - a. Inappropriate behavior refers to physical contact, verbal and written communication and other behavior/acts determined to place a program participant in danger – physically, emotionally or mentally.
  - b. This includes, but is not limited to:
    - Unwanted touch, employees are highly encouraged to seek a youth's permission to hug them or hold their hand before initiating contact. Whenever there is doubt, err on the side of first seeking permission for physical contact.
    - Failure to teach youth about appropriate physical boundaries when such behavior is initiated by the youth towards other youth, children, adults or employees.
    - Taking a program participant to an employee's home or meeting during working or non-working hours for social or personal reasons.
    - Establishing a personal relationship with clients through electronic communication for non-work related social or personal reasons.
    - Maintaining personal or social relationships with current Evergreen clients after the employee leaves the agency. An individual who has not received agency services within the past two years is no longer considered a "current or former client or program participant". All employees are expected to observe the ethical and professional standards of their field and are expected to conduct themselves professionally with clients encountered even after leaving the agency. This includes all forms of electronic communication (including but not exclusive of, phones, e-mail, cell phones, and electronic social networking environments).

- Excessive use of profanity, making sexual or other demeaning references during conversations, unprofessional written comments or other inappropriate verbal or written remarks in the presence of program participants or directed at them.
  - Inappropriate touch including tickling, rubbing, hair stroking, horseplay, and wrestling. Inappropriate touch also includes hugs when permission is not first solicited and approval by the individual not granted.
  - Intimate or emotional involvement knowingly undertaken with family members of current or former program participants when the relationship was developed through Evergreen. "Family" refers to biological, extended, adopted or legal guardianship.
  - If an employee has a personal history with the family or a youth who subsequently becomes a program participant, a conflict of interest exists and the employee is to refrain from any involvement in the youth's case management or disposition of services unless waived by the Executive Director. In all instances in which a prior intimate or personal relationship exists, the employee is to make a timely and complete disclosure to their supervisor.
  - An individual who has not received agency services within the past two years is no longer considered a "current or former" program participant.
  - Failure to exhibit a cooperative attitude and positive working relationship with county social services, tribal programs, schools, community government officials, law enforcement, probation and other community agencies.
7. If an employee witnesses behavior/acts by another staff member that is in violation of the Professional Standards of Conduct, they shall notify their supervisor or Executive Director within 48 hours of the misconduct. The Chairperson of the Board of Directors shall be notified in cases where the Executive Director is in violation.
  8. Upon investigation a report shall be made to the appropriate state agency, if required by Minnesota statutes.
  9. Documentation of the outcome of the complaint will be kept in the employee's personnel file.
  10. Based on the results of the investigation, disciplinary action may be taken including termination of employment.
  11. A staff member who reports a suspected violation of the agency's Professional Standards of Conduct will receive notification of the investigation outcome. Staff members should follow the agency grievance procedures if they disagree with the outcome of the investigation or the way the investigation is handled.

#### **F. Drug Free Workplace**

1. In accordance with the Drug-Free Workplace Act of 1988, Evergreen provides a drug-free workplace for all employees, volunteers, interns and other personnel as part of Evergreen's programs.
2. All buildings owned and rented by Evergreen shall be smoke, including e-cigarettes free.
3. The use of and/or being under the influence of alcohol or other drugs during working hours is prohibited in the workplace. This includes but is not limited to coming to work "hung over," exhibiting intoxicated or other drug related behavior, smelling of alcohol or other drugs or abuse of prescription medication that produces an intoxicated or impaired state.
4. The unlawful manufacture, distribution, dispensing, possession or use of alcohol, tobacco or a controlled substance is in violation of state or federal law and prohibited.
5. Distribution of cigarettes or chewing tobacco to 18 - 24-year-olds that are program participants is prohibited. This does not apply to tobacco used for ceremonial purposes.
6. Violation of such prohibitions by an employee will result in disciplinary action including probation, suspension or termination of employment. Within 30 calendar days of learning about an employee's conviction, Evergreen management personnel will take the appropriate



- action against an employee consistent with the requirements of the Rehabilitation Act or of 1973 (29 U.S.C. 794), as amended.
7. As part of maintaining a drug-free workplace, Evergreen will:
    - a. Assist employees to seek out any available drug counseling and rehabilitation programs.
    - b. Provide leave of absence from work to obtain drug counseling in accordance with approved personnel policies.
    - c. Provide on-going drug-free awareness training to employees on the dangers of drug use/abuse in the workplace.
    - d. Provide each employee with a copy of this Drug-Free Workplace policy statement.
  8. As a condition of employment, employees will:
    - a. Abide by the terms of this policy statement.
    - b. Notify Evergreen in writing of a conviction for a violation of a criminal drug statute, no later than five calendar days after such conviction.
  9. Federal grant agencies providing support to Evergreen will be notified, in writing, within 10 calendar days after receiving notice from the employee of the violation or otherwise receiving notice of such conviction occurring in the workplace. The notification will include the employee's position title and the identification number(s) of any grant affected.

## **G. Alcohol and Drug Testing Policy**

### Purpose

For purpose of Evergreen's Drug and Alcohol Testing Policy, definitions of chemical abuse and dependency problems used are from the Children's Residential Facilities Rule, Chapter 2960.0020. (Please see [Appendix A](#) for definitions).

Evergreen is committed to providing a safe and alcohol/drug-free environment for its clients, residents, employees, volunteers, interns, and the public who visit its program sites. Because Evergreen employees are required to transport clients and because residential program employee are responsible for guaranteeing client safety, any employee abuse of drugs or alcohol is considered to jeopardize the safety of agency clients. Evergreen is also concerned about maintaining its Department of Human Services program licenses and providing appropriate adult employees who are role models for the youth and families we serve. These commitments are jeopardized when any employee:

- a. Abuses or depends on alcohol, uses illegal drugs, or engages in unauthorized or improper use of prescription medications (either on the job or during non-working hours),
- b. Comes to work or attends employee functions under the influence of these substances,
- c. Possesses, manufactures, distributes, sells or buys drugs (either in the workplace or outside the workplace), or participates in illegal drugs and/or alcohol activities (either in the workplace or outside the workplace).

The intent of drug and/or alcohol testing and this policy is to:

- a. Prevent the hiring of individuals who abuse drugs or alcohol and/or illegally use drugs (including unauthorized or improper use of prescription medications),
- b. Deter employees from abusing drugs or alcohol and/or using illegal drugs,
- c. Provide early identification and referral to treatment, when necessary, for employees with drug and/or alcohol problems.
- d. Eliminate the use, possession, manufacture, distribution, sale, or purchase of alcohol and/or drugs in the workplace.

Evergreen will not request or require an employee or job applicant to undergo drug and/or alcohol testing on an arbitrary or capricious basis.

### Employee Consent/Right to Refuse

Any employee or job applicant has the right to refuse to submit to the drug and/or alcohol test but refusal will be considered a non-negative test result. All Evergreen employees hired after April 1, 2005, must successfully pass a drug and/or alcohol test to be employed with Evergreen. Non-negative results due to refusal to submit to testing will make the individual ineligible for employment with Evergreen. All employees will be asked to sign a permission slip prior to testing which indicates their consent to testing and to have test results released to Evergreen.

### Who Will Be Tested and When

All new employees hired as of April 1, 2005, will be required to pass a drug/alcohol test for employment with Evergreen. In addition, Evergreen will request that individuals pass a drug/alcohol test under the following circumstances:

Upon Hiring: As a condition to employment, any applicant who has received a job offer for any position will be required to submit and test negative to a drug and/or alcohol test before they are hired for that position.

Post-Accident: Any employee who has been involved in an on-the-job accident and/or is observed behaving in a reckless or careless manner which results in physical injury or significant damage to property will be asked to submit to a drug and/or alcohol test. Refusal to comply will be treated as a non-negative result.

Reasonable Suspicion: Any employee under “Reasonable Suspicion” of unauthorized or improper prescription drug use, illegal drug and/or alcohol use and/or possession when there is information about an employee’s behavior or other activity that would cause a reasonable person to believe that the employee is in possession, has used or may be impaired by drug and/or alcohol (i.e., slurred speech, alcohol on breath, etc.), or is participating in the manufacture, distribution, sale, or purchase of drugs in the workplace.

Periodic Testing: Evergreen employees need to comply with periodic testing that may be conducted without prior notification.

Voluntary Test: Any employee may voluntarily participate in Alcohol and Drug testing at their own expense.

### Searches

When there is reasonable suspicion of unauthorized or improper use of drugs or alcohol, Evergreen retains the right to search all employees’ personal possessions in the workplace and the workspace area for alcohol and/or illegal drugs, including employee vehicles while parked on agency property. An employee’s receipt of this policy is considered notice that such searches are possible and that cooperation with searches is a condition of employment. If illegal substances or drug-related paraphernalia are found, they will be turned over to law enforcement. Employees may be present during all searches. At least two employees, in addition to the employee whose personal work area and/or vehicle is being searched, must be present at all searches.

Alcohol and legal Drug related paraphernalia or other related educational items that are used by current Evergreen programs that are clearly used for educational purposes will not be grounds for employee

disciplinary action. To be considered as educational materials requests should be submitted to the Program Supervisor along with the material to be used and approved in writing by the Program Supervisor. These materials are required to be stored in a locked appropriate container inside a secure staff office. These items should be inventoried with records maintained for additions and disposal of the materials.

No alcoholic beverages may be kept at Evergreen's residential programs for any reason.

#### Testing Parameters

Evergreen believes that testing for drugs and/or alcohol can be an effective means by which to identify the presence of drugs or alcohol. The substances that may be tested for include but are not limited to the following:

- a. THC (Marijuana)
- b. Benzodiazepine
- c. COC (Cocaine)
- d. OPI (Opiates)
- e. AMP (Amphetamines)
- f. METH (Methamphetamines)
- g. PCP (Phencyclidine)
- h. Off-site Alcohol testing

#### Non-Negative Test Results

Evergreen will use a process that includes an initial test (using testing devices provided by an accredited lab). If the employee has a non-negative test, the employee will then be driven by the HR Director or management to Sanford Occupational Health for a confirmation test. No disciplinary action will be taken and there will be no changes in employment status until Evergreen receives results of a timely confirmation test.

Employees of Evergreen who test non-negative on a confirmatory drug/or alcohol test will be encouraged to pursue a Rule 25 Chemical Dependency Assessment and undergo counseling and treatment. A leave of absence may be provided in accordance with approved personnel policies. An employee's refusal to pursue counseling and treatment or other recommendations of the Rule 25 Assessment following a non-negative test result is grounds for termination.

Employees will be given the opportunity to explain a non-negative test result to a medical professional at the confirmation test site.

#### Possession, Manufacture, Distribution, Sale or Purchase of Drugs in the Workplace

If Evergreen has reason to believe an employee is in possession or is manufacturing or distributing alcohol-like substances or controlled or illegal drugs in the workplace, the employee will be required to submit to a search of their person and/or property. Refusal to submit to a search may result in disciplinary action up to and including termination of employment without the benefit of going through the progressive discipline steps. An employee's receipt of this policy is considered notice that such searches are possible and that cooperation with searches is a condition of employment. Any illegal substances or drug-related paraphernalia found will be turned over to law enforcement.

### Employee Responsibility

All employees shall be required, as a condition of employment, to notify their supervisors in writing of any criminal drug conviction, *DUI's* or *DWI's* no later than 24 hours after such conviction.

### Grievance/Appeals

Any grievances or appeals that an employee may have in relation to this Alcohol/Drug Free Workplace Policy must be submitted according to the Grievance/Complaint Procedures outlined in Evergreen's Personnel Policies & Procedures.

### Confidentiality

Evergreen will make every effort to keep the results of the drug and alcohol tests confidential. Test results will be released within Evergreen on a need-to-know basis. Employees who file unemployment claims following dismissal for abuse, or dependency on illegal or prescription drugs or alcohol automatically consent to Evergreen's release of this information in responding to unemployment claims. Employees are hereby advised that test results may be used in arbitration, administrative hearings and court cases arising as a result of the employee's separation from employment because of the results of the drug and/or alcohol testing or by court order.

### Notice to Employees

Upon adoption of this policy, each employee will receive a copy and will be required to sign a receipt indicating they have received a copy. The policy will be discussed at an all-agency monthly employee training at least once per year. The policy will be placed in Evergreen's Personnel Policies & Procedures. Further, prospective employees will be notified of the policy during the interview process and supervisors will discuss the policy during orientation for new employees. Notice of this policy will be posted prominently at all agency sites.

## **H. Smoke and Vape Free Workplace**

Evergreen is concerned for staff safety and health and will make a good faith effort to maintain a smoke and vape-free workplace through the implementation of this policy.

Evergreen offers a smoke-free work environment to all employees. Smoking or vaping is NOT allowed inside any buildings or agency vehicles. Employees who smoke or vape are prohibited from smoking/vaping around clients. Employees are not allowed to give cigarettes, vapes or chewing tobacco to clients. This does not apply to tobacco used for ceremonial purposes.

## **I. Violence in the Workplace**

1. It is Evergreen's policy to maintain a work environment free from violence and aggression and intimidation of any kind. Such behavior includes but is not limited to:
  - a. Threats: in person, through letters, on the phone or through electronic communication systems
  - b. Physical aggression: throwing objects, smashing door/walls, physical contact with another employee and similar behavior
  - c. Armed assault: attacking another with any form of a weapon
  - d. Possession of dangerous weapons as defined by Minnesota law
2. Any violence, aggression, intimidation of any kind, assault or threat by staff, client or public will be reported to the local authorities.

3. Any violence, aggression, intimidation of any kind, assault or threat by staff could result in disciplinary action which may include any form of progressive discipline including termination of employment.
4. Victims of violence, or any employee who feels that they may become violent should contact their supervisor, the Human Resources Director or the Executive Director.

**J. Use of Vehicles/Drivers Safety**

1. Evergreen believes in taking a proactive role in ensuring that the individuals served by its programs are provided with the safest transportation services possible. An employee's personal driving record affects their ability to be covered by Evergreen's vehicle insurance. Because of this, Evergreen has the right to know of all motor vehicle violations of an employee regardless of whether it occurred on the job or during non-working hours as well as whether the violation was with an Evergreen vehicle or their own personal one.
2. To complete the (employment) application process a Motor Vehicle Record (MVR) background check will be provided by the applicant and a copy will be placed in the employee's personnel file. The applicant must be insurable on our agency policy, and annual MVR checks will be conducted by Evergreen's insurance carrier at no cost to the employee.
3. An employee's inability to be covered by Evergreen's vehicle insurance carrier may result in termination of employment.
4. Training
  - a. Driver's training as part of new employee orientation will be completed within 30 days and includes the following:
    - Relationship between personal driving record and employment.
    - Agency policies and procedures regarding driving violations emergency/accident procedures
    - Defensive driving techniques.
5. MVR Guidelines for Evergreen Insurance
 

In order for a driver to be approved, the following criteria must be met:

  - Maximum of 1 moving violation in the last three years in combination with one at fault accident.
  - Maximum of 2 moving violations in the last 3 years with no at fault accidents.
  - Maximum of 2 at fault accidents in the last 3 years with no moving violations.
  - No speeding over 80 miles per hour.
  - All drivers must be licensed for at least 3 years.

Any driver with any of the following in the last 5 years will not be approved:

  - Suspension or revocation for other than failure to pay fines.
  - Driving under the influence of alcohol or drugs.
  - Careless Driving.
  - Negligent homicide arising out of the use of a motor vehicle.
  - Operating during a period of revocation or suspension.
  - Using a motor vehicle while unlicensed.
  - Speed contests.
  - Any other criminal use of a motor vehicle.
6. Evergreen will conduct an annual education in-service on the importance of safe driving habits and how to complete the Accident Report form.
7. Use of Evergreen's Vehicles
  - a. All drivers are expected to abide by all controlling statutory guidelines.
  - b. In accordance with state law, all drivers and passengers are required to use seat belts.
  - c. Employees are, in general, prohibited from using their personal vehicles to transport agency clients. However, Evergreen recognizes that some positions may require this.

Before using their personal vehicle to transport agency clients, an employee must have written authorization from their supervisor and Evergreen Human Resources Director. If an employee uses their own vehicle for transporting clients they are responsible, not Evergreen, for having current motor vehicle insurance.

- d. When you are given permission to use your personal vehicle for a job-related purpose, driving without current insurance is grounds for termination.
  - e. There is to be no smoking or vaping by employee(s) or passengers in or around Evergreen or personal vehicles when transporting clients or agency staff, partners, or funders.
8. Use of Wireless Communications Device, MN Statute 169.475
- a. All drivers are prohibited from reading/composing/sending text messages or emails or accessing the internet using a wireless device while the vehicle is in motion or a part of traffic, this includes while stopped in traffic or at a traffic light.
  - b. Employees may use wireless communications device if:
    1. Solely in a voice-activated or other hands-free mode
    2. For making a cellular phone call
    3. For obtaining emergency assistance
    4. In the reasonable belief that a person's life or safety is in immediate danger
9. The Executive Director may refuse to allow employees to use Evergreen vehicles and restrict work related travel during inclement weather.
10. Job-Related Vehicle Emergency or Accident:
- a. An employee involved in a job-related accident (with agency or personal vehicle) must notify the Human Resources/Safety Director within 24 hours of the accident.
  - b. An Accident Report shall be completed at the accident scene. Forms are kept in the glove compartments of each agency owned vehicle.
  - c. In the case of an accident that includes another vehicle, employees must call to the scene city police, county sheriff or the highway patrol and obtain a written report (regardless of how minor).
11. Motor Vehicle Violations:
- a. An employee must notify the Human Resources/Safety Director within two working days of a motor vehicle violation whether it occurs during working or non-working hours and whether it involves a personal or agency vehicle.
12. Dependent upon the nature and seriousness of the emergency, accident or motor vehicle violation may be grounds for disciplinary action, including termination.

## **K. Health/Safety**

1. All employees are covered by workers' compensation. In case of injury, no matter how slight, employees are advised to seek medical attention and must report the injury immediately to a supervisor. The employee or their supervisor must complete a "First Report of Injury" form and submit it to the Human Resources/Safety Director within 48 hours. Please note that this form needs to be submitted to our Worker's Compensation insurance carrier and generates the review process for reimbursement of care. It is different from an incident report routinely completed by an employee. It is important that you use and submit the correct form to the Human Resources Director.
2. Failure to report an injury within 48 hours may result in the rejection of a worker's compensation claim by the insurance company.
3. If the employee's claim is denied from the Worker's Compensation insurance carrier, the employee has the right to contact a work injury lawyer without reprisal.
4. Workplace Attire and Footwear

To promote employee and client health and safety in the workplace, Evergreen expects all staff to use good judgment regarding environment, climate, and weather risks. For instance, employees are encouraged to wear role model appropriate attire and footwear for all conditions, which would include cold/icy conditions and extremely hot weather.

5. A Workplace Accident and Injury Reduction Program (**AWAIR**) for Evergreen.

It is our policy at Evergreen to ensure a healthy workplace for all employees. We have implemented the following safety and health program. The management team is responsible for implementing this program. We have committed resources to ensure safety on our job sites. Our goal is to reduce the number of accidents and injuries, and that requires cooperation in all safety and health matters between employees, their fellow workers and management. Only through this cooperative effort can we establish and maintain an excellent safety record.

Employees are responsible for cooperation with all aspects of this safety and health program, including compliance with all rules and regulations for continuously practicing safety while on the job. The Human Resources Director **and** Program Site Directors have full support in enforcing the provisions of this policy.

All supervisors will report safety concerns to the Human Resources Director. The site supervisors are responsible for safety and health at each work site. Each site supervisor will choose an employee to act as the safety and health liaison for that site. Employees will report all safety and health concerns to their supervisors or the Human Resources Director. The Human Resources Director will set up training programs and provide the necessary personal protective equipment (PPE).

The Management Team will set accountability measures for meeting safety and health responsibilities.

Safety will be planned into each site using the attached list as a starting point. Each site is unique. The *Site Safety Checklist* will be used initially and adjusted for the specific location and job. The site checklist can be revised as the site changes. Supervisors will inspect each area of the work site regularly using the revised checklist. The safety director will make periodic site inspections and review the results with the management team.

Each employee will be trained about safety and health at the time of hire, at the start of each job and as needed.

Safety meetings will be scheduled routinely, with safety topics chosen by the Human Resources Director. Attendance is mandatory at all safety meetings. Safety suggestions will be reviewed at that time, and all employees are asked to make safety suggestions.

The site supervisor will investigate all accidents and near-miss events within one week of the incident. The site supervisor will write the accident report with assistance from the Human Resource Director. The written reports will note corrective or preventive action taken. Training or retraining will be done as needed.

The Human Resources Director will review all accident and near-miss reports quarterly, and will make recommendations to management about how to improve the organization's safety and health efforts at least on an annual basis.

Safety is a very important part of Evergreen's overall programming. A violation of our safety and health rules will be treated with the same disciplinary action as our other policies

described in our Personnel Policies & Procedures under "Disciplinary Actions" (i.e., drug abuse, absenteeism or tardiness).

Our employees are our most important assets. We are serious about your safety and health and keeping you gainfully employed at Evergreen.

#### 6. Evergreen's Return to Work Program.

**Introduction:** It is our view that Evergreen employees are our greatest asset. It is our goal to provide the safest work environment possible for staff and we understand that it will take a cooperative effort between management and employees to make this happen. Despite even the best efforts, injuries and illnesses may still occur, so decreasing the impact of the injury both on the employee and the company is important. An effective return to work program is crucial to facilitating this.

**Philosophy:** Evergreen will make every reasonable effort to provide employees the opportunity to maximize their rehabilitation and physical therapy.

**Process:**

- a. Report workplace injuries immediately.
- b. If medical treatment is anticipated Human Resources will provide the injured employee verbally the return to work information to take to their medical provider.
- c. If the employee is unable to deliver this information to the Medical Doctor another Evergreen employee will see that it is delivered.
- d. Management and the employee are both responsible to maintain communication concerning relevant issues.
- e. Evergreen will make every reasonable effort to accommodate the employee's needs for medical treatment and physical therapy.
- f. Evergreen will make every reasonable accommodation for the earliest possible return to work within normal medical practice and consistent with Evergreen's program needs and resources

#### **L. Program/Facility License Compliance**

All employees are required to be in compliance with the terms and conditions of local and state licenses that apply to the programs/facilities where they work.

### **NONDISCRIMINATION**

#### **A. Equal Employment Opportunity**

1. Evergreen will comply with all applicable laws governing equal employment opportunity. This policy extends to all aspects of the employment relationship including, but not limited to recruitment, hiring, placement, training, promotion, transfers, layoff, recall, leave of absence termination, and compensation. No applicant or employee shall be discriminated against, or given preference because of race, creed, religious affiliations, age, national origin, color, handicap, status with regard to public assistance, disability, sexual orientation, gender, gender expression, gender identity, marital status, familial status, sex, chronic illness or infection, political conviction or any other status prohibited by law.
2. Evergreen will comply with the Americans with Disability Act (ADA) of 1990 and reasonable accommodation requirements unless to do so creates an undue burden to Evergreen. Evergreen will additionally comply with Americans with Disability Amendments Act (ADAAA) of January 2009. The ADAAA significantly broadened the coverage of the ADA so that more employees with less severe impairments are protected by the definition of



disability. Employees who require reasonable accommodation should contact their supervisor or the Human Resources Director. Evergreen may request medical documentation of any disability.

3. Pregnancy is not considered a disability. However, in accordance with the Minnesota Women's Economic Security Act (WESA), Evergreen will provide pregnancy-related health accommodations if a woman requests them with or without a health care provider's recommendation. These accommodations include more frequent restroom, food, and water breaks, seating, and limits on lifting over 20 pounds. Additionally, Evergreen employees cannot require a pregnant woman to take leave, accept accommodations, or retaliate against the pregnant woman who makes a request for accommodations.
4. Persons hired are selected solely on the basis of qualifications such as ability, aptitude, experience, education, and commitment to Evergreen's mission.
5. This statement is in accordance with any applicable federal nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims Crime Act (42 U.S.C. § 1064(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § § 12131-34); the Education Amendments of 1972 (20 U.S.C. § § 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. § §6101-07); 28 C.F.R. part 31 (U.S. Department of Justice Regulations – OJJDP Grant Programs); 28 C.F.R. part 42 (U.S. Department of Justice Regulations – Nondiscrimination; Equal Employment Opportunity; Policies and Procedures; Ex. Order 13279 (equal protection of the laws for faith-based and community organizations); and 28 C.F.R. Part 38 (U.S. Department of Justice Regulations- Equal Treatment of Faith-Based Organizations).

## **B. Non-Discrimination Policy**

As a recipient of federal and state grants, Evergreen and all of its programs, do not exclude or deny benefits to, or otherwise discriminate against any person on the basis of age, race, color, national origin, creed, religion, sex, gender, gender expression, gender identity, disability, marital status, familial status, veteran status, status with regard to public assistance, chronic illness or infection, or sexual orientation in admission to, participation in, or receipt of the services and benefits of any of Evergreen's programs and activities or in employment therein, whether carried out by Evergreen directly or through a contractor or any other entity with whom Evergreen arranges to carry out its programs and activities.

This statement is in accordance with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, The Americans with Disabilities Act of 1990, the Federal Fair Housing Act of 1968, 42 U.S.C., section 3601, *Et. Seq.*, and Regulations of the U.S. Department of Health and Human Services issued pursuant to the Acts, the Minnesota Human Rights Act, Statute 363, *Et. Seq.*, Title 45 Code of Federal Regulations Part 80, 84, and 91 and other applicable Federal and State Laws and Regulations.

## **C. Harassment Policies**

### **1. Sexual Harassment**

- a. Sex discrimination and sexual harassment are against the law. It is the policy of Evergreen to abide by the federal and state laws, which prohibit sexual harassment, and to maintain an employment atmosphere free of sexual harassment, intimidation or coercion. The supervisory and management personnel of Evergreen are responsible for

implementing this policy and their success in their jobs depends, in part, on its successful implementation.

- b. Sexual harassment of any employee by any other employee will not be tolerated. If investigation of a complaint of sexual harassment produces evidence that such harassment has occurred, appropriate disciplinary action will be taken.
- c. Sexual harassment includes, but is not limited to:
  - Use of any offensive or demeaning terms, which have sexual connotation.
  - Objectionable physical proximity or physical contact.
  - Any indication expressed or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement depend, or may depend, on the granting of sexual favors to any other employee, supervisor or manager.
  - Any action relating to an employee's job status which is in fact affected by consideration of the granting or refusal of social or sexual favors.
  - The deliberate or careless expression of jokes or remarks of a sexual nature to, or in the presence of, employees or program participants who may find such jokes or remarks offensive.
  - The deliberate or careless distribution of materials such as cartoons, articles, pictures, etc. which have a sexual content, and which are not necessary for our work, to employees or program participants who may find such materials offensive.
- d. Any employee that believes they are being subjected to sexual harassment in any form, or who believes they have witnessed sexual harassment, should contact the Human Resources Director, Executive Director or an Officer of the Board of Directors.
- e. No retaliation of any kind will occur because you have reported an incident of suspected sexual harassment. Employees are encouraged to help keep Evergreen free of harassment.

## **2. Harassment**

- a. Evergreen is committed to providing a work environment that is free of discrimination. Employees at all times should treat other employees respectfully and with dignity.
- b. Harassment based on a person's age, race, color, religion, gender, national origin, disability, creed, marital status, sexual orientation, or status with regard to public assistance is unlawful under federal, state and local laws and will not be tolerated.
- c. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, gender, national origin, age, disability, creed, marital status, sexual orientation, or status with regard to public assistance, or that of relatives, friends or associates and that:
  1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
  2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.
- d. Harassing conduct includes, but is not limited to, the following:
  1. Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts.
  2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or a group.
  3. Unwelcome suggestions regarding, or invitations to, social engagements that imply direct employment consequences.

- e. Any employee who feels they are being subjected to harassing conduct in any form, or who believes they have witnessed harassing conduct, should contact the HR Director, Executive Director or an Officer of the Board of Directors.

Information reported will be revealed only on a need-to-know basis. Evergreen will not condone retaliation against any employee who reports possible harassment or assists with an investigation.

Evergreen has the discretion to apply any sanctions or a combination of sanctions to eliminate any unlawful conduct and remedy the impact of any discrimination or harassment. This may include progressive discipline and/or termination of employment.

## **EMPLOYMENT**

### **A. Recruitment/Hiring**

Evergreen's employment objective is to recruit personnel who have high occupational qualifications, can cooperatively carry out our work, and have the desire and capacity for professional development. Our desire is to fill open positions with qualified applicants who have the ability to work well with their coworkers and are a good fit for the organization. We seek to recruit and attract team members with the following Core Values.

- Compassionate
- Relational
- Team Player
- Solution Oriented
- Assertive
- Reliable
- Takes Ownership
- Authentic

This is the basis of our team approach and weighs heavily in the hiring process along with the prospect's skills, experience, and professional reference recommendations.

Evergreen serves a diverse cultural population and actively searches for employees who reflect this cultural diversity. Evergreen is committed to recruiting, hiring, and retaining staff who are responsive to the diversity of the population we serve.

The following summarizes the major elements of our hiring policies.

- **PREFERENCE FOR INTERNAL CANDIDATES.** Preference is given to internal candidates over external candidates when both are equally qualified. However, internal candidates are not guaranteed the positions for which they apply.

Job openings are posted internally at each site. Evergreen may begin an external search for applicants simultaneously with the job posting.

- **INTERVIEWING.** Applicants will be screened to determine who should become candidates for a job. Job candidates may be interviewed by more than one person, including the position's Supervisor and prospective coworkers.

- REFERENCES. References will be solicited on all candidates to whom job offers may be made, *before* the offers are made.
- HIRING. Although many elements are taken into consideration when hiring a new employee, one of the primary elements is the person's ability to get along well with coworkers and supervisors. Other considerations are the individual's education, skills, experiences, dependability, and a fit with Evergreen's values and mission.

The Executive Director with active input and involvement of the Program Director and Human Resources Director has the final authority for hiring full-time and part-time employees.

### **B. Releasing Job References**

All requests for information about a current, retired, or terminated employee must be transferred to the Human Resource Director, who may disclose to prospective employers **only** the former employee's dates of employment, final job title, and wage (if requested).

Employees who want a letter of recommendation may do so by asking their supervisor and it is up to the supervisor's discretion to provide a letter of recommendation or not.

### **C. Immigration Law Compliance**

1. Evergreen is committed to employing only United State citizens and Aliens who are authorized to work in the United States, and to comply with the Immigration Reform and Control Act of 1986 and Immigration Act of 1990.
2. As a condition of employment, employees must properly complete, sign and date the first section of the Immigration and Naturalization Service Form I-9.
3. Before commencing work, newly rehired employees must also complete the form if they have not previously filed an I-9 with Evergreen, if their previous I-9 is more than three years old, or if their previous I-9 is no longer valid.

### **D. Employment Age Requirement**

1. No one under the age of 21 will be employed in a residential facility as a full-time or part-time employee. A variance from MDH may be requested in certain circumstances for staff under the age 21.
2. Minors may be employed only in accordance with state child labor laws.
3. No one under 16 will be employed in any capacity.

### **E. Background Checks**

Evergreen serves vulnerable youth and adults through its residential and community-based programs. Background checks are conducted on all employees, volunteers, foster grandparents, interns, and some contractors working through these programs. These background checks include but are not limited to:

- The on-line Applicant Background Study NetStudy 2.0 is submitted to the State of Minnesota, Department of Human Services that includes fingerprint and photo I.D. The HR Director will defer to the screening entity to determine whether a candidate passes or is disqualified from providing services.
- A Sexual Contact Inquiry as required by Minnesota State Statute Section 148A.01 et seq.
- The Minnesota Bureau of Criminal Apprehension (BCA) background check. Evergreen uses the BCA website for these checks.

- The U.S. Department of Justice National Sex Offender registry check. Evergreen uses the NSOPW website for these checks.
- Reference checks. All prospective employees are required to submit the names and contact information for at least 3 references with a requirement that at least two be from former supervisors.
- If DHS Licensing or FSYB requires additional background checks in their Rules or Funding Opportunity Announcements, Evergreen will comply.

Continued employment is contingent upon responses to all background checks being satisfactory and/or no disqualification(s) from employment. Additionally, a signed and completed application certifies the information the applicant has provided is true. Employees can be terminated if the information provided is found to be false.

#### **F. Job Descriptions**

Evergreen will maintain a written job description for all staff positions, both paid and volunteer. The Human Resource Director will review each job description and selection criteria at least every two years to ensure that the education and experience requirements are relevant and appropriate to the agency's mission and client needs. In the event new positions are created through expansion or reorganization, written job descriptions will be prepared and then approved by the Human Resource Director and Personnel Committee before filling the position.

A job description should contain the following elements: job title, supervisor, summary of position, duties of the essential and nonessential functions of the position, qualifications (education, experience, other), the physical demands of the position, employment status (exempt or non-exempt, full-time, permanent part-time, or casual part-time), and salary range.

Job descriptions are to be as detailed and explicit as possible. However, employees may occasionally be required to perform related duties not specified in the job description. In the event new major responsibilities or other significant changes occur, the job description should be modified to reflect these changes. Employees are encouraged to inform their supervisor and HR Director when this occurs.

#### **G. Licenses and Certifications**

Employees, whose jobs require professional licenses or certifications, must present documentation of their license, diploma, or certification before employment.

- Employees pay the cost of obtaining their licenses or certifications, and maintaining them in a current status. Employees may request reimbursement for the cost of their license or certification if it is required for their position.
- Employees are responsible to for updating licenses and certifications in a timely manner. Copies of the license or certification must be provided by the employee to the HR Director for inclusion in their personnel file.
- Employees must notify their supervisor and HR Director before the next scheduled workday of any changes in the status of their license or certification, particularly in instances of suspension or inactive status.

#### **H. Orientation Training**

Human Resources will coordinate an orientation for all new staff, volunteers and/or interns on their first day of hire. Portions of the orientation will be facilitated by the employee's immediate

supervisor or coworkers from respective program areas. New staff orientation will introduce the employee to the agency, review the compensation and benefit plans, as well as give a clear outline of the expectations of our staff.

#### About Evergreen

- Mission and Philosophy
- Programs - clients we serve and their needs
- Tour of facility

#### Human Resource Procedures

- Drug test
- Hiring paperwork
- Review of job description
- Introductions to agency staff, face-to-face, and team meetings, etc.
- Payroll/timecard instructions
- Benefits summary

#### Training Required by All Staff

- Personnel Policies & Procedures
- Bloodborne pathogens
- Infection Control
- HIPAA/VOCA/VOWA
- Safety and Incident Reporting
- Fire evacuation and extinguishers
- Emergencies/call list/security systems
- Mandated Reporting/Maltreatment of Minors
- Confidentiality
- Daily routines and structure
- Gender Identity
- Boundaries
- Team model

#### Additional Training Required by Youth Crisis Shelter

- Med log & administration/Teen Screens
- Vulnerability
- Cultural/spiritual accommodations
- Shift priorities
- Phone procedures
- Client needs and behaviors/Trauma Informed Care
- Program Manual/Safety Manual
- De-escalation/working relationally
- Behavior management
- Time outs
- Staff log
- Visitors
- Crisis Counseling
- Case Management
- Intake procedures

- House rules for clients, additional rules for staff
- Nighttime responsibilities
- Bed checks, log, journals
- Updating files and progress notes
- Exit procedure
- Food prep and menu log
- Gang identification
- Group topics

## I. Probationary Period

1. All new employees or current employees who transfer job positions will be required to participate in job orientation and training as provided by the supervisor. This training is developed to enhance your knowledge of Evergreen's philosophy and mission and how the services provided relate to your role responsibilities.
2. All new employees and current employees who transfer job positions or have a significant change in responsibilities or job description shall serve a six-month probationary period beginning the first day of employment in the new position. The probationary period is a time for the supervisor to determine if the employee is a fit for the position, the program, and Evergreen. Employees who do not satisfactorily meet required obligations and/or performance expectations may be dismissed at any time during the probationary period. Evergreen's general practice is that employees should receive notice regarding job duties and performance expectations, as well as areas in need of improvement. Following successful completion of the probationary period, employees will be provided with a written performance evaluation.
3. During this **six-month probationary period**, new full-time employees shall be eligible for benefits with the following limitations:
  - a. Vacation leave shall be accrued but not used during the first **three months** of the probationary period. If employment is terminated during this orientation period, the employee shall be paid for accrued vacation leave.
  - b. Employees are eligible to use earned holiday and sick leave during the probationary period.
  - c. Will not be eligible for pay increases including COLA or step increases.
  - d. Leave of absences without pay shall not be granted except for valid medical reasons. A doctor's letter may be requested for documentation.

## J. Definitions of Employment Status

The Human Resource Director is responsible for applying the definitions and criteria of the Fair Labor Standards Act (FLSA) in determining exempt or non-exempt status. The work week as described below runs from Monday 12:00AM to Sunday 11:59PM. All employees are classified into pay categories:

**Exempt Employees**--Those who are legally exempt from the overtime provisions of FLSA. Exempt employees are paid on a salary basis and salary cannot be reduced because of variations in the quality or quantity of work. Full-time salaried exempt staff will be paid for 80 hours each pay period. In the case of a salaried staff not totaling 80 hours in the pay period, the employee may use accrued vacation, accrued sick, holiday, or flex time as appropriate. Employees who submit time sheets with less than 80 hours documented, may be required to make up the time, or use accrued vacation, accrued sick, or holiday time, depending on the circumstances.

**Full-time Non-exempt Employees**--Those positions defined as non-exempt by the provisions of FLSA must use all flex time within a 40-hour work week. If employees believe they are approaching more than 40 hours for a work week, they will make every effort to obtain prior approval from their

supervisor for overtime. In the event overtime is accrued to meet a client emergency, an overtime form must be signed by the supervisor and employee and attached to the timecard. Employees will be paid time-and-a-half for the hours worked beyond 40 hours in the work week.

**Permanent Part-time Employees**—Permanent part-time employees are typically professional positions. Examples of permanent part-time employees are Mental Health Therapists, Senior Youth & Family Support Specialist, Suicide Prevention Coordinator, etc. These employees are considered non-exempt employees and are covered by the provisions of FLSA. An employee with this status will be paid time-and-a-half for the hours worked beyond 40 hours in the work week. If employees believe they are approaching more than 40 hours for a work week, they will make every effort to obtain prior approval from their supervisor for overtime. In the event overtime is accrued to meet a client emergency, an overtime form must be signed by the supervisor and employee and attached to the timecard.

**Casual Part-time Employees**—Casual Part-time employees are typically not assigned a consistent number of hours per week. Examples of casual part-time employees are part-time Shelter Youth Counselors and Custodial positions. These employees are considered non-exempt employees and are covered by the provisions of FLSA. An employee with this status will be paid time-and-a-half for the hours worked beyond 40 hours in the work week. If employees believe they are approaching more than 40 hours for a work week, they must make every effort to obtain prior approval from their supervisor for overtime. In the event overtime is accrued to meet a client emergency or a supervisor's request, an overtime form must be signed by the supervisor and employee and attached to the timecard.

#### **K. Overtime**

When required, due to the needs of Evergreen clients and residential program staffing requirements, non-exempt employees may need to work overtime. Overtime is actual hours worked in excess of 40 hours in a workweek. Non-exempt employees will be paid time-and-a-half their regular rate of pay for all hours worked over 40 hours. Jury duty, vacation, sick, holiday, funeral leave, and any misc. leave is not considered work time.

If employees believe they are approaching overtime, they must make every effort to obtain prior approval from their supervisor. In the event that overtime is accrued, an overtime form must be signed by the supervisor and employee and attached to the timecard. Overtime that does not receive supervisory approval may become a performance issue and therefore may be subject to discipline.

#### **L. Changes in Employment Status**

1. Transfers/promotions: In-house vacancies may be filled by transferring or promoting currently employed employee.
  - a. Generally, notice of transfer or promotion opportunities will be provided to all employees, and applicants may be invited to interview. Exceptions may include, but are not limited to, situations where the required qualifications are not available in-house or situations in which a promotion is being offered based on job performance. Employees who transfer, or are promoted to a different job position, must comply with Probationary Period guidelines. See "Probationary Period" section for details.
2. Reduction in Hours/Workforce: A reduction in hours or workforce may be caused by discontinued or reduced funding of a program or a change in the financial situation of Evergreen. In the event of reduce hours/layoff of workforce, employees shall be given a minimum of two weeks notice or two weeks severance pay whenever possible at the discretion of the Executive Director.



- a. Reductions in work force and recalls shall be determined by the Executive Director based on the following factors in order of importance:
  - program needs
  - employee performance
  - years of services to Evergreen
- b. Recalls are at the sole discretion of the Executive Director and may be made only to the same position from which an employee was reduced in force.

#### **M. Signed Policy Statements**

Employees must sign policy and procedure statements that acknowledge their receipt of said policies and reviewed and understand the policies. Copies of these are kept in the employee's personnel file.

#### **N. Attendance**

Good attendance is important to staff, supervisors, the agency, and our clients. Good attendance assures that all positions will be staffed on a regular basis, that employees will not be burdened by the effects of absent workers, and supervisors will not have to spend time on excessive rescheduling and working around absent workers.

Evergreen expects that all staff will report to work every day that they are scheduled to work. Each employee is personally responsible to know when they are scheduled to work and should directly communicate to their supervisor at least 24-hours prior to their scheduled time to work when a personal matter will hinder the employee from reporting to work during their scheduled time. If an unforeseen circumstance arises and the employee will be late or will not be able to report to work for the day, the employee must notify their supervisor at least one hour before their shift start time. In the event of an emergency, each situation will be evaluated on a case-by-case basis. An employee will not be considered late until after 15 minutes of the start of their shift time.

Evergreen realizes there are instances which preclude an employee from coming to work; however, employees who are absent excessively for any reason may be subject to the disciplinary process, up to and including termination.

#### **O. No-call / No-show**

Unexcused absences and tardiness seriously disrupt Evergreen's ability to perform its mission and are detrimental to morale. The first instance of a no-call/no-show will result in a verbal warning. The second offense will result in a written warning. The third offense may result in termination of employment with no additional disciplinary steps. Any no-call/no-show lasting three days or more is considered job abandonment and will result in immediate termination of employment.

An employee may request to meet with their supervisor and the agency HR Director if there were extenuating circumstances surrounding a no-call/no-show incident. Extenuating circumstances may be taken into consideration as a reason to allow an employee to continue employment.

An employee will be considered tardy 15 minutes after the start of their shift. Excessive tardiness will result in progressive discipline.

#### **P. Job Abandonment**

1. When an employee fails to report to work for three scheduled work shifts, it will be considered resignation by job abandonment.
2. Walking off the job, leaving the designated job site during scheduled hours, or leaving a shift during scheduled hours without supervisory approval or notification will be considered resignation.

3. Emergency departures of employees due to health/safety/family emergencies should be communicated immediately. If that isn't possible, a text, call or email to the employee's direct supervisor should be sent as soon as the immediate crisis is addressed. Evergreen expects employees to practice timely and clear communication regarding their whereabouts when they are expected to be at work. Sick leave and appointments that take an employee off-site should be communicated very soon after the appointment is scheduled. A supervisor or the HR Director may request a doctor's note.

#### **Q. Hours Worked**

All Evergreen employees are required to document hours worked. Hours worked include: training time, cleaning time, waiting time, or any other time when the employee must be either on the premises of the employer, involved in the performance of duties in connection with his or her employment, or must remain on the premises until work is prepared or available. Employees and employers may not agree to work "off the clock" or donate time to Evergreen. Recording hours inaccurately will result in disciplinary action, and may include termination. Employees are encouraged to proactively identify work tasks that support the organization, including work outside of their assigned job description, if they find themselves in a situation where they have completed all assigned work. This could include supporting the drop in, organization, review of program manuals, or other tasks as needed. Staff should work with their supervisor to identify priorities during any "waiting times".

#### **R. EYS Work Schedules**

Certain EYS staff have the option of working either a standard workweek consisting of Five – 8-hour work days (Monday through Friday) or a modified workweek consisting of Four – 10 hour days (with rotating work days). Staff who are able to work the modified workweek schedule understand that the ability to work this schedule is a benefit of their position at Evergreen. Evergreen offers certain staff this benefit voluntarily, and as such, it may be withdrawn at any time upon reasonable notice to best meet the evolving needs of the organization. Staff also understand that having the benefit of a modified schedule also comes with certain responsibilities and understandings including, but no limited to, the following:

- a. Evergreen holidays consist of 8 hours of paid time off. During weeks that include a paid holiday, staff on a modified workweek will need to plan Holiday weeks accordingly so that the combination of worked time, holiday time, and vacation time (if necessary) equal 40 hours for any given week. Modified workweek staff can accomplish this by either working additional hours during work days in a holiday week, or by using vacation or banked holiday time to make up the difference between holiday hours and worked hours.
- b. When the regularly scheduled day "off" falls on an agency designated holiday, modified work week staff will have the options outlined in the BENEFITS heading of this handbook, section H, paragraph (d).
- c. When requesting vacation, modified workweek staff should be aware that the introduction of the modified schedule benefit has also reduced staff coverage for the agency, particularly on Monday's and Friday's. While supervisors will make every effort to approve vacation requests, modified workers should be aware that there may be times when it is necessary to deny a vacation request. These staff members should also keep in mind that when using vacation time, the combination of worked hours and vacation hours (plus other paid time hours if applicable) must total 40 hours per week.

#### **S. Residential Work Schedules**

Evergreen provides some services on a 24 hours per day, 7 days per week basis. Work hours will be adjusted to meet the needs of clients for services, and employees may be assigned to work a variable daily or weekly schedule. Program Directors, or an employee assigned to scheduling duties, may

assign variable working hours in ways that reflect client and program needs with employee capabilities and interests.

A casual part-time employee, whose work availability changes after starting with Evergreen should inform their supervisor immediately. The Supervisor has the discretion to determine whether the changes will meet the demands of the position and needs of the organization.

#### **T. Sleeping Time as Hours Worked**

If an employee is required to work for 24 hours or more, bona fide meal periods and a bona fide regularly scheduled sleeping schedule of not more than eight hours may be excluded from hours worked. The employer and employee must have a written agreement and the employer will provide adequate sleeping facilities.

The language below describes the employer-employee adequate sleep time and facilities agreement. When possible, the employee will have an uninterrupted sleeping period.

- a. If the employee sleeps more than eight hours, only eight hours will be excluded from hours worked.
- b. If a sleeping period is interrupted, the interruption will be counted as hours worked.
- c. If the employee cannot get a minimum of five hours of sleep, as the result of interruptions, the entire period will be counted as hours worked.
- d. Employees who are attending out of town trainings or conferences are not eligible under this policy.

#### **U. Unexpected Closings**

The Executive Director has the discretionary authority to close the agency or individual sites due to emergency or other unexpected occurrences that pose a threat to health, safety, or well-being of agency clients and staff. In the event the Executive Director is not available, the Human Resources Director will have the authority to close sites.

##### **WEATHER POLICY**

- Should ISD 31 close school due to inclement weather, non-residential program staff are not required to come to work. Non-residential program staff will receive their regular rate of pay for any scheduled hours they were unable to work due to the weather event (up to the limits in paragraph 3). Staff are encouraged to work from home to the extent possible during in climate weather closures to minimize lost productivity to the agency. In addition, the Executive Director shall have discretion to close facilities in the interest of staff safety, health, welfare, etc. The ISD 31 closure rule applies to closures only, not to late starts or early dismissals.
- The Shelter is open 24 hours per day, 7 days per week, regardless of weather. Hourly residential program staff required to be at work during a weather closure will earn 1.5 times their regular rate of pay for hours worked during in climate weather closure/s/ and salaried staff will earn flex time at 1.5 for hours worked during closure. Shelter staff will be notified by management the designated hours that apply to the weather closure. If a residential staff person is unable to make it to work for their regularly scheduled shift during an inclement weather closure, the staff member will receive their regular rate of pay for the scheduled hours they were unable to work due to the weather event.
- The intent and spirit of Evergreen's Weather Policy is to avoid lost paid time or accrued vacation/sick hours in the event of a severe weather closure. Hours related to weather closures cannot be used to result in overtime, or paid hours over and above your scheduled hours. A weather-related closure should not be thought of as a bonus day off,

but rather as the agency not requiring employees to use sick or vacation time to make up for non-worked time during a severe weather event.

## V. Compensation

### 1. Salary Schedule and Range

- a. Employee salaries shall be governed by Evergreen’s approved salary schedule which provides estimated salary ranges for each employment position. The entire salary structure shall be reviewed at least every three years. Actual salaries will be based on available financial resources and existing salary schedules as set by the Board of Directors.
- b. For casual part-time staff who work residential shifts, the pay range starts at \$15.00, with increases after the following periods: 1st 6 months (pending successful completion of the probationary period), 2<sup>nd</sup> 6 months, and then annually (pending a successful annual evaluation) until a staff member reaches a cap of \$17.50/hour. After the first two 6-month pay increases of up to \$1.00 each, the annual increase is in an increment of 50¢.

The increases are contingent upon and earned based on performance as measured by the following benchmarks.

<u>Benchmark</u>	<u>Pay Increase Increment</u>	
	<u>1<sup>st</sup> 6-month</u>	<u>2<sup>nd</sup> 6-month</u>
Attends 50% of weekly Shelter team meetings.	.25	.25
Attends 50% of All-Agency monthly meetings.	.25	.25
Achieves an overall Evaluation rating of fully competent	.25	.25
Achieves an overall rating of very good or excellent	.50	.50

These pay increases are effective Oct. 22, 2012.

### Overnight Shift Differential

For staff working in our residential program(s), there is a \$1.00 per hour “night shift” pay differential for hours worked between 12:00 a.m. and 8:00 a.m. Hourly staff covering a double shift with the discretion of the Shelter director will be reimbursed with a \$75 stipend for the working the extra shift. If the shift is less than 8 hours, the stipend will be pro-rated.

### Weekend Shift Differential

For full-time, non-exempt employees regularly scheduled in our residential program, there is a \$1.00 pay differential per hour beginning 12:00 a.m. Saturday to 11:59 p.m. Sunday.

### 2. Pay Periods/Payroll

- a. Pay Periods: Paychecks shall be issued every two weeks for employees who submit a completed, accurate, signed timecard by the designated time preceding each bi-weekly payroll preparation. All employees shall receive advance notice if this designated time changes.
- b. Employees are required to notify the Human Resources Director of name changes, leave requests, changes in numbers of dependents, and other issues which affect payroll functions as soon as possible, after the change has occurred.
- c. Payroll deductions: Federal and state income taxes and FICA (Social Security), court-ordered deductions will be withheld from each paycheck as required by law. Deductions for employee contribution, if any, may also be withheld from each paycheck. Voluntary

deductions for charitable contributions, annuities, IRAs, cafeteria/flex plan or other qualifying deductions may be withheld upon written authorization of the employee. The Executive Director may authorize other voluntary payroll deductions as authorized by the employee.

- d. Payroll (Advances) Assignments
  1. All payroll advances to employee must be approved in writing by the Executive Director and will be treated as payroll assignments.
  2. Employee advances may not exceed the amount of unpaid wages, accrued vacation, and reimbursements due (other than flex fund reimbursements) as of the date of the advance.
  3. Flex fund negative balances will be deducted from the amount eligible for the advance. Any accrued vacation used to secure the payroll assignment will be frozen until the advance is repaid in full.
  4. Employee advances will be repaid in full no later than 60 days following the date of the advance.
  5. A promissory note will be signed by the employee before funds are borrowed and will outline the dates on which funds will be assigned from the employee's paycheck(s).
- e. In accordance with Minnesota Statutes, no employee of Evergreen will be discharged because their wages are subject to garnishment, execution, or child support withholdings.

### **3. Flex Time for-Exempt Salaried Employees**

- a. All exempt employees will receive salary payment and have work expectations based on the number of hours scheduled to work in a given week. Evergreen expects professional employees to work sufficient hours to complete tasks. Evergreen does not encourage employee to work hours in excess of the regular schedule but does recognize that there are times when an employee must do so in order to meet the needs of the program. A maximum of 24 hours of flex time may be accumulated. Flex time in excess of 24 hours may be approved by the supervisor. An employee must obtain the supervisor's prior approval to take flex time. Any earned flex time should be used as soon as possible but must be used within 30 days of the date it was earned.
- b. The supervisor may postpone the use of the flex leave if determined to be detrimental to the delivery of Evergreen's services. An employee must attempt to use supervisor approved postponed flex time as soon as delivery of agency services allows. Such postponement may not exceed an additional 30 days.
- c. Earned flex time shall not be forfeited if failure to use flex time within the limits is due to supervisor postponement due to the needs of Evergreen.
- d. Flex time, which is accumulated during times when job performance expectations were not met, must be reviewed with the supervisor prior to accumulation or use.
- e. No cash payment shall be made in exchange for flex time accrued without the express approval of the Executive Director.
- f. Upon termination of employment all accrued flex time is forfeited.

### **4. Flex Time for-Full-time Non-Exempt Employees**

- a. All full-time non-exempt employees will only be able to flex time within a work week and will not be able to carry over the hours to the next week.

### **5. Program trips or activities**

- a. Trips longer than 2 days require prior approval from supervisors.
- b. The chaperoning staff should give advance notice to the scheduler in residential programs.

- c. The staff should not put in more than 5 shifts during the week of the trip.

#### **W. Personnel Records**

1. All employee, volunteer, and intern personnel records are regarded as confidential and will be maintained by the Human Resource Director in accordance with applicable Minnesota State and federal laws.
2. Personnel files are the property of Evergreen and access to the information they contain is restricted. Personnel records can be accessed through the Human Resource Director only, and access is limited to the employee's immediate Supervisor or Executive Director, strictly on a need to know basis.
3. With reasonable advance notice, an employee may review certain material contained in their personnel file, but only in Evergreen's administrative office.
4. The contents of Personnel files will not be released to outside sources without proper authorization. The outside source must submit a request for information, with an employee's signature, to Evergreen's Human Resource Director. Upon receipt of a signed authorization, Evergreen will provide the requested information. Responses to Unemployment claims, Worker's Compensation claims, and Court requests are considered proper authorization.
5. Employees have the right to contest the accuracy of information stored in their personnel file upon written request. That written request must be submitted within 14 days of receipt of information and must include identification of the incorrect information and the suggested correction. Employees should be informed within 30 days of Evergreen's disposition of the request. All decisions for correcting information shall be made by the Executive Director. If an employee wants to contest the Executive Director's decision, they should refer to the agencies for Addressing Concern's in the Workplace policy.

#### **X. Exit interview**

Evergreen has a considerable investment in its staff. Therefore, it is of interest to the agency to evaluate the circumstances surrounding separation, whether voluntary or involuntary. Exploring an employee's reasons for resigning, or the factors resulting in termination, enables the agency to better evaluate whether the work environment is conducive to staff satisfaction.

The Human Resource Director may conduct exit interviews, in a private area during the staff member's regular work hours, on the last day of employment or may choose to send an Exit Interview Form to the staff person by mail.

Information shared by the employee will be maintained by the agency, but not included in the employee's personnel file.

The employee has the option of requesting or declining to discuss reasons for separation. Exit interviews are required for separating employees. During the exit interview equipment, passwords, keys, benefit transfer are discussed, and final pay and reimbursement are verified.

#### **BENEFITS**

**A. Professional liability insurance** shall be provided by Evergreen for all employees, volunteers, and interns.

#### **B. Eligibility**

1. Permanent full-time employees are eligible for all Evergreen benefits as determined by the Board of Directors. Permanent part-time employees are eligible for all Evergreen benefits on a pro-rated basis.

2. Pro-rated exempt and non-exempt employees who are below 30 hours per week are not eligible for benefits except for professional liability insurance.
3. Casual part-time employees are not eligible for any of Evergreen's benefits except professional liability insurance.
4. Full-time employees, who are hired to work for a limited period of time in excess of six months, shall be eligible for the same benefits as permanent full-time employees.

### **C. Fringe Benefit Package**

Evergreen provides a cafeteria plan that includes a fringe benefits package (annual amount set by the Board of Directors). All permanent full-time employees who work 35+ hours per week will receive the full cash benefit package. The cash benefit package is prorated for permanent part-time employees consistently working 30-34 hours per week.

1. The cafeteria plan of benefits currently includes the following:
  - a. Group health insurance – available to employees working 40 hours/week.
  - b. Retirement option – available to employees working more than 1,000 hours in a 12-month period.
  - c. Life Insurance: All staff who regularly work 35+ hours/week are eligible. (Flex Plan: All full-time and permanent part-time employees are eligible to participate in the medical flex and daycare flex plans.)
  - d. The ability to “cash out” the cash benefit amount provided by Evergreen after tax.
  - e. AFLAC Options: Cancer Insurance (Classic/Premier), Accident Insurance, Hospital Indemnity, Specified Health Event, and Short-term Disability Insurance.
2. The fringe benefit package for all eligible employees begins on the first day of the month following 30 days of permanent, full-time employment for full-time employees and after 30 days of part-time employment for part-time permanent employees working 20+ hours per week.
3. The Evergreen Board of Directors reviews the Fringe Benefits Package each year during the budgeting process and may make adjustments based on agency budget forecasts for the year.
4. Any amendments to the Fringe Benefits Package must be approved by the Board of Directors.
5. Evergreen pays for a group life policy for full-time employees working 35+ hours a week. The policy has a \$20,000 term life benefits for each eligible employee. Under Evergreen's cafeteria plan, eligible employees have the option to purchase increased life insurance coverage. Eligible employees may also purchase life insurance for spouses and dependents.

### **D. Group Health Insurance Policy Options**

Evergreen will offer a group health insurance plan as part of the section 125 Cafeteria Plan to all full-time employees who regularly work a minimum of 40 hours per week. Employees may pay for domestic partner and/or family coverage if they so choose.

Evergreen will offer a choice of 2 Health plans. One low deductible plan and one plan with a Health Savings Account (HSA). HSA's must be obtained by the employee on their own. Evergreen does not offer HSA accounts. Open enrollment will be offered each year, with coverage effective January 1.

Evergreen's portion of the group health plan premium will be paid out of the Cash Benefits Package provided to staff for purchase of benefits. Staff may use additional funds from the cash benefits package to pay their share of the premium, as well as other salary dollars if needed. All Health Insurance premiums deducted for Evergreen's group health plan are paid for with pre-tax dollars. Employees or their spouse or domestic partner may also write a check to Evergreen to cover health insurance premiums, but this does not represent pre-tax dollars.

## **E. Leave of Absence and Insurance Payments**

1. Employees who take unpaid leave of absences of 32 days or more are responsible for paying insurance premiums while on leave.
2. If an employee chooses not to, or fails to, pay the premium while on leave without pay, they will be dropped from insurance coverage. Upon return to work, the employee may seek to be reinstated to the insurance plan but will be required to follow the insurance company's rules and regulations applying to new employees.

## **F. COBRA**

1. The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986 generally requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end (called "qualifying events"). Examples of qualified events are: termination of the covered employee's employment for any reason other than "gross misconduct", reduction in the hours worked by the covered employee, covered employee's becoming entitled to Medicare, divorce or legal separation of the covered employee, or death of the covered employee.
2. If you are covered by the Agency's group health insurance plan and lose your coverage because of a reduction in your hours of employment or the termination of your employment, whether voluntary or involuntary (except for reasons of gross misconduct on your part), you have the right to choose continuation coverage.
3. If you do **not** choose continuation of coverage, your group health insurance coverage under the plan will end on the last day of the month following your last day of employment.
4. If you choose continuation coverage, you will be provided with coverage that is identical to the coverage provided to similarly situated employees (or their family members). You will be afforded the opportunity to maintain continuation of coverage for up to 36 months, unless you lost group health coverage because of a termination of employment or a reduction in hours. In that case, you will be afforded the opportunity to maintain continuation coverage for 18 months. Coverage may be available for 29 months if you have been qualified as disabled (as defined in the Social Security Act) as of the date you were terminated or experienced a reduction in hours, and if you notified the Plan Administrator within sixty days of such determination (and within the 18-month continuation coverage period).

## **G. Continuation Policy**

Employees who participate in Evergreen's life insurance or AFLAC program coverage plans may choose to continue this coverage after leaving the agency. The employee is responsible for coordinating continued coverage with the insurance company.

## **H. Holidays**

- a. The following shall be paid holidays:
  - New Year's Day
  - President's Day
  - Martin Luther King Day
  - Memorial Day
  - Independence Day
  - Labor Day
  - Veteran's Day



- Thanksgiving Day
  - The day after Thanksgiving
  - Christmas Eve Day
  - Christmas Day
  - Personal Floating Holiday
- b. Full-time Employees: Holiday leave shall be allowed for all employees at the following rates based upon employment status, with the exception noted in item c.
- Full-time permanent employees: 8 hours per holiday. Full-time employees who work at a residential site on one of the 11 holidays (does not include the floating holiday) will earn time and a half and can bank the holiday hours for use at a later date.
- c. Part-time employees who work a shift at a residential site earn double time for Thanksgiving, Christmas Eve, Christmas Day and New Year's Day; and earn time-and-a-half for the remaining seven holidays. In addition to holidays, part-time employees at the residential site who work Easter Sunday will earn time-and-a-half. Holidays at the residential sites are observed on the holiday even if it falls on a Saturday or Sunday.
- d. For EYS staff and Administrative staff who are working a standard five - 8-hour day weekly schedule, the holidays are observed on the agency-designated day. For EYS staff and Administrative staff who are working a modified four-10 hour day weekly schedule, if a holiday falls on a day that would normally have been an off-day, that staff member may choose to bank the holiday hours, up to the banked holiday maximum, or they may choose to take the holiday off-day and corresponding 8 holiday hours on the regular work day which falls nearest to the holiday on the normal off-day.
- e. Employees are encouraged to take their vacation and holiday time.
- f. Holiday leave may accrue up to a maximum of 32 hours for full-time employees. Any holiday leave accumulated over and above the maximum shall be forfeited. Approval for banking over 32 hours maybe granted by the Program Director and Executive Director in certain circumstances.

**I. Vacation Leave**

- a. Vacation leave shall be accrued as follows for all full-time employees and permanent part-time employees (pro-rated based on hours worked), unless otherwise negotiated at hire:

<u>Full Yrs. of Full-time Employment</u>	<u>Hours/Mo. Earned</u>	<u>Annual Accrual Hours</u>
0-2	8	96
2-4	10	120
4-8	12	144
8-10	14	168
10+	16	192

- b. Vacation leave may accrue up to a maximum of 160 hours. Any vacation leave earned over and above the maximum allowed shall be forfeited.
- c. No cash payment shall be made in lieu of taking vacation time off, except as provided for terminating employees and approval from the Executive Director and Board of Directors. Upon termination, an employee shall be paid for up to 160 hours of accrued vacation leave.

**J. Sick Leave**

- a. Sick leave shall accrue at the rate of eight hours per month starting with the first pay day of the year and ending with the last pay day of the year. All full-time employees and permanent part-time employees are eligible to accrue sick leave. Sick leave for permanent part-time employees will be pro-rated based on hours worked in a work week. Full-time employees that do not work a minimum of 70 hours in a pay period will also have their

- sick leave pro-rated as necessary, unless approved by the Executive Director.
- b. No cash payment shall be made in exchange for sick leave accrued. Upon termination of employment all accrued sick leave is forfeited.
  - c. Employees shall give notification prior to the start of a work shift to the supervisor when intending to use sick leave. The supervisor shall have the discretion to approve sick leave in unforeseen situations as long as the employee provides notification as soon as possible.
  - d. Sick leave may be taken for the following reasons:
    - personal illness
    - illness of partner or children
    - medical or dental appointments of self, spouse, or children
    - exposure to contagious disease which places other employees, program participants in danger
    - mental health (up to four days per calendar year and must have prior approval of supervisor)
    - care of sick parents where the employee is the primary caregiver and must have approval of the Executive Director
  - e. Employees accrue sick leave only two pay periods of each month.
  - f. A physician's statement verifying a sickness may be requested by the Human Resources Director.
  - g. Sick leave for all employees will be capped at 320 hours. Once an employee reaches that level, they cannot earn any additional sick leave hours until such time accrued leave falls below the 320 cap.
  - h. Incentive Program: Any full-time employee who has worked for at least 11 months during a calendar year and who used 32 hours or less of sick leave between the first day of the calendar year thru the last pay period of the calendar year will earn 16 additional vacation hours. Evergreen will allow employees who are capped in vacation to accrue the 16 hours, if eligible, as holiday or flex time so long as no holiday or flex time caps are exceeded per the Policies & Procedures limits. If caps would be exceeded, the extra bonus hours will be forfeited. Employees who take an unpaid personal leave of absence during the year are not eligible for this incentive.
  - i. Effective January 1, 2024, Casual Part-time employees will earn 1 hour of Sick and Safe Paid Time-Off (PTO) for every 30 hours worked. They are eligible after their first 80 hours worked. The hours earned will be carried over each calendar year. Employees can accrue up to 48 hours during a calendar year and will be capped at 160 hours. Once an employee reaches that level, they cannot earn any additional hours until such time accrued leave falls below the 160 hours cap. Upon termination of employment, Evergreen will pay out up to 40 hours when they leave. If an employee moves from Part-time to Full-time status, the hours accrued would convert to FT Sick Leave. If a Full-time employee moves to Part-time, they would be paid out any accrued vacation hours and sick balance would convert to PT PTO up to 48 hours. This leave is designed for the physical or emotional health of the employee or caring for a 1<sup>st</sup> degree "family" members such as a parent, sibling, spouse, a non-family member who lives with you or child/dependent. PTO may be used for any reason; however, 2 weeks' notice is expected be given for any non-emergency use, such as a vacation. Evergreen reserves the right to identify a reasonable number of days where time off restrictions might be in place or to limit how many people may request paid time off for non-emergency reasons on any specific day. Current PT staff hired before 1/1/2024 and have worked more than 80 hours will be eligible to earn PTO with the first pay period in 2024.

### **K. Medical Leave**

1. A medical leave of absence without pay may be granted for personal, physical or mental illness, maternity, injury, or chemical dependency treatment, if such request is accompanied by a mental or physical health professional's written statement documenting the inability of the employee to work.
2. The employee shall submit a written request for a medical leave of absence to the Human Resources Director and supervisor at the earliest possible date. This request must outline the dates and reason for the leave of absence.
3. All accrued sick and holiday leave must be used prior to beginning an unpaid leave of absence.
4. Employees shall have the option of using all or some accrued vacation leave prior to beginning the unpaid leave.
5. The Executive Director may deny a medical leave of absence request upon a showing of good cause that would be detrimental to Evergreen.
6. A medical leave of absence shall be without pay and shall not exceed one year.
7. Evergreen will comply with relevant state and federal regulations related to family and medical leave.

### **L. Nursing Mothers**

Evergreen will provide reasonable unpaid break time for nursing mothers to express breast milk for their children. There will be a lockable private room, other than a bathroom, with an electrical outlet, for such purposes.

### **M. Parental Leave**

1. A parental leave without pay may be granted for a period of up to 12 weeks for full and part-time permanent employees from the day of birth of child or day of arrival of adopted child.
2. For mothers taking a medical leave due to childbirth, a parental leave shall be served at the same time.
3. Evergreen will follow state and federal regulation regarding parental leave.

### **N. Funeral Leave**

1. Employees may be granted a maximum of five days off with pay in the event of the death of a spouse, partner, or child.
2. A maximum of three days off with pay may be granted in the event of the death of an employee's parent, sibling, grandparent, mother or father-in-law.

### **O. Jury Duty Leave**

If a full-time employee is required to serve on jury duty, they shall be paid their normal salary or wage for actual time spent on jury duty (documentation may be required). Jury duty is not considered "worked" time, hours will be used to make a full 40-hour work week if needed and overtime would not apply if using jury duty hours. If staff are not scheduled to work on assigned jury duty day/s this policy would not apply.

### **P. Voting Time**

Evergreen assumes in our rural area that it will take approximately one hour to vote. However, in compliance with Minnesota law, we will give you the amount of time needed even if it exceeds one hour due to long lines or other factors. You will be paid for the time you spend voting. Please discuss with your supervisor a time that is appropriate for you to vote, that will create minimal disruptions in service delivery and or shift coverage. If it takes longer than one hour, please inform your supervisor. Supervisors will be flexible in allowing staff the right to vote between 8:00 a.m. and 5:00 p.m. (i.e. will make every effort to not require staff to vote extremely early or

extremely late in the day). The goal is for everyone to vote within a timeframe that ensures that they will be able to cast their ballot(s).

**Q. Military Leave**

Evergreen will abide by all federal and state laws regarding leave for military service.

**R. Personal Leave of Absence/Requested Reduction of Hours**

1. The Executive Director may grant a personal leave of absence/requested reduction of hours without pay for matters of personal importance or necessity. Employees should first discuss the issue with their immediate supervisor to determine how a leave will impact program services.
2. The employee shall submit a written request to Evergreen's Human Resources Director outlining the dates and reason for the leave without pay. The employee should attach a brief written letter from their immediate supervisor regarding how the leave will affect program and client needs.
3. The Executive Director may deny a personal leave of absence request or requested reduction of hours. Importance of the request, workload and staffing needs, and the employee's length of employment and performance shall be considered.
4. A personal leave of absence is an unpaid leave. No vacation, sick, or holiday hours will be accrued during this time or will be pro-rated if hours paid are between 20 and 35 hours per week. Employees are not eligible for Evergreen's benefits package during this leave of absence or if employee drops below 20 hours per week. Further, an employee will be responsible for paying for payroll deductions and insurance premiums during this time.
5. All accrued holiday and vacation leave shall be used prior to beginning an unpaid personal leave.
6. No personal leave of absence shall be granted for employees to engage in or seek other employment.
7. A personal leave of absence normally shall not exceed four weeks.

**S. School Leave**

Evergreen will grant unpaid leave of up to 16 hours during any 12-month period to enable a parent to attend the special education, pre-school or school conferences or school-related activities of their children or foster children if those conferences or activities cannot be scheduled during nonworking hours. While employees will not be paid for school leave, they may use accrued paid vacation leave, holiday, flex or other appropriate leave for this purpose. Where the need for school leave is foreseeable, the employee must give the employer reasonable prior notice and must make a reasonable effort to schedule the leave so as not to unduly disrupt operations.

**T. Educational Leave**

- a. The Executive Director and Board of Directors will consider an unpaid educational leave of absence.
- b. An employee shall submit a written request to the Executive Director outlining the following:
  - purpose and how long it will take to complete the program
  - expected impact on the employee's performance upon completion
  - benefits to Evergreen
- c. All accrued holiday and vacation leave shall be used prior to beginning an unpaid educational leave.
- d. The Executive Director shall consider the importance or necessity of the request, workload and staffing needs, and the employee's length of employment and job performance before granting or denying a request.

- e. The Board of Directors must approve any educational leave and can only guarantee the return to employment at the next available comparable position within 6 months of the end of the educational leave.
- f. An educational leave of absence normally may not exceed one year.
- g. Requests of more than one year must be approved by the Board of Directors.

#### **U. Donated Leave**

- 1. Evergreen allows individual employees to donate and/or be the recipient of donated leave time. The following are guidelines to be used, with the understanding that these are only guidelines and Evergreen has the right to deviate depending on specific situations.
- 2. Definitions:
  - i. Donating employee: Any full or permanent part-time employee that receives holiday and vacation leave benefits wishing to donate hours to a recipient employee.
  - ii. Recipient employee: Any full or permanent part-time employee that receives holiday and vacation leave benefits that needs additional leave hours for the purpose stated below.
  - iii. Earned vacation and holiday hours may be donated on a voluntary basis to full or part-time employees because of serious medical illness or injury. This extends to immediate family members including an employee's partner, child, or parent.
- 3. On a case-by-case basis, the Personnel Committee of the Board of Directors and the Executive Director will determine if an employee may receive donated leave hours and how many hours they may receive (if applicable).
- 4. Any donating employee can contribute accrued holiday or vacation hours to another employee.
- 5. An employee may donate up to a maximum of 40 hours of vacation or holiday leave per calendar year so long as the donor maintains a balance of 40 vacation hours. In a special situation the Executive Director has the authority to grant permission to the donor employee to give additional hours within the calendar year – so long as the donor maintains a balance of 40 vacation hours.
- 6. Donated leave will only be used as needed for a recipient to make 80 hours for Payroll.
- 7. A recipient employee must use all accrued flex, sick, holiday and vacation leave hours prior to accessing donated leave hours.
- 8. When the Executive Director or Program Coordinators are approached by an employee or employees wishing to donate leave hours to another employee, they will discuss the situation with the appropriate supervisor (if applicable) to assess the request.
- 9. After it is determined that all other accrued leave hours have been exhausted or will be in the near future, the Director will confer with the Personnel Committee of the Board of Directors (individually or as a group) to decide on whether to approve donated leave hours or not to a recipient employee.

#### **V. Working from Home**

- 1. Direct service staff requesting working from home arrangements must be employed by Evergreen for a minimum of 6 months of continuous, regular employment and must have a satisfactory performance review. Working from home arrangements must be approved by you supervisor for circumstances such as illness, inclement weather, special projects, business travel or due to other unexpected situations. These arrangements are approved by supervisors on an as-needed basis, with no expectation of ongoing continuance.
- 2. Staff working from home with approval from supervisor will be asked to keep a detailed log of all work performed. When returning to work, the supervisor must approve the hours and work done before timecards are submitted to payroll.

3. Employees working from home shall be consistent with Evergreen's expectations of information security for employees working at the office. While working from home, employees will be expected to ensure the protection of proprietary company and client information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and other measures appropriate for the job and the environment. Telephone conversations should be held in a private room so no one can hear the conversation. Employees may not use personal computers to access Evergreen's server or databases.
4. All original HIPAA compliant files must be maintained on site and shall not be removed from the premises of Evergreen Youth & Family Services. Employees shall only be working from electronic files while working remotely.
5. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate. All arrangements are made on a case-by-case basis, focusing first on the needs of the organization.

## **W. Professional Development**

Evergreen approaches the objective of meeting client needs through an interdisciplinary knowledge base, focusing on prevention as well as remediation of barriers, to maintain a commitment to improve the overall quality of life for the clients we serve. As such, we are committed to providing access to a wide array of professional trainings including, but not limited to: grant required trainings, skills development, best practices in our field, proficiency in Microsoft Office, and time management/proficiency skills.

### **Membership in Professional Organizations**

Evergreen offers an array of memberships that allow staff to attain free training and the ability to network and collaborate. Individual or agency memberships may be obtained which will allow approved staff to attend meetings, conferences, and seminars. Supervisor approval of all memberships must be obtained in advance in order to be eligible for reimbursement.

### **Training**

All employees, interns, and volunteers who provide services to agency clients must make every effort to attend all agency trainings and team meetings.

### **Seminars and Conferences**

Trainings are designed to provide employees with the skills, training, and experience necessary for their continued development. Training will be subject to these conditions:

1. Attendance at conferences, educational meetings, seminars, etc. must have prior approval of the supervisor and Executive Director (as necessary).
2. Each full-time employee may be permitted to attend conferences as funds permit, including registration and reimbursement for lodging, meals, and travel. The employee will request attendance at such conference by submitting an estimated cost to their supervisor, who will determine the value of the conference, amount of time lost from duties, and cost. If the supervisor finds appropriate value in the training, they will then submit the request to the Operations/Finance Director.
3. After attending, the employee should report on the information presented. A copy of the certificate of attendance must be given to Human Resource Director for employee's personnel files. Employees may be required to reimburse the agency for time, cost of training or conference, and travel costs if the employee fails to provide verification of attendance.

4. Employees who have submitted resignation notice are not eligible to participate in paid trainings.

## **X. Expense Reimbursements**

1. Upon submission of receipts, employees shall be reimbursed for pre-authorized expenditures while performing the functions of their job with Evergreen.
2. Cell Phone reimbursement:
  1. If approved by an employee's supervisor, employees shall be reimbursed \$25.00 per month for using their personal cell phone for work related purposes.
  2. Employees **must** use a privacy app that blocks the employee's cell phone number to contact clients.
  3. An expense request, along with a copy of the confirmation of payment is required for reimbursement. Only one reimbursement is allowed per month.
3. Travel Expenses
  - a. Employees shall be reimbursed for mileage, lodging, and per diem expenses for pre-approved trips at a rate approved by the Board of Directors.
  - b. Employees will be considered to be on the clock when traveling to and from training or conferences. This includes unavoidable layovers.
  - c. An expense voucher with itemized receipts and a copy of meeting or training documentation is required for reimbursement. Alcoholic beverages will not be reimbursed. Straight per diem reimbursement will not require itemized receipts.
  - d. A travel advance may be provided to employees for mileage and per diem expenses at a rate approved by the Board of Directors.
    - Employees shall receive a check payable to the hotel/motel for lodging accommodations or lodging will be pre-paid for on an agency credit card.
    - Receipt(s) must be returned for all lodging expenditures. Failure to do so may be cause for requesting an employee to reimburse Evergreen.
  - e. Job related mileage shall be reimbursed at the end of each month upon submission of a signed Travel Expense Report.
4. Program expenses
  - a. Employees incurring expenses related to program activities shall be reimbursed upon submission of a signed expense voucher and itemized receipt(s) during the subsequent pay period.
  - b. Said expenditures must have approval to be reimbursed. Failure to provide itemized receipts shall be cause for requesting an employee to reimburse Evergreen.
  - c. Expenditures of less than \$15.00 may be reimbursed through Evergreen petty cash fund.
5. Employee Expense Reimbursements  
Employees who have received an expense reimbursement will need to cash their check promptly. The accounting department will notify the employee at 60 days if their check is still outstanding. All outstanding employee reimbursements checks will be voided after 90 days. If a check is lost or destroyed, and a stop-payment needs to be placed on the check, the employee will be charged the bank offset fee at that time. .
6. Sales Tax  
Sales tax may not be refunded to employees who purchase items at vendors that Evergreen has a charge account. Employees who do not want to pay for sales tax from vendors, not listed on the charge account list, must work with the finance department to obtain the necessary tax-exempt documentation to have at time of purchase.

## **Y. Receipts for Charges and Cash Advances**

Employees are responsible for checks to cover advances on program expenses, as well as for receipts for agency charge accounts. If receipts and required documentation are not turned in the employee who made the charge will be responsible for obtaining copies of the receipts and client signatures within the month of the charge they will be responsible for reimbursing the agency.

## **Z. Agency Credit Card Use**

Employees should use vendor charge accounts at established vendors to make purchases. If staff hold a position that is issued an agency credit card in their name for their program, they are responsible for all charges to the card. Expenses must be approved by their supervisor. Staff must turn in receipts attached to a signed Purchase Confirmation Form with an explanation of all charges and the number of youth and staff or group facilitators served (when applicable).

If staff plan to use the credit card to pay for expenses for out-of-town trips, they must review expenses in advance with their supervisor. Alcoholic beverages should not be charged to an agency credit card. Trips with anticipated costs of more than \$500 need to be pre-approved by the Executive Director in advance of departure. All trip expenses should be discussed with the supervisor and the supervisor will bring the approval request to the Executive Director.

## **AA. Retirement Savings Plan**

Evergreen provides a 401(k) Retirement Savings Plan (the Plan) to help employees accumulate financial resources for retirement.

### **a. Eligibility**

- i. Employees become eligible to make Elective Deferral Contributions and receive Matching Contributions on the first day of the calendar month, coincident with or next following the date of age 18 and completion of 83.3 Hours of Service in a 1-month period, provided you are an Eligible Employee at the end of that period. If the service requirement is not met in the first consecutive period of months, employees will also be eligible for the Plan if completed one Year of Eligibility Service, provided they are an Eligible Employee at the end of that period.
- ii. "Year of Eligibility Service" means an Eligibility Computation Period during which at least 1,000 hours of service are completed. "Eligibility Computation Period" means a 12-consecutive month period beginning with first day of employment. Any succeeding Eligibility Computation Period will then switch to the Plan Year, beginning with the Plan Year that includes first anniversary of employment. All eligibility service with Evergreen is taken into account.
- iii. After new employee enrollment, all employees can enroll any time during the year. Prior to eligibility, the employee will be given the Plan's summary plan description for review and all necessary forms to complete to participate in the Plan.
- iv. Credited service will be given for the entire period of any of the following leaves of absence:
  - A personal leave of absence without pay that does not exceed 90 calendar days
  - Leave of absence for military service
  - Leave of absence Medical Leave



- v. Termination - Employees who terminate employment and are not rehired within 30 days will lose their credited service, except as relates to qualified benefits plans in which the employee was vested. After notice of termination, employees will not receive any match contributions from Evergreen for any additional wages paid after resignation date.
  - vi. Employees will also lose their credited service if they fail to be reinstated from a leave of absence in accordance with the provisions of the applicable leave of absence law(s) and policies.
- b. **Vesting Schedule** - Matching Contributions will vest based on Years of Vesting Service according to a 1-4 year graded vesting schedule (25% per year starting with one year of vesting service).

<u>Years of Vesting Service</u>	<u>Vesting Percentage</u>
Less than One Year	0%
One Year but less than Two Years	25%
Two Years but less than Three Years	50%
Three Years but less than Four Years	75%
Four or More Years	100%

- c. **Employee Contributions** - Subject to statutory limits on tax deductibility, the Plan allows employees to elect how much of their salary they want to contribute to the Plan and to direct the investment of their funds into professionally managed investment funds. An employee is fully vested in his or her own contributions and entitled to those contributions upon termination of employment regardless of the length of employment. The company may, but is not required under the Plan, to make a matching contribution to employees' contributions at plan year-end. At the end of four years of employment, an employee is fully vested in the company's matching contributions.
- d. **Evergreen Matching Contributions** - Evergreen may, in its sole discretion, make a Matching Contribution in an amount determined on an annual basis.
- e. **Plan Termination** - Evergreen Youth & Family Services, Inc. reserves the right to terminate the Plan at any time.

## PERFORMANCE AND DISCIPLINE

### A. Performance Evaluations

- a. Evergreen shall maintain a performance appraisal system which provides timely and clear information to the employee regarding job performance and specified areas where improvement is needed.
- b. Appraisals shall be conducted at the completion of the probationary period for all new employees and current employees in new positions. Formal written appraisals shall occur annually thereafter, with informal appraisal occurring periodically as needed.
- c. All employees must be given the opportunity to review and have a copy of their performance evaluation. Employees are encouraged to include written comments on the review within 5 working days. Employees who disagree with appraisals are encouraged to discuss areas of disagreement with their supervisor or the Human Resource Director. Employees must sign and date their appraisal after all comments have been included.

- d. Performance appraisals become a permanent part of the employees personnel file. This information will be held strictly confidential and may only be released to a third party with the prior approval of the employee.

## **B. Corrective Action Policy**

1. Under normal circumstances, Evergreen endorses a policy of progressive discipline. Reasonable attempts will be made to work with employees when behavior does not meet the expectations of the organization. Examples of progressive discipline may include verbal discussion, a written warning, suspension, behavioral contracts, and finally, termination.
2. Suspension. An employee may be placed on involuntary, temporary unpaid absence from work under the following conditions:
  - when previously discussed and documented unacceptable behavior continues
  - when an employee commits a serious infraction of agency rules, procedures, policies, standards, or team decisions made regarding specific clients which requires immediate action
  - when an employee is under investigation for a matter affecting child health or safety
  - when an employee engages in dishonesty in the performance of job duties
  - when an employee engages in unprofessional or unethical behavior
  - when an employee engages in violent acts, verbal or physical, or potentially harmful acts against persons or property

Our general practice is that the employee is to receive a written statement indicating reasons for the suspension, length of suspension, and an outline of further disciplinary action should the behavior continue. An employee who is placed on suspension will not accrue vacation, holiday, or sick time. If a suspension is subsequently reversed, all benefits will accrue. When possible, the employee shall sign the statement and it shall be placed in their personnel file. The maximum period of suspension shall be 10 working days.

### **3. Termination**

If all previous attempts to obtain employee compliance to acceptable standards of behavior fail, and /or the action is of a serious magnitude, an employee may be terminated from employment with Evergreen.

### **4. Grounds for Immediate Termination**

An employee may be terminated immediately, without progressive steps, under extreme circumstances. Evidence of, but not limited to, the following shall be just cause for immediate termination:

- willful misconduct or insubordination, which is defined as the unwillingness to carry out a directive from a supervisor or Evergreen's Executive Director and/or disrespectful behavior toward a supervisor or Evergreen's Executive Director
- serious violation (s) of agency policies, rules, procedures, standards, or team decisions
- dishonesty in the performance of duties
- theft of Evergreen's or client property or funds
- unprofessional or unethical behavior
- committing violent acts, verbal or physical, or potentially harmful acts against persons or property
- conduct on or off the job which may harm Evergreen's reputation

### C. Resignation/Termination

- a. An employee may be laid off, position reclassified or employment terminated when funding for a program or project is discontinued and/or reduced and other funding is not secured by Evergreen. The Executive Director shall make the decision to layoff or reclassify positions. Additionally, the Executive Director has the authority to terminate employees.
- b. All employees are recommended to submit, to HR or appropriate supervisor, a written three (3) weeks notice when terminating employment with Evergreen. At a minimum, two (2) weeks notice is encouraged.
- c. An employee who has submitted a resignation notice or has been given notice of termination, may not participate in training or take mental health days unless approved by the Executive Director.
- d. An employee who has submitted a resignation notice or takes a leave of absence will accrue new vacation, sick, or holiday time up until their last day of work.
- e. Employee absences without notification to the supervisor for three consecutive workdays will be considered as a resignation notice by the employee.

### D. Final Pay

Employees who leave the agency for any reason will receive all pay due to them, with the following restrictions:

1. An employee who resigns, in accordance with our resignation and termination policy, will be paid for their unpaid hours and unused vacation hours not to exceed 160 hours. Employees will receive their final paycheck direct deposited on the next pay period, not to exceed 20 days.
2. An employee who is laid off or terminated may be paid for their unpaid hours and unused vacation, not to exceed 160 hours, within 24 hours upon request.

### E. Addressing Concerns in the Workplace

**Purpose:** Evergreen's Communication of Concerns Process is intended to promote a healthy and functional work environment for clients, staff, volunteers, agency partners, and visitors. Our goal is to promote direct, respectful communication at the earliest possible indication of concerns or problems. Early reporting and intervention have proven to be the most effective method of resolving concerns.

Concerns that should be addressed at the one on one or supervisor level include issues such as: personality conflicts, performance evaluation or performance improvement plan disagreements, co-worker disputes, shift coverage disagreements in residential sites, work hours disputes at the non-residential sites, questions about job descriptions, issues regarding employee compensation, fringe benefits, or vacation/sick/holiday/ flex time, etc.

Use of the Agency's Concerns Process is not a substitute for open and direct communication. When possible, Evergreen encourages individuals who believe they are being subjected to unwelcome conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. Evergreen recognizes, however, that an individual may need the assistance of a supervisor or the agency's Human Resources Director to resolve some issues, and these individuals should be used to help employees address concerns. **Exceptions:** *If the concern involves actions or behavior of the Human Resources Director, please contact the Executive Director. If the Human Resources Director has concerns about the Executive Director, they should contact the Board Chair.* Please follow process for all levels of concern(s).

## **Steps to Resolve Concerns include:**

**Step 1:** If an employee has a concern or issue with a co-worker or supervisor, the first step is to talk directly with that person to try to work out differences on an informal basis. Employees are highly encouraged to do this at the first opportunity (or within five days) following the precipitating incident. To delay past this time period seriously compromises the potential for a speedy and effective resolution to the problem.

### **Step 2: Go through Established Reporting Channels to Request Help if needed.**

If it is deemed too sensitive or too difficult to discuss directly with a co-worker or supervisor, please contact the Human Resources Director for assistance within five days of the precipitating incident. The Human Resources Director (or Executive Director or Board Chair) may request a meeting with you and your co-worker or supervisor. The Human Resources Director (or Executive Director or Board Chair) may also determine that the employee's concern is serious enough to warrant a formal investigation as outlined in Step 3.

**Step 3:** An employee shall put the concern in writing, stating the nature of the problem and the remedy requested to their immediate supervisor and the Human Resources Director within 5 days following the Step 2 final resolution. Resolutions determined during Step 3 are final. Please use the Employee Concern Form on the agency's shared drive under All-staff/Agency Forms.

## **F. Workplace Conduct Investigation Policy**

**Purpose:** The purpose of this policy is to provide guidance for conducting internal investigations of employee complaints or alleged unlawful discrimination, harassment and other violations of company policies, rules and standards of conduct, as well as client complaints or concerns. Evergreen is committed to ensuring that all company-initiated investigations are conducted in a fair, impartial, thorough, thoughtful manner and in compliance with all applicable laws.

**Procedures:** When the agency receives a complaint or other information indicating a possible violation of law or an Evergreen policy, it should be directed to the Human Resources Director or Executive Director. All concerns requiring an investigation will be reported to the Executive Director and the Human Resources Director will investigate.

**Responsibility:** Evergreen will promptly initiate an appropriate investigation into any possible violations of client or employee rights, law, and/or Evergreen's policies. The Human Resources Director has primary responsibility for investigating complaints relating to employee misconduct. If the report is about the Human Resources Director, the Executive Director is responsible for ensuring that the investigation is properly conducted.

**Exceptions:** *If the complaint involves actions or behavior of the Human Resources Director, please contact the Executive Director to complete the investigation. If the complaint is about the Executive Director's behavior, the Human Resources Director will bring it to the Board Chair, who will lead the investigation. In such cases, the Human Resources Director will follow the instructions relating to the process of the investigation.*

**Situations to be investigated:** The following list, while not all-inclusive, provides examples of the types of situations that Evergreen will investigate:

- Alleged conduct that potentially deprives an employee or clients of rights because of race, color, religion, sex, sexual orientation, national origin, age, disability, marital status or other characteristics protected by law.

- Alleged verbal or physical conduct that potentially denigrates or shows hostile feelings toward any individual because of race, color, religion, sex, sexual orientation, national origin, age, disability, marital status or other characteristics protected by law. This includes conduct that has the purpose or effect of any of the following:
  - Creating an intimidating, hostile or offensive work environment.
  - Unreasonably interfering with an employee’s work performance.
- Alleged conduct or intentional behavior that potentially violates Evergreen’s policies or affects the safety or well-being of co-workers, visitors, operations or other Evergreen-related activities. Such conduct includes threatening communication, physical injury or potential physical harm to another, aggressive or hostile action, intentional damage to agency property, and possession of any weapon, regardless of government licensing.
- Claims relating to unfair labor practices.
- Conduct that violates Evergreen rules, policies or professional standards of conduct or the law.

**Confidentiality:** The investigator will inform the complainant(s) that Evergreen initiated an investigation and it will be handled on a need-to-know basis. However, if the investigation results lead to personnel action or legal action, there is a potential that disclosure of the information may occur during the process.

**Retaliation:** Evergreen prohibits retaliation including making threatening communication by verbal, written or electronic means against any individual who reports or provides any information concerning unlawful discrimination, harassment or other violations of agency policies, rules and standards of conduct. Any employee found to be engaging in retaliation will be subject to disciplinary action up to and including termination.

**Risk assessment:** The investigator(s) will make a reasonable effort to ensure that the Complainant(s) or person(s) providing information during an investigation are not exposed to any threats of violence, intimidation or personal risk. If any such situations are identified or have occurred, Evergreen will proceed with the appropriate response, as advised by the Human Resources Director, Executive Director, Board Chair, or other professionals. Any Evergreen employee found to have engaged in threatening behavior will be subject to disciplinary action up to and including termination, in accordance with Evergreen’s Violence in the Workplace Policy.

**Investigation Timeline:** Evergreen will make all reasonable efforts to initiate an investigation into the allegation(s) and conclude the investigation in a timely fashion, as appropriate to the circumstances. Unless there are unforeseen circumstances, investigations should be initiated within 5 business days and completed within 15 business days.

The following steps should be undertaken as appropriate for the particular investigation:

1. Obtain verbal and written statements from all parties involved, including the Complainant and accused. Secure all publicly available reports from police or other agencies concerning the reporting (*if applicable*).
2. Take photographs/video of any injury or damage (*if applicable*).
3. Preserve all evidence and secure the evidence in a locked location. Document all evidence obtained.
4. Determine if there is a potential for risk re-occurrence. If there is a potential risk, the investigator should take all measures appropriate to protect employees, visitors and Evergreen.
5. Complete an investigation report and provide all relevant and necessary information. The complete report will include the findings of the report.

**Documentation of findings:** Based on the investigation, the investigator(s) should determine whether the allegation(s) were founded, unfounded or inconclusive. This determination should be documented in writing and made part of the investigative report. The determinations are as follows:

- **Violation found.** Where a violation of agency policies, workplace rules or law is found to have occurred, the accused should be notified of the finding and of the specific corrective actions to be taken. The accused employee's supervisor will also be notified if appropriate. No details about the nature or extent of disciplinary or corrective actions will be disclosed to the complainant(s) or witness(es) unless there is a compelling reason to do so (i.e.: personal safety).
- **No violation found.** In this situation, the complainant and the accused should be notified that Evergreen investigated the allegation(s) and did not find sufficient evidence to support the claim.
- **Inconclusive investigation.** In some cases, the evidence may not conclusively indicate whether the allegation(s) was founded or unfounded. If such a situation occurs, the notification to the complainant and the accused should state that Evergreen completed a thorough investigation but has been unable to establish the accuracy or veracity of the allegation(s). This will be considered a ruling in the accused employee's favor. Evergreen will take appropriate steps to ensure that the persons involved understand the requirements of Evergreen's policies and applicable law, and that Evergreen will monitor the situation to ensure compliance in the future.

**Retention of investigative records:** The Human Resources Director will retain records for the greater of a period of five years or the minimum retention period required by law.

Complaints will be reported to the Human Resources Director and will all be followed by a thorough investigation. It is essential that the investigation be conducted in a timely manner. In order to do this:

- The investigator should not prejudge the complaint before conducting a thorough investigation, should keep the entire matter as confidential as possible under the circumstances, and should take great care not to assume of guilt or defame (wrongly accuse) the accused or any other individual in the process of conducting the investigation.
- Within the first 5 business days, the investigator will receive all of the details of the complaint (who, what, when, where, witnesses) and will conduct an interview with the accused to get his or her side of the story.
- The report will be presented to the Executive Director by the Human Resources Director and a determination will be made. The HR Director and the Executive Director will decide regarding any disciplinary action required. The employee will be called in and the results will be discussed.
- The final written report will be stored in the appropriate HR file on the shared drive. If unfounded, the notes will be stored in the miscellaneous file of the employees personnel file. However, if the complaint was found to be valid, the notes as well as the disciplinary action, will be placed in the personnel file and as part as the record.
- Evergreen will make every effort to complete the whole process within 15 days and no later than 30 days unless there are exceptional circumstances.

## **G. Ombudsman Assistance**

Evergreen Youth & Family Services maintains an Ombudsman program as an option for reporting misconduct or resolving workplace conflict. The Ombudsman program provides a non-formal and

confidential avenue for employees to report misconduct and seek advice for dealing with workplace conflicts. The Ombudsman is a person outside of the organization who reports directly to the Board of Directors. They do not advocate for either the employee or the agency, but rather acts as a liaison for communication between the employee and the Agency. The Ombudsman ensures fair treatment of concerns and a fair process. Communication with the Ombudsman including the identity of the employee raising the concern will be kept confidential. The Ombudsman may also act as a mediator at the employee's request if the employee would like to waive that confidentiality. The Ombudsman can also be used as an avenue for reporting misconduct or concerns that directly relate to the behaviors of the Executive Director or other Management Team Members.

## **H. Whistleblower Policy**

A whistleblower as defined by this policy is an employee, intern, or volunteer of Evergreen who reports an activity to internal or external sources they considers to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. Examples of illegal or dishonest activities are violations of federal, state or local laws, rules, regulations and ordinances; billing for services not performed; and other fraudulent financial reporting.

The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and preventing retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must contact the Human Resources Director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

## **GENERAL PROCEDURES**

### **A. Annual and Ongoing Training**

Evergreen has developed and implemented a training plan that include All Agency trainings and annual conferences for continuing in-service training for all employees and interns. Employees and interns are required to attend All Agency trainings unless they are supervising a residential program or have been excused by their supervisor.

Training helps staff meet the needs of clients and will include skills development. The plan enables personnel to improve their knowledge, skills, and abilities to promote awareness and appreciation of, and sensitivity to, the cultural background and needs of the clients served by the agency.

The annual training plan for employees must address: Mandated reporting, cultural diversity/discrimination, emergency procedures (at least once every six months), gender sensitivity, confidentiality, boundaries, behavior management, and suicide prevention, etc.

All employees and interns must have sufficient training to accomplish their duties. Evergreen will determine the amount of training and topics needed by considering an employee's position, description, the tasks to be performed, and the performance indicators for the position. Evergreen

will also consider the program's target population, the services the programs deliver, and the outcomes expected from the services.

### **Documentation of training**

Documentation of All Agency trainings will include the date, number of hours of training, name of instructor/presenter, and a list of attendees.

### **B. Electronic Communication Systems**

1. Evergreen reserves the right to monitor an employee's, volunteer's, or intern's electronic communications, which include but are not exclusive to Evergreen e-mail, voice mail and social networking accounts (which have been established using an Evergreen e-mail address) for general supervision. Evergreen reserves the right to monitor these electronic communications if there is a reasonable suspicion that the use of these systems in unprofessional, for excessive personal use, violates criminal or civil law or that it may have a significant adverse effect on Evergreen or its employees, volunteers, or intern's performance.
2. Evergreen Email accounts and any social networking accounts set up using Evergreen email addresses are under control of Evergreen and will be closed when the employee leaves the Agency.
  - a. All employees are required to check their assigned email on a weekly basis for agency updates and announcements.
  - b. Employees are required as a condition of employment to inform their Supervisor of all social networking accounts established using the Evergreen email address and provide copies of usernames and passwords to their supervisor.
  - c. All employees are required annually to verify and update their usernames and passwords with their supervisor on all accounts that have been set up using Evergreen email addresses.
  - d. All employees are required to also verify and update passwords/usernames with the Human Resources Director upon leaving employment with the Agency, whether it is voluntary or involuntary.
3. Employees are expected to be professional in all areas of social networking and electronic communications. It is intended for service provision to clients and not for personal or social relationships.
  - a. Employees should not communicate with clients through their personal social networking accounts or personal phone numbers while employed with Evergreen and should observe professional boundaries in this area with clients for at least two years after leaving employment with Evergreen. An individual who has not received agency services within the past two years is no longer considered a "current or former "client or program participant.
4. Examples of a "significant adverse affect and inappropriate communication" include:
  - a. email or voicemail messages containing sexual innuendo or off-color jokes
  - b. downloading, copying, or sending agency or confidential information to a person or group without prior approval of the supervisor or Executive Director
  - c. personal use of the computer system to such a degree employee job productivity or agency computer system productivity is significantly affected.
  - d. Employees are discouraged from using agency computers for personal online shopping.
5. Employees are strongly discouraged from using the Evergreen email, voicemail, and computer systems for personal use. Excessive personal use (i.e., shopping, personal messaging, web surfing, etc.) of the Evergreen's electronic communications systems is not allowed.
6. Use of another staff member's computer system without prior authorization is not acceptable. This does not apply to supervisors, the IT/MIS technician, or other agency administrative staff who access staff computers for valid work-related purposes.
7. Employees are not allowed to intentionally or consistently access pornographic websites or sexually explicit email chat rooms, electronic dating services, etc.



8. Use of agency computers for online gambling or electronic games is not allowed.
9. Employees are prohibited from bringing a personal computer to work and hardwiring into our internal network or accessing agency network files (data s:). Personal computers can pose a threat to agency network security (i.e., viruses, etc.). Employees should strive ensure that their systems adequate, updated security software.
10. Employees are prohibited from using personal data storage devices on agency computers. Employees may not upload files or images from agency flash drives on their personal drives. Flash drives must be virus-scanned prior to each use.
11. Violation of these policies is not acceptable and will be grounds for disciplinary action which may include termination from the agency.

### **C. Gift and Gratuities**

1. Employees are prohibited from accepting gifts, money or gratuities from clients, program participants, or family members of persons who receive benefits or services from Evergreen. This prohibition on accepting gifts and gratuities includes the performance of services under contract or other actions that provide concrete benefits to an employee.
2. Employees are not allowed to sell merchandise or personal services to clients, program participants, or family members of persons who receive benefits or services from Evergreen.
3. Employees may not require clients or program participants or their family members to purchase items for which Evergreen programs are eligible for reimbursement. This excludes restitution for vandalism or theft.

### **D. Confidentiality**

1. All employees, volunteers, interns, foster grandparents, and other part-time, full-time, or volunteer positions with Evergreen agree to protect fully the confidentiality of Evergreen, all program participants and their families, and agency employees and volunteers and their families. Agency employees and volunteers are expected to follow all applicable data privacy acts and laws.
2. This includes past, present, and future program participants.
3. Release of information forms will be explained and completed in the presence of the person about whom any information may be released before it is released. In incidents where the child is not present, a parent or guardian may sign the release of information.
4. The exceptions are instances in which disclosure is necessary for safety or well-being of the child or otherwise required by law.
5. Violation(s) of this policy will result in disciplinary action which may include termination of employment or removal from any other paid/non-paid position within Evergreen.

### **E. Mandated Reporting**

In 1975, the Minnesota Legislature passed a mandatory reporting law. This law makes it mandatory for employees to report abuse to the police or Child Protection Services. As an Evergreen employee, you will be trained in the specific details regarding the reporting of suspected physical or sexual abuse of children. All Evergreen employees are mandated reporters. Failure to comply with mandated reporting will result in disciplinary action that could include termination.

No employee will be subject to any form of retaliation or reprisal for a good faith mandated report. Employees are encouraged to have a report reviewed by their supervisor in advance of submission to improve the accuracy and specificity of the report.

### **F. Maltreatment of Minors**

Minnesota Statute 626.556, Reporting of Maltreatment of Minors Act

In the above section of law, the Minnesota legislature declared that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect, or sexual abuse. In furtherance of this public policy, it is the intent of the legislature under this section to strengthen the family and make the home, school, and community safe for children by promoting responsible childcare settings, and to provide, when necessary, a safe temporary or permanent home environment for physically or sexually abused or neglected children. In addition, it is the policy to require the reposting this statute of neglect, physical or sexual abuse of the children in the home, school, and community settings, to provide for the voluntary reporting of abuse or neglect of children; to require the assessment and investigation of the reports; and to provide protective and counseling services in appropriate cases.

Evergreen supports these policies and strives to align its own policies and practices to them. All employees are given appropriate training regarding this information at the time of employment and annually thereafter. This training includes when to make a report and to whom reports are made.

Employees found in violation of these regulations or any staff who fails to report according to the mandates of this act will be subject to disciplinary action that could include termination.

**Employee Investigation Regarding Maltreatment**

Any employee who is being investigated in connection with a maltreatment charge will be placed on an unpaid leave until the investigation is complete.

**Evergreen Youth & Family Services – Drug and Alcohol Testing Policy**  
**Appendix A – Definitions**

For purposes of this policy, the following definitions from the Children’s Residential Facilities Rule, Chapter 2960.0020 are used:

Subpart 12. “Chemical abuse” means a pattern of inappropriate and harmful chemical use as defined in Subpart 41. Chemical abuse includes inappropriate and harmful patterns of chemical use that are associated with specific situations in an individual’s life such as loss of a job, death of a loved one, or sudden change in life circumstances. Chemical abuse does not involve a pattern of pathological use, but it may progress to pathological use.

Subpart 13. Chemical Dependency. “Chemical dependency” means a pattern of pathological use as defined in subpart 52, accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal syndrome following cessation of chemical use.

Subpart 41. Inappropriate and harmful chemical use. “Inappropriate and harmful chemical use” means use of a chemical that exceeds social or legal standards of acceptability, the outcome of which is characterized by:

- A. Weekly use to intoxication;
- B. Inability to function in a social setting without becoming intoxicated;
- C. Driving after consuming sufficient chemicals to be considered legally impaired under Minnesota Statutes, section 169A.20, whether or not an arrest takes place;
- D. Excessive spending on chemicals that results in an inability to meet financial obligations;
- E. Loss of friends due to behavior while intoxicated;
- F. Chemical use that prevents the individual from meeting work, school, family, or social obligations.

Subpart 52. Pathological use. “Pathological use” means the compulsive use of a chemical characterized by three or more of the behaviors in items A to F:

- A. Daily use required for adequate functioning;
- B. An inability to abstain from use;
- C. Repeated efforts to control or reduce excessive use;
- D. Binge use, such as remaining intoxicated throughout the day for at least two days at a time;
- E. Periods of amnesia for events occurring while intoxicated.
- F. Continuing use despite a serious physical disorder that the individual knows is exacerbated by continued chemical use.

*Approved by the Evergreen Board of Directors, March 15, 2006*

**Appendix B – Sanction Policy**  
**Sanction Policy**  
**Updated: 11/10/2021**

**Policy**

Evergreen Youth & Family Services, Inc. (Evergreen) is legally required to take appropriate disciplinary action against employees, contractors, or any individuals who violate Evergreen’s information security and privacy policies or state, or federal confidentiality laws or regulations, including Health Insurance Portability and Accountability Act of 1996 (HIPAA Rules) as defined below.

Therefore, it is the policy of Evergreen that all workforce members must protect the confidentiality, integrity, and availability of sensitive information at all times. Evergreen will impose sanctions, as described below, on any individual who accesses, uses, or discloses sensitive information without proper authorization.

By becoming an employee with Evergreen Youth & Family Services you are acknowledging you are aware of your responsibility to protect client and agency information. Physical copies of client information or any identifying documents may not be destroyed or removed from Evergreen’s administrative office or shelter sites. Original electronic/digital client files may not be deleted from Evergreen’s server or computers. Failure to comply will result in consequences for the employee and may also result in the agency taking legal action against anyone who does not adhere to this policy.

**Purpose**

To ensure that there are appropriate sanctions that will be applied to workforce members, contractors, interns or volunteers who violate the requirements of HIPAA Rules, Evergreen’s security policies, Directives, and/or any other state or federal regulatory requirements.

**Definitions**

HIPAA Rules shall mean the Privacy, Security, Breach Notification and Enforcement Rules at 45 CFR Part 160 and 164.

Workforce member means employees, volunteers, and other persons whose conduct, in the performance of work for a covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity. This includes full and part-time employees, affiliates, associates, volunteers, and staff from third party entities who provide service to the covered entity.

Sensitive information, includes, but is not limited to, the following:

- Protected Health Information (PHI) – Individually identifiable health information that is in any form or media, whether electronic, paper, or oral.
- Electronic Protected Health Information (ePHI) – PHI that is in electronic format.
- Personnel files – Any information related to the hiring and/or employment of any individual who is or was employed by Evergreen.
- Payroll data – Any information related to the compensation of an individual during that individual’s employment with Evergreen.
- Financial/accounting records – Any records related to the accounting practices or financial statements of Evergreen.
- Other information that is confidential – Any other information that is sensitive in nature or considered to be confidential.

Availability refers to data or information that is accessible and useable upon demand by an authorized person.

Confidentiality refers to data or information is not made available or disclosed to unauthorized persons or processes.

Integrity refers to data or information that have not been altered or destroyed in an unauthorized manner.

### **Violations**

Listed below are the types of violations that require sanctions to be applied. They are stated at levels 1, 2, and 3 depending on the seriousness of the violation.

<b>Level</b>	<b>Description of Violation</b>
1	<ul style="list-style-type: none"> <li>• Accessing information that you do not need to know to do your job.</li> <li>• Sharing computer access codes (user name &amp; password).</li> <li>• Leaving a computer unattended while being able to access sensitive information.</li> <li>• Disclosing sensitive information to unauthorized persons.</li> <li>• Copying sensitive information without authorization.</li> <li>• Changing sensitive information without authorization.</li> <li>• Discussing sensitive information in a public area or in an area where the public could overhear the conversation.</li> <li>• Discussing sensitive information with an unauthorized person.</li> <li>• Failing/refusing to cooperate with the Information Security Officer, Privacy Officer, Chief Information Officer, and/or authorized designee.</li> </ul>
2	<ul style="list-style-type: none"> <li>• Second occurrence of any Level 1 offense (does not have to be the same offense).</li> <li>• Unauthorized use or disclosure of sensitive information.</li> <li>• Using another person's computer access code (user name &amp; password).</li> <li>• Failing/refusing to comply with a remediation resolution or recommendation.</li> </ul>
3	<ul style="list-style-type: none"> <li>• Third occurrence of any Level 1 offense (does not have to be the same offense).</li> <li>• Second occurrence of any Level 2 offense (does not have to be the same offense).</li> <li>• Obtaining sensitive information under false pretenses.</li> <li>• Using and/or disclosing sensitive information for commercial advantage, personal gain, or malicious harm.</li> </ul>

**Recommended Disciplinary Actions**

In the event that a workforce member violates Evergreen’s privacy and security policies and/or violates the Health Insurance Portability and Accountability Act of 1996 (HIPAA Rules) or related state laws governing the protection of sensitive and patient identifiable information, the following recommended disciplinary actions will apply.

<b>Violation Level</b>	<b>Recommended Disciplinary Action</b>
1	<ul style="list-style-type: none"><li>• Verbal or written reprimand</li><li>• Retraining on privacy/security awareness</li><li>• Retraining on Evergreen’s privacy and security policies</li><li>• Retraining on the proper use of internal or required forms</li></ul>
2	<ul style="list-style-type: none"><li>• Letter of Reprimand*; or suspension</li><li>• Retraining on privacy/security awareness</li><li>• Retraining on Evergreen’s privacy and security policies</li><li>• Retraining on the proper use of internal or required forms</li></ul>
3	<ul style="list-style-type: none"><li>• Termination of employment or contract</li><li>• Civil penalties as provided under HIPAA Rules or other applicable Federal/State/Local law</li><li>• Criminal penalties as provided under HIPAA Rules or other applicable Federal/State/Local law</li></ul>

Important Note: The recommended disciplinary actions are identified in order to provide guidance in policy enforcement and are not meant to be all-inclusive. If formal discipline is deemed necessary, Evergreen shall consult with the Human Resources Director prior to taking action. When appropriate, progressive disciplinary action steps shall be followed, thus allowing the employee to correct the behavior which caused the disciplinary action.

\*A Letter of Reprimand must be reviewed by the Human Resources Director before given to the employee. Then the signed letter of reprimand must go in the employee’s personnel file.

**Exceptions**

Depending on the severity of the violation, any single act may result in disciplinary action up to and including termination of employment or a contract with Evergreen.

**References**

U.S. Department of Health and Human Services  
Health Information Privacy.  
<http://www.hhs.gov/ocr/privacy/index.html>

**Related Policies**

Evergreen Personnel Policies & Procedures: Confidentiality Policy

## Appendix C – Employee Technology Responsibilities

### **Employee Technology Responsibilities – HIPAA Technology Security**

#### Employee Requirements

The first line of defense in data security is the individual Evergreen Youth & Family Services, Inc. user. Evergreen users are responsible for the security of all data which may come to them in whatever format. Evergreen is responsible for maintaining ongoing training programs to inform all users of these requirements.

Challenge Unrecognized Personnel - It is the responsibility of all Evergreen personnel to take positive action to provide physical security. If you see an unrecognized person in a restricted Evergreen office location, you should challenge them as to their right to be there. All visitors to Evergreen offices must sign in at the front desk. All other personnel must be employees or approved volunteers of the Evergreen. Any challenged person who does not respond appropriately should be immediately reported to supervisory staff.

Secure Laptops - Most Evergreen computers will contain sensitive data either of a medical, personnel, or financial nature, and the utmost care should be taken to ensure that this data is not compromised. Laptop computers are unfortunately easy to steal, particularly during the stressful period while traveling. Many laptop computers are stolen in snatch and run robberies, where the thief runs through an office or hotel room and grabs all of the equipment they can quickly remove. It is the responsibility of the employee using a laptop to make sure the laptop is secure at all times, either by locking it up in a file cabinet; securing it in a locked room or ensuring it is safely attended to at all times. If a laptop is lost or stolen, it is the responsibility of the employee to notify their supervisor; law enforcement (if stolen) and the HIPAA Security Officer immediately.

Unattended Computers - Unattended computers should be locked by the user when leaving the work area. This feature is discussed with all employees during yearly security training. Evergreen policy states that all computers will have the automatic screen lock function set to automatically activate upon 5 minutes of inactivity. Employees are not allowed to take any action which would override this setting.

Home Use of Evergreen Corporate Assets - Only computer hardware owned by and installed by Evergreen is permitted to be connected to Evergreen equipment. Only software that has been approved for use by Evergreen may be installed on Evergreen equipment. Personal computers supplied by Evergreen are to be used solely for business purposes. All employees and contractors must read and understand the list of prohibited activities that are outlined below. Modifications or configuration changes are not permitted on computers supplied by Evergreen for home use.

Retention of Ownership - All software programs and documentation generated or provided by employees, consultants, or contractors for the benefit of Evergreen are the property of Evergreen unless covered by a contractual agreement. Nothing contained herein applies to software purchased by Evergreen employees at their own expense.

## Prohibited Activities

Personnel are prohibited from the following activities. The list is not inclusive. Other prohibited activities are referenced elsewhere in this document.

- Crashing an information system. Deliberately crashing an information system is strictly prohibited. Users may not realize that they caused a system crash, but if it is shown that the crash occurred as a result of user action, a repetition of the action by that user may be viewed as a deliberate act.
- Attempting to break into an information resource or to bypass a security feature. This includes running password-cracking programs or sniffer programs and attempting to circumvent file or other resource permissions.
- Introducing, or attempting to introduce, computer viruses, Trojan horses, peer-to-peer (“P2P”) or other malicious code into an information system.
- Exception: Authorized information system support personnel, or others authorized by Evergreen Privacy Officer, may test the resiliency of a system. Such personnel may test for susceptibility to hardware or software failure, security against hacker attacks, and system infection.
- Browsing. The willful, unauthorized access or inspection of confidential or sensitive information to which you have not been approved on a "need to know" basis is prohibited. The Evergreen has access to patient level health information which is protected by HIPAA regulations which stipulate a "need to know" before approval is granted to view the information. The purposeful attempt to look at or access information to which you have not been granted access by the appropriate approval procedure is strictly prohibited.
- Personal or Unauthorized Software. Use of personal software is prohibited. All software installed on Evergreen computers must be approved by Evergreen MIS/IT Coordinator.
- Software Use. Violating or attempting to violate the terms of use or license agreement of any software product used by Evergreen is strictly prohibited.
- System Use. Engaging in any activity for any purpose that is illegal or contrary to the policies, procedures or business interests of Evergreen is strictly prohibited.

## Electronic Communication, E-mail, Internet Usage

As a productivity enhancement tool, Evergreen encourages the business use of electronic communications. However, all electronic communication systems and all messages generated on or handled by Evergreen owned equipment are considered the property of Evergreen – not the property of individual users. Consequently, this policy applies to all Evergreen employees and contractors, and covers all electronic communications including, but not limited to, telephones, e-mail, voice mail, instant messaging, Internet, fax, personal computers, and servers. Evergreen provided resources, such as individual computer workstations or laptops, computer systems, networks, e-mail, and Internet software and services are intended for business purposes. However, incidental personal use is permissible as long as:

1. it does not consume more than a minor amount of employee time or resources,
2. it does not interfere with staff productivity,
3. it does not preempt any business activity,
4. it does not violate any of the following:
  - Copyright violations – This includes the act of pirating software, music, books and/or videos or the use of pirated software, music, books and/or videos and the illegal duplication and/or distribution of information and other intellectual property that is under copyright.
  - Illegal activities – Use of Evergreen information resources for or in support of illegal purposes as defined by federal, state or local law is strictly prohibited.



- Commercial use – Use of Evergreen information resources for personal or commercial profit is strictly prohibited.
- Political Activities – All political activities are strictly prohibited on Evergreen premises. Evergreen encourages all of its employees to vote and to participate in the election process, but these activities must not be performed using Evergreen assets or resources.
- Harassment – Evergreen strives to maintain a workplace free of harassment and that is sensitive to the diversity of its employees. Therefore, Evergreen prohibits the use of computers, e-mail, voice mail, instant messaging, texting, and the Internet in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is strictly prohibited. Other examples of misuse include, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassing, discriminatory, derogatory, defamatory, threatening or showing disrespect for others.
- Junk E-mail - All communications using IT resources shall be purposeful and appropriate. Distributing “junk” mail, such as chain letters, advertisements, or unauthorized solicitations is prohibited. A chain letter is defined as a letter sent to several persons with a request that each send copies of the letter to an equal number of persons. Advertisements offer services from someone else to you. Solicitations are when someone asks you for something. If you receive any of the above, delete the e-mail message immediately. Do not forward the e-mail message to anyone.

### **Monitoring of Employee Access:**

Evergreen reserves the right, at its discretion, to review any employee’s files or electronic communications to the extent necessary to ensure all electronic media and services are used in compliance with all applicable laws and regulations as well as Evergreen policies. As such, Evergreen Youth & Family Services staff are required to provide the HIPAA Compliance and Security Officer or a supervisor with documentation of usernames and passwords associated with any online accounts one accesses as part of one’s job at Evergreen for security purposes. Employees should structure all electronic communication with recognition of the fact that the content could be monitored, and that any electronic communication could be forwarded, intercepted, printed or stored by others.

Evergreen is responsible for servicing and protecting Evergreen’s equipment, networks, data, and resource availability and therefore may be required to access and/or monitor electronic communications from time to time. Several different methods are employed to accomplish these goals. For example, an audit or cost analysis may require reports that monitor phone numbers dialed, length of calls, number of calls to / from a specific handset, the time of day, etc. Other examples where electronic communications may be monitored include, but are not limited to, research and testing to optimize IT resources, troubleshooting technical problems and detecting patterns of abuse or illegal activity.

### Internet Access

Internet access is provided for Evergreen users and is considered a great resource for the organization. This resource is costly to operate and maintain, and must be allocated primarily to those with business, administrative or contract needs. The Internet access provided by Evergreen should not be used for entertainment, listening to music, viewing the sports highlight of the day, games, movies, etc. Do not use the Internet as a radio or to constantly monitor the weather or stock market results. While seemingly trivial to a single user, the company wide use of these non-business sites consumes a huge amount of Internet bandwidth, which is therefore not available to other agency users.

Users must understand that individual Internet usage can be monitored, and if an employee is suspected to be spending an excessive amount of time or consuming large amounts of bandwidth for personal use, disciplinary action will be taken. Many Internet sites, such as games, peer-to-peer file sharing applications, chat rooms, and on-line music sharing applications, have already been blocked by Evergreen routers and firewalls. This list is constantly monitored and updated as necessary. Any employee visiting pornographic sites will be disciplined and may be terminated.

### Reporting Software Malfunctions

Users should inform the appropriate Evergreen personnel when the user's software does not appear to be functioning correctly. The malfunction - whether accidental or deliberate - may pose an information security risk. If the user, or the user's manager or supervisor, suspects a computer virus infection, the Evergreen computer virus policy should be followed, and these steps should be taken immediately:

- Stop using the computer
- Do not carry out any commands, including commands to <Save> data.
- Do not close any of the computer's windows or programs.
- Do not turn off the computer or peripheral devices.
- If possible, physically disconnect the computer from networks to which it is attached.
- Inform the appropriate personnel or Evergreen IT Paul Bunyan Communications IT services as soon as possible. Document any unusual behavior of the computer (screen messages, unexpected disk access, unusual responses to commands) and the time when they were first noticed.
- Document any changes in hardware, software, or software use that preceded the malfunction.
- Do not attempt to remove a suspected virus!

### Report Security Incidents

It is the responsibility of every Evergreen Youth & Family Services employee or contractor to report perceived security incidents on a continuous basis to the appropriate supervisor or security person. A User is any person authorized to access an information resource. Users are responsible for the day-to-day, hands-on security of that resource. Users are to formally report all security incidents or violations of the security policy immediately to the Operations Director or their immediate supervisor, who will then communicate with appropriate technology staff.

Reports of security incidents shall be evaluated as quickly as possible. Each incident will be analyzed to determine if changes in the existing security structure are necessary. All reported incidents are logged and the remedial action indicated. It is the responsibility of the Evergreen technology staff to provide training on any procedural changes that may be required as a result of the investigation of an incident.

Security breaches shall be promptly investigated. If criminal activity is suspected, Evergreen Security and Compliance Officer shall contact the appropriate law enforcement and investigative authorities immediately, which may include but is not limited to the police or the FBI.

### Transfer of Sensitive/Confidential Information

When confidential or sensitive information from one individual is received by another individual while conducting official business, the receiving individual shall maintain the confidentiality or sensitivity of the information in accordance with the conditions imposed by the providing individual. All employees must recognize the sensitive nature of data maintained by Evergreen and hold all data in the strictest confidence. Any purposeful release of data without proper consent is a violation of Evergreen policy and will result in personnel action, and potentially in legal action as well.

### **Transferring Software and Files between Home and Work**

Personal software shall not be used on Evergreen computers or networks. If a need for specific software exists, submit a request to your supervisor or department head. Users shall not use Evergreen purchased software on home or on non- Evergreen computers or equipment.

Evergreen proprietary data, including but not limited to patient information, IT Systems information, financial information, or human resource data, shall not be placed on any computer that is not the property of Evergreen without written consent of the respective supervisor or department head. It is crucial to Evergreen to protect all data and, to do that effectively we must control the systems in which it is contained. If a supervisor or department head receives a request to transfer Evergreen data to a non-Evergreen Computer System or data storage device, the supervisor or department head should notify the Privacy Officer or appropriate personnel of the intentions and the need for such a transfer of data. Evergreen Wide Area Network (“WAN”) is maintained with a wide range of security protections in place, which include features such as virus protection, e-mail file type restrictions, firewalls, anti-hacking hardware and software, etc. Since Evergreen does not control non- Evergreen personal computers and data storage devices, Evergreen cannot be certain of protections that may or may not be in place to may or may not be in place to protect Evergreen sensitive information.

### Internet Considerations

Special precautions are required to block Internet (public) access to Evergreen information resources not intended for public access, and to protect confidential Evergreen information when it is to be transmitted over the Internet. The following security and administration issues shall govern Internet usage.

Prior approval of the Evergreen Privacy Officer or appropriate personnel authorized by Evergreen shall be obtained before:

- An Internet, or other external network connection, is established;
- Evergreen information (including notices, memoranda, documentation and software) is made available on any Internet-accessible computer (e.g. web or ftp server) or device;
- Users may not install or download any software (applications, screen savers, etc.). If users have a need for additional software, the user is to contact their supervisor;
- Use shall be consistent with the goals of Evergreen. The network can be used to market services related to Evergreen, however use of the network for personal profit or gain is prohibited.
- Confidential or sensitive data - including credit card numbers, telephone calling card numbers, logon passwords, and other parameters that can be used to access goods or services - shall be encrypted before being transmitted through the Internet.
- The encryption software used, and the specific encryption keys (e.g., passwords, pass phrases), shall be escrowed with the Evergreen Privacy Officer or appropriate personnel, to ensure they are safely maintained/stored. The use of encryption software and keys, which have not been escrowed as prescribed above, is prohibited, and may make the user subject to disciplinary action.

### De-identification / Re-identification of Personal Health Information (PHI)

As directed by HIPAA, all personal identifying information should be removed from data that falls within the definition of PHI before it is stored or exchanged as much as possible to protect client privacy.

De-identification is defined as the removal of any information that may be used to identify an individual or of relatives, employers, or household members. PHI includes:

- Names
- Addresses
- Geographic subdivisions smaller than a state
- All elements of dates directly related to the individual (Dates of birth, marriage, death, etc.)
- Telephone numbers
- Facsimile numbers
- Driver's license numbers
- Electronic mail addresses
- Social security numbers
- Medical record numbers
- Health plan beneficiary numbers
- Account numbers, certificate/license numbers
- Vehicle identifiers and serial numbers
- Device identifiers and serial numbers
- Web Universal Resource Locators (URLs)
- Internet Protocol (IP) address numbers
- Biometric identifiers
- Full face photographic images and any comparable images

Re-identification of confidential information: A cross-reference code or other means of record identification should be used to re-identify data as long as the code is not derived from or related to information about the individual and cannot be translated to identify the individual. In addition, the code is not disclosed for any other purpose nor is the mechanism for re-identification disclosed.

**Evergreen Youth & Family Services**

**Personnel Policies & Procedures Employee/Supervisor Acknowledgment**

Please read the Personnel Policies & Procedures carefully so that you understand all sections. To ensure you are aware of these regulations, we are asking you to sign the bottom portion of this sheet. This form will become a part of your permanent personnel file.

I understand these conditions can be changed by Evergreen, without notice, at any time. I also understand and agree that my employment is for no definite period and may regardless of the time and manner of payment of my wages and salary, be terminated at any time, with or without cause and without any previous notice.

I understand that this Personnel Policies & Procedures supersedes any prior Employee Handbook or Personnel Policies I have been given by Evergreen and they are no longer of any force or effect.

I understand that this Personnel Policies & Procedures has been designed as a resource for the employees, and it does not create an employment contract.

I have reviewed specifically the following policies under Section III, IV, V, and VII, General Procedures, and Professional Standards of Conduct and Corrective Action. Any and all questions about them have been answered:

- A. Sexual Harassment \_\_\_\_\_
- B. Harassment \_\_\_\_\_
- C. Electronic Communication Systems \_\_\_\_\_
- D. Drug Free Workplace \_\_\_\_\_
- E. Alcohol and Drug Testing Policy \_\_\_\_\_
- F. Gifts and Gratuities \_\_\_\_\_
- G. Violence in the Workplace \_\_\_\_\_
- H. Confidentiality \_\_\_\_\_
- I. Health/Safety/& Return to Work \_\_\_\_\_
  - 1. Worker’s Compensation \_\_\_\_\_
  - 2. Failure to Report \_\_\_\_\_
  - 3. AWAIR Program \_\_\_\_\_
  - 4. Return to Work Policy \_\_\_\_\_
- J. Driver’s Safety \_\_\_\_\_
- K. Program/Facility License Compliance \_\_\_\_\_
- L. Professional Standards of Conduct \_\_\_\_\_
- M. Corrective Action Policy \_\_\_\_\_
- N. Addressing Concerns in the Workplace \_\_\_\_\_
- O. Whistleblower Policy \_\_\_\_\_

I, the undersigned employee, have read the foregoing rules and Agency policy contained in the Personnel Policies & Procedures and they were reviewed with me and explained to me.

\_\_\_\_\_  
*Employee Signature*

\_\_\_\_\_  
*Date*

I have reviewed the contents of the Personnel Policies & Procedures with \_\_\_\_\_

*Employee name*

\_\_\_\_\_  
*Supervisor or HR Director*

\_\_\_\_\_  
*Date*