



## PERSONNEL POLICIES AND PROCEDURES

**REVISED AND APPROVED:** 3/26/2013; 5/28/2013; 7/23/2013 & 9/18/2013(PC) 11/19/2013 (OAI Board); 5/27/2014 (OAI Board) 9/17/2014 (PC); 5/7/2015 (PC) & 5/19/2015 (OAI Board); 5/23/2017; 7/25/2017 (OAI Board) & 9/12/2017 (PC); **5/23/2018 (OAI Board) & 9/2018 (Policy Council)**

**POLICY CHANGES EFFECTIVE** 7/1/2013; 7/1/2014; 7/1/2015; 7/1/2016; 7/1/2017; **7/1/2018**

**OZARK ACTION, INC.  
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### “AN EQUAL OPPORTUNITY EMPLOYER”

**REVISED:** 5/11/2010;5/25/2010;3/22/2011;3/27/2012;7/1/2013;5/27/2014 & 9/17/2014; 5/7/2015 & 5/19/2015; 5/17/2016; 7/26/2016;5/23/2017;7/25/2017;5/23/2018

**Revisions distributed to all staff:** 7/14/2010;8/22/2011;7/1/2012;8/19/2013; 6/30/2014;6/30/2015; 6/30/2016;8/11/2016; 6/30/2017; 7/31/2017;6/30/2018

**Complete policies reprinted/distributed to staff:** 8/23/00; 4/30/02; 10/13/2008; 7/1/2012

**On-line policies emailed to staff and updated to web page:** 7/1/2012; 8/19/2013; 6/30/2014; 6/30/2015; 8/23/2016 ;6/30/2017; 7/31/2017;7/1/2018

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**SECTION I: GENERAL STATEMENT OF PURPOSE AND POLICIES**

**A. Functions and Purpose of the Corporation**

Ozark Action, Inc. (OAI) is chartered by the State of Missouri as a private non-profit corporation serving the counties of Douglas, Howell, Oregon, Ozark, Texas and Wright. OAI seeks to improve the development of human resources in the area: (a) by identifying and defining the causes and extent of poverty, (b) by organizing and focusing all available resources and community facilities on the elimination of the causes and results of poverty. OAI must conform to Federal Regulations as established by Congress under the Community Services Block Grant Act of 1981, as amended. (3/24/98) Every act of the OAI Board of Directors shall conform to the statutes, court decisions and constitutions of the State and Federal Governments, and the regulations of the appropriate offices therein. The agency's functions include:

1. To organize a board of directors, broadly representative of all interested organizations and elements of the community including representatives from the poor areas and neighborhoods of the community, to plan and direct the area's effort toward helping the underprivileged.
2. To survey, study and analyze the conditions, extent and causes of poverty in the community at least annually with a needs assessment survey, and prepare summaries and reports for the Board and the community at large.
3. To obtain and evaluate information from all available sources of assistance and funds at national, state, county and municipal levels, through governmental agencies, foundations and individuals which may be used in the solution of the community's economic problems.
4. To prepare proposals and grant applications for obtaining funds and resources needed to support planned, needed programs, projects and activities and to negotiate for such funds on behalf of the community.
5. To obtain physical facilities, staff, equipment and materials as necessary to carry out programs, projects and activities approved for implementation by the Board.
6. To coordinate with the activities of all agencies of the community in assisting the underprivileged, to prevent wasteful overlap and duplication, and to foster cooperation and mutual assistance.
7. To insure proper and responsible administration of all funds received by providing adequate, effective direction, supervision, continuing surveillance and evaluation of activities authorized and undertaken.
8. To report regularly and accurately, as needed and as required by grantors, on activities, progress, problems and accomplishments.

**B. Purpose of the Personnel Policies**

The Board of Directors of OAI issues this statement of personnel policies and procedures as the official personnel policies of Ozark Action, Inc. The purpose of this document is to ensure consistent personnel practices designed to best utilize human resources of the agency in achievement of its goals and objectives and to ensure compliance with all Federal, State and local laws related to employment practices, including but not limited to, Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Vietnam Era Veterans Readjustment Assistance Act of 1974, The Equal Pay Act of 1963, American with Disabilities Act of 1990 and the Family Medical Leave Act of 1993 and any amendments or subsequent amendments to such laws. These policies will function as the guide to develop and maintain detailed personnel procedures.

**C. Statement of Responsibility/Coverage**

The Board of Directors of OAI is the source of all authority for setting personnel objectives and issuing policy statements. All staff are under the policy authority of the Board of Directors. The Executive Director is responsible for the implementation of this policy statement and for the development of detailed procedures not stated in these policies, which are consistent with the intent of the general statement of policy.

The personnel policies of OAI, as approved by the Board of Directors, appropriate funding sources, and the Head Start Policy Council (3/24/98) will cover all personnel employed by the agency.

**D. Equal Employment Opportunity/Affirmative Action Plan**

Ozark Action, Inc. is committed to providing equal opportunity in employment, promotion, compensation and management decision-making. Furthermore, Ozark Action, Inc. shall take affirmative action through an Affirmative Action Plan (AAP) to ensure full implementation of its nondiscrimination policy. An EEO Committee of the Board shall meet annually to review and update the EEO/AAP for Ozark Action and its employees.

**E. Safety Policy**

It is the policy of Ozark Action, Inc. to ensure safe and healthful working conditions for every employee and to comply with the letter and spirit of applicable laws and regulations. The agency will provide adequate safeguards against health and safety hazards by providing a safe work environment, by job training and instruction on safe procedures, by making appropriate protective equipment available and by the proper administration of safety programs and activities.

All employees are expected to comply with safety and health rules and procedures and to take an active role in the safety and health process and activities.

In maintaining a safe work environment, OAI is committed to preventing workplace violence. All customers and employees, regardless of classification, shall be treated with courtesy and respect at all times. Conduct that threatens, intimidates, or coerces another employee, and/or a customer or a member of the public will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age or any characteristic protected by Federal, State or local law.

Procedures to handle real or perceived threats of violence to employees by customers shall be addressed through OAI's administrative and/or safety policies, which may further specify additional procedures for workplace violence.

Revised 3/24/98



**F. Prevention of Fraud and Abuse**

The following outlines the agency’s position on prevention of fraud and abuse privilege:

1. **Statement of Principles**—It is the policy of the Board of Directors that this agency be operated with the highest standards of ethics. It is expected that all employees, board members and participants conduct themselves in a manner exhibiting the highest ethical standard.

The Board of Directors has established several policies and procedures to support this standard. The Board has adopted policies covering financial procedures, equal employment opportunity, personnel, procurement, property and purchasing. Quality control procedures have been established to assure program quality. An independent audit is conducted annually to assure that sound practices are being followed. Also, a fidelity bond has been secured to safeguard the assets of the agency. A Code of Conduct has been established to guide Board and staffs conduct. Program monitoring from outside sources is encouraged. Revised 3/24/98

2. **Procedures**—These procedures are established to be followed in cases where compliance with the standards of conduct is in doubt. Responsibility and action are required by Board Members, the Executive Director and other staff.

- a. It is the responsibility of the Executive Director to enforce the procedures that guard against fraud and abuse. He/she will be responsible for preventing fraud and abuse, investigating allegations of fraud and/or abuse, remedying the effects of such acts and enacting proper disciplinary actions.
- b. It is the responsibility of each employee of the agency to report immediately to his/her supervisor, who in turn shall report immediately to the Executive Director, any instances of irregular practices regarding business or financial practices.
- c. Where the Executive Director is alleged to have committed fraud or abuse, the allegation along with whatever substantiating information exists, may be referred to the Board President for investigation and resolution.

3. **Investigative Procedures**—If the agency receives information indicating possible fraud or abuse, the Executive Director or Board President as appropriate, will:

- a. Investigate to ascertain the facts. The Executive Director may, when appropriate, undertake informal discussions with the person(s) concerned to agree upon means for preventing continuation or repeating the violation or;
- b. Refer the matter with or without investigation to the most appropriate law enforcement agency and the affected program-funding source.

4. **Enforcement**—The commission of acts of fraud or abuse is a serious matter and subject to the appropriate disciplinary action. All disciplinary action involving a staff member shall be in accordance with the normal personnel policies of the agency.

Disciplinary action involving a board member shall be in accordance with the agency’s by-laws.

Since fraud is a serious matter, individuals charged through the judicial system with fraud shall be placed on leave without pay. Should they be found innocent, they may be reinstated and receive back pay. This determination shall be made by the Executive Director based on the facts of the situation. Revised 3/28/95

While abuse is not of the same degree as fraud, it too is a serious matter. Depending upon the seriousness of the charge and previous conduct, cases of abuse can be grounds for dismissal.

5. **Definitions and Examples**

**Fraud**—The obtaining of something of value unlawfully through willful misrepresentation.

**Abuse**—Improper action that may result in obtaining something of value, but not representing a substantial violation of the agency’s rules designed to protect the assets of the agency and the programs it administers.

The following examples are normally considered serious enough to warrant disciplinary action or other steps:

- a. Employees will not alter or misstate a client’s reported income, employment or family status to qualify for benefits through the agency’s programs. Revised 3/23/2004
- b. Employees submitting information that they had performed a service that they had not performed.
- c. Employees submitting information they had performed a service while performing a lower quality service.
- d. Deliberate falsification of time cards or other records.
- e. Theft, misappropriation of funds or property.
- f. Employee or Board Member accepting a gift of value from a contractor for the contractor to receive a contract.
- g. Accepting a gift of significant material value from someone seeking to receive services from the agency.
- h. Furnishing excessive services to a client, violating program requirements and performing improper practices.
- i. Using agency funds to pay personal obligations
- j. Knowingly accepting false information from a client so that the client may become eligible for program services for which he/she would normally not qualify.

Revised 3/28/95

G: **Identity Theft**

Identity theft is fraud committed or attempted by using the identifying information of another person without his or her authority. Identifying information may include such things as a Social Security number, account number, date of birth, driver's license number, passport number, biometric data and other unique electronic identification numbers or codes. As more transactions are done electronically and remotely, and as more sensitive information is stored in electronic form, the opportunities for identity theft have increased significantly.

To protect Ozark Action, Inc. clients and employee information from falling into the wrong hands which could put the individual at risk for identity theft. To provide for the identification, detection and response to patterns, practices or special activities –known as “red flags”—that could identify identity theft.

Ozark Action, Inc. will take the following steps to protect against the identity theft of its clients, employees and business partners and to respond to identity theft if it occurs. The Senior Staff in each department will serve as the Red Flag Compliance Officer and will review the effectiveness and applicability of this program on an annual basis with findings presented to the Executive Director, who will in turn report this information to the Agency’s Attorney and OAI Board of Directors.

**PROCEDURE**

1. All staff will receive instruction regarding identity theft prevention, detection and response.
  - a) Instruction will include the reasoning behind the policy and the legal consequences that could be involved.
2. Staff members will not disclose to anyone, without proper authorization, the name, address, social security number, or any other personal descriptors or account information to anyone employed by or doing business with Ozark Action, Inc.
3. All documents containing personal information will be shredded before they are discarded.
4. Staff will not leave computer stations, which could be used to access personal information, unattended.
  - a) If they need to leave their station, their computer should be locked.
  - b) Or the program in use displaying client or personal information should be closed.
5. Staff members will, to the best of their ability, verify the identity of all clients.
  - a) Review a copy of a photo id such as a driver's license if a photo of the client is not on file.
  - b) If the client doesn't have a photo id as in the case of a minor, verify the identity of the guardian or person presenting them as a part of a program or service.
  - c) RED FLAG – Personal identifying information provided by the client is inconsistent with other personal identifying information provided.
    - 1) Lack of correlation between the social security number range and the date of birth.
    - 2) Social security number provided is the same as that submitted by another client.
    - 3) Account information or numbers provided is the same as that submitted by another client.
6. Staff members will, to the best of their ability, verify the validity of any clients' address changes.
  - a) Phone numbers, employers, guarantors or other contact information should also be verified at each visit.
  - b) To the extent possible in the MIS or other data basis systems, prior addresses, phone numbers and guarantor information will be kept for historical purposes as well as for auditing suspicious activity – such as continual switching between the same set of addresses or phone numbers.
  - c) RED FLAG – Mail sent to clients is returned repeatedly as undeliverable although transactions continue to be conducted, in connection with the client's account.
7. Staff members will immediately report any suspicious activity which might be construed as suspected, attempted or actual identity theft to their program director.
  - a) Suspicious activity could include:
    - 1) Documents provided for identification which appear to have been altered or forged.
    - 2) Photograph or physical description on their identification document (e.g., driver's license) is inconsistent with the person presenting the document.
    - 3) Client's signature appears forged, based on previous examples of the person's signature on file.
8. Staff members will react in an appropriate manner when given notice of potential, attempted or actual identity theft by clients, employees, law enforcement authorities or other businesses. If it is determined that a security breach has occurred, the following steps will be taken:
  - a) Anyone who discovers or who suspects that a security breach has occurred will immediately report the incident to his or her immediate supervisor, if this is not the program director then the immediate supervisor is to report this information to the program director.
  - b) Program Directors who have been notified of a possible or actual security breach will investigate the incident to determine exactly what happened and names of person(s) affected.
  - c) Program Directors will report any incident of a possible or actual security breach to the Executive Director without delay and will make a written report of the investigative findings.
  - d) The Executive Director will determine appropriate steps to be taken and will implement the steps, including notification of affected person(s).
    - 1) Potential responses may include:
      - a) Changing passwords, security codes and security devices that permit access to a client's information and account.
      - b) Reopening a client's account with a new account number.
      - c) Not opening or providing service to a client without further verifying the identity of the individual that is in question.
      - d) Notifying affected person(s) either by phone or by letter.
      - e) Notifying law enforcement of possible instances of identity theft.
      - f) The Program Director and Executive Director will report these incidents immediately to the agency's attorney for further direction and action.
      - g) The Executive Director will report this information to the Board of Directors as directed by the Agency Attorney.
      - h) In addition to the policy staff must also comply with any additional funding source requirements.

**H. Amendments**

1. **Operational Statement**—This policy statement supersedes and rescinds all previous personnel policy and practice statements and is the official policy statement of the agency.
2. **Amendment Process**—Amendments(s) may be recommended at any regular meeting of the Board of Directors or the Personnel Committee. After study by the Board and opportunity for comment by the Executive Director, an amendment(s) may be passed by majority of the Board at which a quorum is present, if all members of the Board have been mailed a copy of the proposed amendment(s) at least ten (10) days in advance of the meeting.
3. **Annual Review**—This policy statement will be reviewed annually by the Board of Directors. Employees of the agency will be advised in advance of the scheduled review and will be given the opportunity to submit recommended changes.

Revised 3/28/95

**I. Employee Protection (Whistleblower) Policy**

If any employee reasonably believes evidence of a violation of a rule, law or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, that some policy, practice, or activity of the agency (OAI) is in violation of law, a written complaint must be filed by that employee with their immediate supervisor who will then provide this information to the Executive Director. If the immediate supervisor is suspected of the violation, then the employee will provide the information directly to the Executive Director. If the Executive Director is suspected of the violation, then the Board of Directors President will be notified through the Corporate Services Director.

It is the intent of the agency to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization’s goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of the agency and provides OAI with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

Ozark Action, Inc. will not retaliate against an employee who in good faith, has made a protest or raised a complaint against some practice of the agency, or of another individual or entity with whom OAI has a business relationship, based on a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.

Ozark Action, Inc. will not retaliate against employees who disclose or threaten to disclose to a supervisor or a public body, any activity, policy, or practice of the agency that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment.

(OAI Board 3/27/2012; PC 4/4/2012)

**J. RECORDS RETENTION AND DESTRUCTION POLICY**

The agency will comply with federal, state, and local laws as well as funding source requirements governing records retention. The agency maintains employee record information as well as contract and grants funding information and is subject to retention requirements and destruction policies.

Program Directors are required to ensure that all record retention and destruction policies are strictly adhered to in order to be in compliance with all funding sources and applicable federal, state and local laws.

Directors will ensure that the fiscal director, executive director and corporate services director are updated annually as to their program retention and destruction schedules. Any prior approvals from funding sources is documented in the corporate files prior to the destruction of files, electronic media, etc. and that a listing of years destroyed, including how it was destroyed, date completed and by whom.

3/26/2013 OAI Board; 5/28/2013 PC

The above statement concerning the Records Retention and Destruction Policy will be in the OAI Personnel Policies Section I, Subsection J. The complete policy and Appendix A (Record Retention Schedule) will be in the Employee Resource Manual under tab 7 and will be re-titled Records Retention and Destruction Policy/Appendix A—Record Retention Schedule.

5/27/2014 OAI Board; 9/17/2014 PC

**SECTION II: RECRUITMENT AND SELECTION OF PERSONNEL**

**A. Purpose**

To establish Ozark Action, Inc. (OAI) policies and procedures, for the recruitment and selection of all OAI personnel. These established policies and procedures do not constitute an express or implied contract of employment, nor do they provide for employment for any definite term or duration. The employee may separate his or her employment at any time. Ozark Action, Inc. reserves the right to terminate the employment of any employee at any time, for any reason not prohibited by law, in accordance with the Missouri employment “at will” doctrine.

**B. General Policy Statement**

The Board of Directors will hire or remove the Executive Director at its discretion within the established guidelines of agency hiring policies. All other corporation employees shall be hired by the Executive Director. Recruitment of personnel will be designed to provide maximum employment opportunity for area residents and groups served as described in Title VII of the Civil Rights Act of 1964 and Title VI of the Civil Rights Act regarding federal financial assistance and Section 504 of the Rehabilitation Act of 1973, as amended. No person employed by OAI, nor any person seeking admission to employment shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of race, color, sex, national origin, age, disability or because of his/her political or religious opinions or affiliations. OAI is an Equal Opportunity Employer and does have an approved Affirmative Action Plan.

1. **Qualifications**—Educational qualifications, unless required by Federal, State, Local Law or Regulations, or unless required by the position description (3/26/02), shall not be made a condition for employment or advancement of a candidate who is otherwise qualified to perform the duties of the position as stated in Title IX of the Education Amendment of 1972.
2. **Recruitment from Within**—When a vacancy occurs, appropriate management staff, to include the Executive Director, will consider promoting an employee who is suitable to perform the duties of the position.

At the discretion of the program director, an open position may be filled by the promotion or transfer of an employee within the department/program without posting the position if all staff within that department or location have been considered and a determination made in writing verifying the most suitable employee to be promoted or transferred. If an opening occurs at one location and employees in the same range and position would like to transfer to the open location, the employee must put it in writing and get approval from both their current supervisor and the supervisor at the new location before the transfer is considered. These types of transfers should be considered prior to posting an open position.

PC 5/12/2009; OAI Board 5/26/2009

3. **Employment Application Policy**

Revised (3/26/02)

- a. Eligibility to Apply—All outside applicants for positions with OAI shall be required to complete a standard application form. No person shall be denied the right to fill out an application for employment.
- b. Application Statement—The following statement will be placed on the agency’s application for employment form:

“I authorize investigation of all statements contained in this application, including criminal background checks and checks of salaries, references and employers. I understand that all information will be considered in determining eligibility for employment and that a false or dishonest answer to any question on this application will be grounds for an ineligible rating for employment with the agency, or for dismissal after employment.”

- c. **Declaration**—All applicants for positions with OAI shall complete a declaration listing all pending and prior criminal arrests and charges related to child sexual abuse and their disposition, convictions related to other forms of child abuse and/or neglect, and all convictions of violent felonies.
- d. **Information Verification**—The staff person responsible for the personnel function will assist, as necessary, the directors in verification of information given on applications or provided during the interview process. The final candidate(s) for any position, will have background checks completed (as per funding source requirements), salary and former employer references, and personal references documented and attached to the request to hire memo for the program director and executive director’s approval.

3/26/2013 PC; OAI Board

C. **Prohibitions in Employment**

- 1. **Board Members**—No person serving as a voting member of the OAI Board of Directors or any policy advisory council shall be simultaneously employed by the agency nor shall have immediate family employed by the agency.
- 2. **Nepotism**
  - a. No person may be hired for, or promoted to, a position over which a member of his/her immediate family exercises supervisory authority.
  - b. Employees who marry or become members of the same household may continue employment if there is not:
    - 1) A direct supervisory/subordinate relationship between such employees; or
    - 2) An actual conflict of interest.

Should one of the above situations occur and the agency has a job opening in another department, the affected employee will be considered. If neither of the employee’s qualifications are sufficient for the opening, the employees will be permitted to determine which one will resign. The resigning employee will be considered for all job openings posted in-house.

Revised 3/28/00

For the purposes of these policies, immediate family members are defined as follows: husband, wife, father, mother, brother, sister, son, daughter, step-mother, step-father, step-son, step-daughter, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, half-sister and half-brother.

3. **Criminal Conviction**—OAI is committed to eliminating arbitrary barriers to employment including a person’s past criminal record as automatically disqualifying him/her from employment with the agency. But the agency will require full disclosure of any such record by the applicant and shall exercise prudent judgment in relation to the position to be filled. Failure to disclose such record, either prior to employment or upon conviction after employment, shall be grounds for dismissal.
4. **Political Partisanship**—Employment shall not be offered as a consideration or as a reward for political support of any political party or candidate for political office; nor may any person, as an employee, engage in partisan political activity as prohibited by Chapter 15, Title 5 of the United States Code.
5. **Outside Employment**—Any employee who accepts outside employment must follow the procedure list below before beginning such employment.

A request for approval form (which will be in Section 10) of the Employee Resource Manual) must be completed and submitted to the employees prior to the outside employment start date. The supervisor will review the request and follow the chain of command to the program director, executive director and then to the corporate services director. When all reviews are in order, the corporate services director will notify the supervisor and the employee who initiated the request. Both parties will receive a copy of the completed request which will either approve or deny the request. A copy will be put in the employee personnel file.

Employees must provide the requested information on the Outside Employment Request Form annually even if the original request is still their valid outside employment (7/1 – 6/30). The form must be recompleted and submitted to the appropriate supervisor by 6/15 annually to have all approvals in place prior to year end (6/30).

If at any time during the year, the employees request on file is no longer valid, the employee would need to notify the corporate services director in writing that the original request needs to be voided. The employee would need to recomplete the request when they change employers also.

No employee will be allowed to engage in outside employment while on sick leave, while off work or on restricted duty due to a qualifying injury under Worker’s Compensation or while on approved Family Medical Leave (FMLA).

If a supervisor approves an adjusted work schedule for an employee working employment outside of OAI, there must be documentation as to why and the employees new work schedule must be provided to the personnel office after reviewed and approved by the Executive Director. The final document must be filed in the employee’s personnel file.

Any outside employment or activity that is detrimental to job performance or adversely affects the interests of the agency will not be allowed. Failure to comply with these procedures could result in disciplinary procedures. 3/26/2013 PC; OAI Board

6. **Background screening/Pre-Employment Drug Screening/Random Drug Screening/Criminal Convictions/Fingerprinting/Physicals/Drivers License Checks**  
Applicants and employees will be required to complete a Worker Registration form through the Missouri Department of Health and Senior Services Family Care Registry and/or a complete background screening through the Missouri Highway Patrol/Fingerprinting and a consent for drug screening prior to an employment offer. Applicants and/or employees must comply with the agency drug policy.

Background follow-ups will be done at least annually or as required by funding source guidelines.

Fingerprinting/Physicals/Driver's License Checks will be completed as required by funding source regulations, applicable employment laws and licensing requirements for funding. OAI 5/23/2017; 9/2017 PC

Drug Screening/Testing will be completed as per the policies in Section III; Subsection D 11.

Any employee of the agency convicted of any criminal drug statute violation must report each conviction to the supervisor and HR/Corporate Services Director no later than five (5) days after such conviction. See drug policies and procedures.

5/17/2016; 7/26/2016 (OAI Board; 9/2016 PC)

**D. Recruitment/Selection Procedure for REGULAR and EXEMPT Positions**

A position requisition for an opening will be valid for ninety (90) days from the date of posting. If after filling a position the new hire does not complete the initial orientation period or it is determined that more than one opening was needed, the initial posting will still be valid for ninety (90) days from the original date of posting. Therefore, at any point during the 90-day period a position that falls under the original job description and requisition may be filled without reposting an opening. PC 5/12/2009; OAI Board 5/26/09

**1. Executive Director Recruitment Procedure**

a. The Board will appoint an Acting Executive Director who will:

- 1) Advertise the position as deemed appropriate to acquire qualified applicants.
- 2) Provide application forms and information such as:
  - a) Qualifications, grade and salary, and example of work performed as set forth in the position description;
  - b) Equal employment opportunity practices, and
  - c) Other information as specifically related to the position.
- 3) Assist the Board Personnel Committee in screening applicants.
- 4) Complete the necessary arrangement for employment considering:
  - a) The evaluation of an applicant's qualifications as related to those set forth in the position description. Specifically included are income level verification (as applicable), educational considerations, work experience, and all other applicable considerations pertinent to the position.
  - b) References received to reflect both work relationships and personal character.
  - c) Other applicable history.

Revised 3/24/98

b. The Board Personnel Committee will:

- 1) Consider all written applications.
- 2) Interview applicants.
- 3) Recommend applicant(s) to the area Board.

c. The Board, assisted by recommendations of the Personnel Committee, will perform the final review and action.

**2. All Program Directors (except Head Start)**

a. The Executive Director will:

- 1) Consider all written applications.
- 2) Interview applicants.

b. The Executive Director may solicit recommendations from appropriate management staff before final review and action.



**3. Head Start Director**

- a. The Executive Director and/or a person(s) designated as a representative(s) of the Policy Council Personnel Committee will screen written applications.
- b. The Executive Director and Policy Council Chairperson will conduct interviews for selected applicants. Revised 4/18/00
- c. The Executive Director and/or the Policy Council Chairperson will recommend one applicant to the Policy Council for approval or disapproval.
- d. The Executive Director will present to the full board at the first meeting following the Policy Council approval the applicant selected for the position of Head Start Director. The Board will vote to approve or disapprove this applicant.

**4. Other Head Start Management**

- a. If a position is filled from current Head Start staff, steps involving Policy Council also apply (PC 5/12/2009; OAI Board 5/26/2009). Current employees have previously been approved by the Policy Council for employment with Head Start.
- b. Promotion from within the current Head Start employee pool will coincide with Ozark Action, Inc. policy in Section II, Subsection B. Paragraph 2.
- c. Head Start Director and/or his/her designated representative(s) and representative(s) of the Policy Council Personnel Committee will screen applications.
- d. Selected applicants shall be interviewed by staff personnel designated by the Head Start Director, and a member of the Policy Council Personnel Committee (3/24/98).
- e. Applicant(s) selected will be forwarded to the Executive Director for final review.
- f. The Head Start Director will recommend one applicant to the Policy Council for approval or disapproval. During the May meeting of the Policy Council it will be determined what procedures will be followed during the summer months for the approval or disapproval of new hires. (OAI Board 5/23/06; PC 6/19/06)

**5. Head Start Center Staff**

- a. If a position is filled from current Head Start staff, steps involving Policy Council also apply (PC 5/12/2009; OAI Board 5/26/2009). Current employees have previously been approved by the Policy Council for employment with Head Start.
- b. Promotion from within the current Head Start employee pool will coincide with Ozark Action, Inc. policy in Section II, Subsection B. Paragraph 2.
- c. Head Start Staff representatives and a Head Start Center Committee will screen written applications.
- d. Selected applicants shall be interviewed by staff personnel designated by the Head Start Director, and a member of the Policy Council Personnel Committee. Revised 3/24/98)
- e. Applicant(s) selected will be forwarded to the Executive Director for final review.
- f. The Head Start Director will recommend one applicant to the Policy Council for approval or disapproval. During the May meeting of the Policy Council it will be determined what procedures will be followed during the summer months for the approval or disapproval of new hires. (PC 6/19/06; OAI Board 5/23/06)

**6. New Hires for Head Start**

Personnel hired and approved by a Personnel/Grievance Committee Member and the Head Start Director will be officially approved or disapproved at the next Policy Council meeting (at which a quorum exists). Upon approval by the Policy Council, the date of hire for the employee will be the employee's actual start date for coordination of personnel policy procedures and benefits. (PC 6/19/06; OAI Board 5/23/06)

Background procedures must be completed prior to a new hire start date and periodically thereafter, as required by applicable Federal, State or local laws, funding source standards or regulations, and licensing requirements to ensure program compliance.

Refer to the Employee Resource Manual, Tab 3, Agency Administrative Directives, Section I, Subsection II, Hiring of Personnel/Agency Volunteers for the background procedure process.

OAI Board 5/23/2017; PC 9/2017

7. **Other Staff Recruitment Procedure**

The OAI staff person responsible for personnel functions will do the following for all programs when the appropriate management staff, to include the Executive Director, determines that a position cannot be filled from the current pool of OAI employee(s) nor, subsequently, from the current pool of applicants: (See Administrative Policies for complete step by step instructions for the Recruitment/Selection Procedures for all positions.) (3/26/02)

- a. Advertise the position locally in accordance with equal employment practices utilizing any or all the following:
  - 1) In-House notices.
  - 2) Division of Employment Security.
  - 3) Delegate agency placement in office(s).
  - 4) Neighborhood bulletin boards.
  - 5) Newspapers
- b. Provide application forms and information such as:
  - 1) Qualifications, grade and salary, and examples of work to be performed as set forth in the position description.
  - 2) Equal employment opportunity practices.
  - 3) Applicable income criteria.
  - 4) Other information as specifically relates to the job for which recruitment is underway.
- c. Complete the necessary arrangements for employment considering:
  - 1) The evaluation of an applicant's qualifications as related to those set forth in the position description. Specifically included are income level verification (as applicable), educational considerations, work experience and all other applicable considerations for the position applied for.
  - 2) References received to reflect both work relationships and personal character.
  - 3) Other applicable history. Revised 3/22/94;3/26/02

8. **Other Central Staff Selection Procedure (except Head Start)**

The immediate supervisor for whom a vacancy is to be filled will:

- a. Make recommendations through channels established by the organizational structure, to include the Executive Director, in determining the suitability and salary grade placement of an applicant.
- b. Upon recommendations from the supervisor involved, applicant(s) are forwarded to the OAI Executive Director and staff person responsible for personnel functions for final review and action.

9. **Recruitment/Selection Procedure for all other Personnel**

The director of a program where a vacancy is to be filled will:

- a. Complete a personnel requisition form and submit to the staff person responsible for personnel functions.
- b. Screen all written applications.
- c. Interview applicants.
- d. Recommend applicant(s) to the OAI Executive Director for final review and approval.

Revised 3/22/94

**SECTION III: GENERAL EMPLOYMENT POLICIES AND PROCEDURES**

**A. Purpose**

To set forth the policies and procedures and rules for employees and general employee conduct.

**B. Classification of Positions**

Employees will be classified into one of the categories listed below. All classifications will be assigned by the Executive Director and Program Director and they will make decisions about whether an employee is exempt or non-exempt. All employees will be notified in writing of their classification at the time of hiring and of any subsequent change in such status.

1. **Exempt Regular Full-Time Employees**—Exempt regular full-time employees are those employees who are scheduled to work the agency’s established normal workweek on a regular basis and who are excluded from the overtime-pay provisions of applicable Federal and State wage-and-hour laws.
  - a. Exempt Staff— (C-EX 6, 7, 8, or 10). These are regular full-time, exempt employees whose normal workday is six, seven, eight or ten hours a day. Holiday pay for these employees are considered what their normal workday is classified. These employees typically work the normal workweek on a regular basis and are excluded from the over-time provisions of applicable Federal and State wage-and-hour laws. These positions must meet an annual review of exempt classification to remain classified as exempt. 3/26/02
2. **Non-Exempt Regular Full-Time Employees**—Non-exempt regular full-time employees are those employees who are scheduled to work an established work schedule for a position that has been approved by the supervisor, program director and Executive Director. The approved schedule would be the employee’s regular work schedule and would be eligible for overtime pay under the overtime provisions of applicable Federal and State wage-and-hour laws. (PC 5/13/2008; OAI Board 5/20/2008)

3/24/98

- a. **Regular Full-Time Employees**—C-RF 8 or 10). These are regular full-time, non-exempt employees whose normal workday is eight or ten hours a day. Holiday pay for these employees is considered in 8-hour increments. These employees typically work no less than thirty (30) (PC 5/13/2008; OAI Board 5/20/2008) hours per week.

For those staff that are scheduled to work four ten-hour days, each of the ten paid holidays delineated in Section VI (G) (1) will be paid as an 8-hour increment. On those weeks, when a holiday occurs, 8- hour days will be observed throughout the week unless otherwise arranged with the Department Director.

In clarification of Section VI (G) (4), and applicable staff whose regular work days are Monday thru Thursday, if the holiday falls on a Friday, the preceding Thursday will be the observed holiday. Revised 3/24/98; 3/26/02

- b. **Regular Full-Time Employees**— (C-RF 6 or 7). These are regular full-time, non-exempt employees whose normal workday is six or seven hours a day. Holiday pay for these employees are considered on what their normal workday is classified. These employees typically work no less than thirty (30) hours per week.

3/26/02

- 3. **Non-Exempt Regular Part-Time Employees**—Non-exempt regular part-time employees are those employees scheduled to work less than thirty (30) (PC 5/13/2008; OAI Board 5/20/2008) hours per week (on a regular basis). Non-exempt regular part-time employees are eligible for overtime pay under the overtime provisions of applicable Federal and State wage-and-hour laws.
  - a. **Regular Part-Time Employees**— (C-RP 2, 4, 6, 8, 10). These are regular part-time, non-exempt employees whose normal work day is two, four, six, eight or ten hours a day. Regular part-time employees are not eligible for any paid holidays. (PC 5/13/2008; OAI Board 5/20/2008)
  
- 4. **Head Start Center Staff**—Those employees hired and assigned to work for a Head Start Center on a regular basis during the designated school term.
  - a. **Head Start Center Staff**— (C-6, C-7, C-8). The center staff receives holiday pay based on their classification of C-6 (normal work day is 6 hours per day would receive 6 hours of holiday pay), C-7 (normal workday is 7 hours per day; the employee would receive 7 hours of holiday pay); C-8 (normal workday is 8 hours per day, the employee would receive 8 hours of holiday pay). 3/26/02
  
- 5. **Temporary Employees**—Temporary employees are employees whose full-time or part-time services typically are needed for only a limited duration. As provided in Section VI (G) (1), temporary full-time and temporary part-time positions are not eligible for any paid holidays.
  
- 6. **Head Start Center Substitute(s)**—Those employees hired and assigned to work for a Head Start Center on an as needed basis.

Revised 3/24/98; 3/26/02

**C. Orientation**

Orientation serves as a period of intensive employee supervision and evaluation which ends upon the employee’s termination or the removal of orientation status.

- 1. **Initial Orientation**—All employees will serve a three-month orientation period beginning from the date of employment and will not be allowed movement to another position in another department until such orientation is completed. During this orientation period, an employee may be terminated at any time, for any reason not prohibited by law. Similarly, the employee is free to leave the agency at any time during this period without prejudice if the position or the agency does not meet his/her expectations. During this time:
  - a. The employee’s supervisor shall make a written evaluation of the employee’s job performance two weeks prior to the completion of orientation. Supervisors may choose to do more frequent evaluations based on necessity and requirements within an employment position. 3/26/02
  
  - b. Employees will accrue benefits, subject to the policies and procedures, except that annual leave may not be taken until the end of the first ninety- (90) days of employment.
  
  - c. An extension of this orientation period, not to exceed another ninety- (90) days, may be allowed upon request from the supervisor and with the approval of the Executive Director.

- d. An employee’s established anniversary date shall be the employee’s start date and will only be changed because of promotion, demotion or when written authorization is received from the appropriate director with approval of the Executive Director. 3/24/98
  - e. In the event of termination or other adverse employment action, an employee in the initial orientation period shall not be permitted to assert any grievance or adverse action appeal under Section IX of this policy. For Head Start Staff, the Policy Council must approve or disapprove the termination of Head Start employees during the orientation period. (PC 6/19/06; OAI Board 5/23/2006)
2. **Subsequent Orientation**—Employees who change from one position to another within the agency will serve a three-month orientation period. The conditions of this orientation period shall be the same as those stated under “Initial Orientation” with the following exceptions:
- a. The employee may file an adverse action appeal if applicable;
  - b. A REGULAR employee shall be entitled to take annual leave at any time during the orientation period when such leave is approved by the supervisor.

**D. General Employee Conduct**

An employee is expected to conduct himself/herself always in a manner that will reflect credit to the agency and any misconduct on duty or off duty which is of such a nature as to reflect discredit on or cause embarrassment to the agency shall be prohibited. All new employees will be given an Ozark Action, Inc. Personnel Policies and Procedures Notebook at the time of hire. During the orientation period employees, will be informed of the behavior expected and the rules, regulations, policies, procedures and practices.

Within the policies of the agency, employees are expected to conform to the Community Action Code of Ethics. During initial orientation, employees will be provided with a copy of such code of ethics.

In general, the accepted standard of employee conduct normally required in any place of employment, whether or not such are in writing, including but not limited to fighting, misuse or theft of equipment, furnishings or agency property, irresponsible behavior which would jeopardize the health, welfare or safety of any program participant could result in disciplinary action to include termination.

- 1. **Confidentiality of Agency Information**—All employees should exercise the utmost discretion regarding official business and records. Any information which has been received on a confidential basis must be maintained as confidential within the agency. Violation of this policy and/or revelation of confidential information given to an employee in confidence by a participant in an agency program may be grounds for immediate dismissal.
- 2. **Official Contacts with Outside Organizations**—An employee may not speak to outside organizations such as the press, clubs and outside agencies as an official spokesman of the agency without prior clearance by the Executive Director. The Executive Director shall establish written administrative instructions for staff about routine contacts with the news media and outside public relations contacts.
- 3. **Gratuities**—Employees of the agency are prohibited from accepting gifts, monies and any other forms of gratuities from persons receiving benefits or services from the agency, or from persons performing service under contract to the agency or otherwise able to benefit from an employee’s actions. 5/24/94

- 4. **Agency Programs**—Any member of the governing board; employee of funding source; agency employee, agency employee family member, or a resident of an employee’s household that qualifies for services or programs offered by Ozark Action, Inc. shall be required to follow the same established procedures as other participants. No preference will be permitted to be given.

Agency related cases will adhere to OAI policies and procedures, funding source (contract and program requirements; work plan procedures and documentation) regulations and any applicable federal, state or local law to ensure compliance. (7/25/2017 OAI Board; 9/2017 Policy Council)

- 5. **Employee Dress**—Employees are expected to dress in business attire, appropriate to the duties they perform on the job.
- 6. **Work Area**—Employees are responsible for maintaining their work areas in an orderly manner.
- 7. **Out of Area Telephone Calls**—All long-distance telephone calls will be recorded on the long-distance log as required.
- 8. **Collect Telephone Calls**—All long distance collect telephone calls must be recorded on the Long Distance Collect Telephone Call Log.
- 9. **Personal Visitors, Telephone Calls/Cell Phones, Personal Internet and E-Mail:**
  - a. Non-business appointments with salesmen or solicitors during working hours are prohibited. Personal visitors should be treated courteously but should not be permitted to stay beyond a reasonable length of time.
  - b. Personal telephone calls are permitted, but should be kept to a minimum length of time. Long distance personal telephone calls MUST be charged to the employee’s home phone.

Use of personnel cell phones (when it is work related) in receiving and making phones calls; receiving and sending text messages should be kept to a minimum so as not to disrupt employees work or their co workers work. Department policies may be more stringent and should be adhered to concerning cell phone usage. 3/26/2013 PC; OAI Board

- c. Staff is expected to adhere to Internet and computer program use for business purposes appropriate to each person’s specific job duties. Computers are the property of OAI programs and any personal information maintained or used on OAI computers is subject to monitoring and scrutiny by management at any time (3/26/02). Annually all staff will be required to read and sign the Technology Agreement located in the Administrative Policies. (PC 6/19/06; OAI Board 5/23/06)

Staff should adhere to the Social Media Policy cited in the Employee Resource Manual, Tab 3 Agency Administrative Directives Section II, Subsection V-Social Media Policy and Procedures. OAI Board 5/23/2017; PC 9/2017

- 10. **Sexual Harassment**—All employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive. No employee—either male or female—should be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. The management of Ozark Action, Inc. is committed to prohibiting this type of unwelcome conduct and employees who violate this policy will be subject to disciplinary action up to and including termination. Any employee who feels that she/he has been subjected to inappropriate conduct or sexual harassment should immediately follow the complaint procedure as set forth in the agency’s Equal Opportunity Policy. 3/25/97
- 11. **Drug Free Workplace Policy and Testing Procedures**

Ozark Action, Inc. is committed to establish and maintain a workplace that is free from the effects of drug and alcohol abuse. OAI recognizes the significant problems caused by drug and alcohol abuse in the workplace and is committed to maintaining a drug and alcohol-free work environment. The use or misuse of drugs and alcohol jeopardizes the safety and productivity of employees as well as the safety and well-being of others. Accordingly, the agency will adopt both a driver and non-driver Drug Free Workplace Policy and Testing Procedures Policy.

**E. DRUG TESTING: DRUG AND ALCOHOL POLICY--(ALL EMPLOYEES)****Purpose**

In compliance with the Drug-Free Workplace Act of 1988, Ozark Action, Inc. has a longstanding commitment to provide a safe, quality-oriented and productive work environment consistent with the standards of the community in which the agency operates. Alcohol and drug abuse poses a threat to the health and safety of Ozark Action, Inc.'s employees and to the security of the agencies equipment and facilities. For these reasons, Ozark Action, Inc. is committed to the elimination of drug and alcohol use and abuse in the workplace.

**Scope**

This policy outlines the practice and procedure designed to correct instances of identified alcohol and drug use in the workplace.

This policy applies to all employees and applicants for employment of Ozark Action, Inc. The human resource/corporate services (HR/CSD) department is responsible for policy administration.

**Substance Abuse Awareness**

Illegal drug use and alcohol misuse have many serious adverse health and safety consequences. Information about those consequences and sources of help for drug or alcohol problems is available from the HR/CSD department, which has been trained to make referrals to assist employees with drug or alcohol problems.

**Employee Assistance**

Ozark Action, Inc. will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or other Ozark Action, Inc. policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests, or if they have violated this policy previously. Once a drug test has been scheduled, unless otherwise required by the Family Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and possible discipline, up to and including discharge, will be unavoidable.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose to Ozark Action, Inc. underlying medical conditions unless directed to do so.

**Work Rules**

1. Whenever employees are working, operating any Ozark Action, Inc. vehicle, are present on Ozark Action, Inc. premises or are conducting company-related work offsite, they are prohibited from:
  - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
  - b. Being under the influence of alcohol or an illegal drug as defined in this policy.
  - c. Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body system, while performing company business or while in a company facility, is prohibited.

3. Ozark Action, Inc. will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication while at work must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

**Required Testing****Pre-employment**

All applicants must pass a drug test before beginning work. A conditional job offer will be extended subject to the applicant taking and passing a drug test. If the applicant fails the test, the conditional offer will be revoked and the individual will not commence employment for the agency. Refusal to submit to testing will result in disqualification of further employment consideration.

**Reasonable Suspicion**

All employees are subject to testing based on (but not limited to) observations by the supervision of apparent workplace use, possession or impairment. HR/CSD, the Corporate Services Director or Executive Director or should be consulted before sending an employee for reasonable suspicion testing. All persons making this decision must document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs or alcohol. If the observation indicates further action is justified, the manager or supervisor should confront the employee and inquire about whether the employee is under the influence of drugs or alcohol. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will arrange for the employee to be transported home.

**Random**

All employees are subject to random testing at any time, pursuant to a method implemented by the Agency to select employees for testing on a random basis. Employees who are selected for testing must immediately proceed to the collection center. Any refusal, failure or material delay in proceeding to the collection site will be grounds for immediate discipline up to and including discharge from employment, and may be deemed to be the equivalent of a positive test result. The Agency may increase or decrease the percentage or number of employees' subject to random testing each year.

**Post-accident**

All employees are subject to testing when they cause or contribute to accidents that seriously damage an Ozark Action, Inc. vehicle, machinery, equipment or property or result in an injury to themselves or another. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including an Ozark Action, Inc. forklift, pickup truck, bus or other motorized equipment) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place promptly following the accident. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

**Follow-up**

All employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending on the circumstances and employee's work history/record, Ozark Action, Inc. may (but shall not be required to) offer an employee



who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by Ozark Action, Inc., for a minimum of one year but not more than two years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

**Collection and Testing Procedures**

All sample collection, testing and reporting of drug and alcohol test results shall be conducted and performed in accordance with the Guidelines of the Substance Abuse and Mental Health Services Administration (SAMHSA) at 73 Federal Register 71858 (Nov. 25, 2008), as amended.

Employees subject to alcohol testing should be driven to an Ozark Action, Inc. designated facility and directed to provide breath or blood specimens. Breath specimens should be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen should be tested approximately 20 minutes later. The results of the second test should be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the Agencies discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the Agency as work rule violations.

Applicants and employees subject to drug testing should be driven to an Ozark Action, Inc. designated medical facility and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens should be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory should screen all specimens and confirm all positive screens. There must be chain of custody from the time specimens are collected through testing and storage.

The laboratory should transmit all positive drug test results to a medical review officer (MRO) retained by Ozark Action, Inc., who should offer persons with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or appliance will be treated as passing the test. In no event, should a positive test result be communicated to Ozark Action, Inc. until such time that the MRO has confirmed the test to be positive.

**Consequences**

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the company believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management/supervision, and HR/CSD.

#### **Confidentiality**

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO should be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

#### **Inspections**

Ozark Action, Inc. reserves the right to inspect all portions of its premises for drugs, alcohol and other contraband. All employees may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

#### **Crimes Involving Drugs**

Ozark Action, Inc. prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. Ozark Action, Inc. employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.

Ozark Action, Inc. does not desire to intrude into the private lives of its employees, but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, Ozark Action, Inc. reserves the right to take appropriate disciplinary action for drug use, sale or distribution, while off company premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to HR/CSD within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with Ozark Action, Inc.

#### **Definitions**

**"Agency premises"** includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Ozark Action, Inc. or on any site on which the agency is conducting business.

**"Illegal drug"** means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

**“Refuse to cooperate”** means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

**“Under the influence of alcohol”** means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

**“Under the influence of drugs”** means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken and the period of authorization).

**Reasonable Suspicion and Post-Accident Testing Protocol**

1. The employee will be advised that Ozark Action, Inc. believes that there is a reasonable suspicion to believe that he or she is affected by illegal drugs or alcohol (or due to the nature of the accident the policy mandates this) and that this test is being offered to confirm or deny this suspicion.
2. The employee will be transported any one of the company’s contracted testing facilities (e.g., health services, prompt care or the emergency department). One member of management or a designated attendant will accompany the employee. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.
3. Prior to leaving for the testing facility, supervision/management will contact the testing facility to inform it that a staff member from Ozark Action, Inc. will be arriving and will need a drug or alcohol test completed.
4. The employee should be provided water to drink prior to leaving the agency premises.
5. The employee to be tested must present a photo ID (i.e. a driver’s license or state ID card) to the testing facility staff before the specimen can be obtained. Ensure that the employee brings the photo ID with him or her when leaving Ozark Action, Inc. premises.
6. The employee to be tested must sign a consent form provided by the testing facility. Refusal to sign is addressed under the “Consequences” section of this document.
7. An Ozark Action, Inc. representative must sign as a witness to the collection procedure along with the tested employee.
8. After returning to the agency or when leaving the testing facility, the supervisor/manager must make arrangements to transport the person home (unless testing results are immediate). Under no circumstances will an employee that test positive be allowed to drive himself or herself home.

**Enforcement**

The HR/CSD department is responsible for policy interpretation, administration and enforcement.

**F. DRUG TESTING: DRUG AND ALCOHOL POLICY for Drivers****Purpose**

Ozark Action, Inc. Substance Abuse Policy is established to comply with the United States Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) regulations, specially 49 C.F.R. Parts 40, 382 and 392 as amended from time to time to maintain a safe, healthful and efficient working environment for our employees, to protect citizens and citizens property, equipment and operations, and to protect the motoring public from illegal drugs or drugs taken for non-medical purposes.

The DOT requires an employer conduct drug and alcohol testing of its drivers at the times and under the conditions described in this policy. The regulations apply to every person who operates a commercial motor vehicle (CMV) in interstate, foreign, or intrastate commerce and to all employers of such persons in all states. It is the intention and the policy of Ozark Action, Inc. to comply fully with these regulations, as they are promulgated and amended from time to time. Ozark Action, Inc. reserves the right to apply all amended or revised requirements of these regulations immediately without giving prior notice to the affected employees unless DOT regulations or law requires such notice.

The use and effects of controlled substances and alcohol pose very serious problems. Not only can the use and/or abuse of drugs or alcohol jeopardize the health, safety, and well-being of the individual user and all our employees, it can also endanger the safety of the public, jeopardize the safety of our roads and highways, and cause serious accidents and casualties. In view of these problems, Ozark Action, Inc. wants to state unequivocally its policy to detect and to deter the use of drugs and alcohol in our transportation and work environment, either through testing, cessation of use, or termination of employment. Our policy is as follows:

**Application**

The Policy applies to all employees required to maintain a Commercial Driver's License (CDL) and who are subject to federal regulations regarding drug and alcohol testing.

For purposes of this Policy:

**"Driver"** means an employee who is required by Ozark Action, Inc. to operate a CMV which requires the employee to possess and maintain a CDL.

**IMPLEMENTATION AND ENFORCEMENT OF POLICY**

The following procedures will be employed to assure compliance with this Policy.

1. **Testing**—Employees and applicants for employment are required to submit to drug and/or alcohol testing under any of the following circumstances:
  - a. For persons being considered for employment with Ozark Action, Inc. If an applicant for employment fails, the pre-employment drug and/or alcohol test the applicant will not be offered employment with the agency or under one of the agency employment programs.
  - b. When Ozark Action, Inc. has reasonable suspicion to believe that an employee is under the influence of alcohol or a prohibited substance while on duty.
  - c. If an employee is transferred or promoted to a position which requires possession of a Commercial Driver's License.
  - d. If an employee is selected for random testing.

- e. Prior to an employee returning to duty following a confirmed positive drug and/or alcohol test or if the employee refuses a test or violates other provisions of Ozark Action, Inc. testing regulations.

If an employee has a confirmed positive drug and/or alcohol test the employee shall submit to random drug and alcohol testing for a period of time specified by the substance abuse counselor and the Medical Review Officer (MRO) and pursuant to Federal Regulations. The employee is responsible for the cost of such drug and/or alcohol testing;

- f. For employees involved in a “reportable accident” while on duty.

- 2. **Post-Accident Testing**—As soon as possible but not later than eight (8) hours following a DOT ‘reportable accident’ if the driver receives a citation for a moving traffic violation arising from the accident. If the eight (8) hour time limit is exceeded, the collection of an alcohol specimen is suspended; the drug specimen will be collected as soon as possible not to exceed thirty-two (32) hours after the accident. The driver is solely responsible for assuring Ozark Action, Inc. that the required specimen is provided as soon as possible.
- 3. **Use of Alcohol Following An Accident**—No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident test, whichever occurs first.
- 4. **Employee Privacy**—Testing will be conducted with concern for the personal privacy of each employee. Results of urine and blood tests performed hereunder will be considered medical records and held confidential to the extent permitted by law. Tests shall only be performed for substances subject to Federal Regulations including alcohol, marijuana (THC), cocaine, opiates, amphetamines (including methamphetamines), and phencyclidine (PCP) and the laboratory shall only report on the presence or absence of these substances. Tests for other drugs shall not be performed and, if such tests are performed, the results of such other tests shall not be reported to Ozark Action, Inc.
- 5. **Testing Procedure**—All tests will be conducted in accordance with applicable regulations published by the Department of Transportation in a manner allowing individual privacy unless there is a reason to believe that a particular individual may/or has altered or substituted the specimen provided. All tests will be collected at designated collection sites under the supervision of trained collectors and as follows:
  - a. If an employee is tested at a location other than on premises, such urine and blood specimens shall be drawn or collected at the laboratory, hospital or medical facility at which the specimen is to be tested or prepared for testing. No employee shall have blood drawn unless under direct order of a law enforcement agency. The employee shall not be observed when the urine specimen is given.
  - b. The testing shall be done by a laboratory certified as a medical and forensic laboratory which complies with the Scientific and Technical Guidelines for Federal Drug Testing Programs and the Standards for Certification of Laboratories Engages in Urine Drug Testing for Federal Agencies issued by the Alcohol, Drug Abuse and Mental Health Administration of the U.S. Department of Health and Human Services.

- 6. **Availability of Test Results**—The results of any drug test and records connected with the testing procedure will be made available to the individual tested upon written request. The results of the tests themselves are reviewed by a licensed physician who has the knowledge of substance abuse disorders. If the tests are positive the individual tested will be advised of the results and the type of drug or drugs discovered. The individual tested will be given the opportunity to discuss the test results with the licensed physician prior to the time the test results are made available to Ozark Action, Inc. After notification of the MRO’s final positive determination, the employee has seventy-two (72) hours to request a test of the “split specimen at another DHHS certified laboratory.

The documentation of results of the test will not be made available to other parties except upon the written request of the individual, or when an applicable DOT regulation requires such disclosure, or if in the MRO’s reasonable judgment, the information could result in the employee being medically unqualified to perform their duties, or if the information would cause a safety risk.

- 7. **Retesting of Original Split Specimen**—The employee may request of the MRO in writing, to have the “split specimen” of a positive test retested at another DHHS certified laboratory selected by the employee. The employee will be required to pay for the retest in advance, and a check must accompany the written request.

Should the results of such retest be negative, Ozark Action, Inc. shall reimburse the employee for all costs related to such retesting of the “split specimen”. Further, the employee shall not suffer any discipline as a result of the initial positive test and will be made whole for any lost time or benefits suffered as a result of preliminary actions taken by Ozark Action, Inc. based on the initial positive test results.

- 8. **Voluntary Disclosure**—Employees who seek voluntary assistance for alcohol and substance abuse may not be disciplined for seeking such assistance. Requests from employees for such assistance shall remain confidential and shall not be revealed to other employees or management personnel without the employee’s consent. Employees enrolled in substance abuse programs shall be subject to all employer rules, regulations and job performance standards with the understanding that an employee enrolled in such a program is receiving treatment for an illness.

**PRESCRIPTION AND NON-PRESCRIPTION MEDICINE**

Before any drug test is administered, the employee or prospective employee may note the use of any prescription or non-prescription medications. The laboratory procedures will report the significant presence of all prescription and non-prescription drugs.

Any employee using a medication which their physician has advised the employee the use of such medication may affect the employee’s ability to safely operate a motor vehicle, or the employee’s ability to other wise perform the duties of their position, shall promptly notify Ozark Action, Inc. that they are currently using such medication.

**CONSEQUENCES FOR VIOLATION OF THIS POLICY**

- 1. Driver disqualification penalties under the Department of Transportation regulations include but are not limited to:
  - a. Drivers shall not be permitted to perform safety-sensitive functions.
  - b. Drivers will be advised by Ozark Action, Inc. of resources available to them in evaluating and resolving problems associated with misuse of alcohol or controlled substances.

- c. Drivers will be evaluated by a substance abuse professional (SAP) who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substance use.
  - d. Before a driver returns to duty requiring performance of a safety sensitive function he/she shall undergo a return to duty alcohol test with a result indicating a breath alcohol level of less than .02% if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.
  - e. In addition, each driver identified as needing assistance in resolving problems associated with alcohol or controlled substances shall be evaluated by a SAP to determine the driver has followed the rehabilitation program prescribed.
  - f. The driver shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be directed by the SAP, and consist of at least six (6) tests in the first twelve (12) months.
  - g. A person who refuses to be tested or does not cooperate fully with the collection site personnel shall be treated as having a positive test result and, therefore, medically unqualified to perform his or her normal work tasks.
  - h. Failure to give a urine and breath sample when the employee is involved in a fatal accident will result in disqualification for one (1) year.
  - i. A driver who tests positive for use of a controlled substance or alcohol when the driver has been involved in a fatal accident shall be disqualified for one (1) year
  - j. Any driver who tests positive for alcohol between .02% - .039% will be required to stand down from driving a commercial motor vehicle for twenty-four (24) hours.
2. In addition to the penalties mandated by the Department of Transportation, if an employee tests positive (.02% - .039%) for alcohol, the following are minimum disciplinary steps that shall be taken:

**First Offense:**

Twenty-four (24) hour stand down, referenced above shall be considered a one-day disciplinary suspension without pay. Ozark Action, Inc. may impose more severe discipline as it deems appropriate for the circumstances.

**Subsequent Offenses:**

Employee is subject to discipline up to and including immediate discharge.

3. If an employee test positive for illegal drugs, and/or controlled substances or is under the influence (.04% or greater) of alcohol, the following are minimum disciplinary steps that shall be taken:

**First Offense:**

Employee is subject to discipline up to and including immediate discharge.

**Second Offense:**

Immediate Discharge.

**ASSISTANCE TO EMPLOYEE IN UNDERSTANDING ALCOHOL OR DRUG ABUSE**

Ozark Action, Inc. will make informational materials available to assist employees in understanding the effects and consequences of alcohol and drug use and abuse and materials that explain the United States Department of Transportation requirements related to drug and alcohol testing.

**EMPLOYEE ASSISTANCE PROGRAM**

Ozark Action, Inc. encourages all employees to seek appropriate help when dealing with drug and alcohol related problems that may be affecting the employee’s work and/or personal lives. Ozark Action, Inc. will provide employees with information about community resources that are available to assist employees in dealing with drug and alcohol related problems.

**CONDITIONS OF EMPLOYMENT**

Compliance with the Policy is a condition of employment. Employees who violate the Policy are subject to discipline up to and including discharge.

Questions regarding this policy should be directed to the HR/Corporate Services Department.

7/26/2016 OAI Board; 9/2016

- 12. **Romantic Involvement**—Romantic involvement between a supervisor and any person involved in a reporting relationship, direct or indirect, is prohibited.
- 13. **Executive Staff**—Those directly under the supervision of the Executive Director, shall contact the Executive Director when they feel actions of the Executive Director would be in violation of the Board policies of Ozark Action, Inc. After this informal contact, if the concerns have not been resolved, the Executive Staff has the authority to notify the President of the Board of the Corporation. The President of the Board will call upon the Executive Committee to discuss, review and resolve the Executive Staff concerns. All other employees will follow the appropriate channels through the approved chain of command as outlined in the agency organizational chart. Any employee not complying with these stated procedures will be considered insubordinate.
- 14. **Letter of Commendation**—A letter of commendation may be issued to an employee by the Executive Director upon recommendation of an employee’s immediate supervisor, verifying outstanding performance in some aspect of her/her work.

*Revised 3/28/95*

**G. Head Start Staff Requirements**

- 1. Head Start employees responsible for driving buses must have an annual physical **as required by Department of Transportation or Funding source to be in compliance. OAI Board 5/22/2018; PC 9/2018**
- 2. All Center Staff must have an annual **TB Assessment Form/TB test on file. The assessment and test must be dated after October 2010. OAI Board 5/22/2018; PC 9/2018**
- 3. All other Head Start employees must have a **daycare (OAI Board 5/22/2018; PC 9/2018)** physical on file that is current (never more than five (5) years old. 5/17/2016 OAI Board; 9/2016 PC
- 4. **For other requirements, see the background/fingerprint information in Section II, Subsection C-6, page 15 and 16 of policies. (OAI Board 5/22/2018; PC 9/2018)**

3/26/2013 PC & OAI Board



**SECTION IV: WAGE/SALARY PLAN**

**A. Purpose**

To set forth policies and procedures for developing and for administering a wage/salary plan.

**B. Wage/Salary Plan Development**

The agency shall develop a wage/salary plan utilizing position description, position evaluations and wage/salary comparability studies.

1. **Position Descriptions**—There shall be position descriptions on file for each employee which will be reviewed and/or updated at least annually. Such position descriptions shall include at a minimum the following: (1) general description of results required for the position; (2) line of supervision; (3) knowledge, skills and abilities necessary to fulfill the position and (4) position classification and wage/salary. 3/26/02
2. **Position Evaluation**—The agency shall utilize a position evaluation system that adequately determines the value of each position in the agency and comparable wages for similar position responsibilities are paid. This system shall be employed whenever a new position is created or an existing position undergoes significant change.
3. **Wage/Salary Comparability Study**—The agency shall conduct wage/salary comparability studies to obtain information that will enable OAI to be competitive.

**C. Wage/Salary Plan Structure**

The structure of the wage/salary plan shall be a scale consisting of ranges that establish a minimum wage/salary for each position within the agency. 3/24/98

1. **Ranges**—Ranges are established to allow for the different levels of position responsibilities. Each position in the agency shall be placed in a particular range through utilization of a position evaluation system.

**D. Wage/Salary Plan Administration**

The agency shall administer the wage/salary plan with equity considering funds available, budgets and funding source policy. 3/24/98

1. **Minimum Wage**—No less than the Federal or Missouri (PC 5/13/2008; OAI Board 5/20/2008) minimum wage shall be paid to any employee of Ozark Action, Inc. unless otherwise specified by the provisions of the Fair Labor Standards Act as amended.
2. **Starting Wage/Salary**—When a position is to be filled the minimum wage/salary in the assigned range shall be paid. If there is documented experience or qualifications warranting payment beyond the minimum wage/salary of the range for a new employee, the Director must obtain approval from the Executive Director.

- 3. **Annual Performance Evaluation**—At least annually a written evaluation of the employee’s position performance, based upon the position description, shall be made by the employee’s supervisor. The evaluation shall document the employee’s specific strengths and weaknesses and outline a plan for performance improvement for the employee. After discussing the completed evaluation with the employee, the supervisor shall submit the evaluation for review to his/her supervisor. A copy of the evaluation shall be given to the employee and the original placed in the employee’s personnel file.

The evaluation of the position performance of the Executive Director shall be the responsibility of the President of the Board of Directors. He/she shall conduct the evaluation along with input from the Executive Committee following established performance appraisal system guidelines.

- 4. **Wage/Salary Adjustments**—Adjustments in wage/salary may occur as a result of position performance, general wage/salary adjustment, promotion, transfer or demotion. Although program budgets may include wage/salary adjustments in their yearly budgets, this does not authorize employees covered under that budget and program to receive such budgeted adjustments.
  - a. **Employee Performance**—An employee may be given a wage/salary increase based upon overall performance as substantiated by a written performance evaluation. The budget must allow the increase and the Executive Director must approve it. Increases may be recommended by the employee’s supervisor at the end of orientation (excluding disciplinary probation) if employment began at the minimum wage of range and usually on an annual basis thereafter.
  - b. **General Wage/Salary Adjustment**—The Board of Directors may authorize general wage/salary adjustments due to such things as increases in the cost of living, federal minimum wage changes or changes in the prevailing wage/salary rates in the community as evidenced by the agency’s wage/salary comparability study. 3/22/94
  - c. **Promotion**—A promotion is movement by an employee to a position that is in a higher wage/salary range than the employee’s current position. An adjustment in wage/salary shall be made in accordance with the provisions of paragraph D-2 of this section regarding starting wage/salary for the new position. If in following these provisions, the employee’s current wage/salary is more than the proper starting wage/salary for the new position, an exception may be granted by the Executive Director so that the employee receives some amount of wage/salary increase.
  - d. **Transfer**—A transfer is movement by an employee to a position that is in the same wage/salary range as the employee’s current position. Any adjustment in wage/salary must be approved by the Executive Director.
  - e. **Demotion**—A demotion is movement by an employee to a position that is in a lower wage/salary range as the employee’s current position. Upon the approval of the Executive Director, the wage/salary of the employee shall be adjusted to conform to the current wage/salary range of the new position that is appropriate for the employee’s level of skill and knowledge for that position.
  - f. **Other Adjustments**—Any wage/salary increase or decrease other than those mentioned in this section shall be handled on an individual basis by the Program Director and Executive Director. 3/24/92

If due to funding cuts, a wage/salary decrease is necessary, any affected employee would receive a thirty (30) day written notice of the amount of decrease and the effective date of the decrease. 3/26/2013 PC & OAI Board

**A. Wage/Salary Scale**

**July 1, 2018**

**Wage/Salary Scale Minimum**

(Reviewed PC 4/4/2012; OAI Board & PC 3/26/2013; Effective 7/1/2013; Rev./Approved 5/27/2014 OAI Board & PC 9/17/2014); Updated 5/19/2015; Approved 5/7/2015 PC & 5/19/2015 OAI Board; Approved by OAI Board 5/17/2016; PC 9/2016; Approved 5/23/2017 OAI Board; PC 9/12/2017)

<b>Range</b>	<b>2018 Rate starts 7/1/2018</b>	<b>2017 Rate end 6/30/2018</b>
1	<b>\$22.08</b> (+.44)	\$21.64 (+.06)
2	<b>\$20.12</b> (+.40)	\$19.72 (+.06)
3	<b>\$18.51</b> (+.37)	\$18.14 (+.05)
4	<b>\$16.89</b> (+.34)	\$16.55 (+.05)
5	<b>\$15.61</b> (+.31)	\$15.30 (+.05)
6	<b>\$14.29</b> (+.28)	\$14.01 (+.04)
7	<b>\$13.32</b> (+.27)	\$13.05 (+.04)
8	<b>\$12.35</b> (+.25)	\$12.10 (+.04)
9	<b>\$11.38</b> (+.23)	\$11.15 (+.03)
10	<b>\$10.41</b> (+.21)	\$10.20 (+.03)
11	<b>\$ 9.61</b> (+.19)	\$9.42 (+.03)
12	<b>\$ 8.79</b> (+.18)	\$8.61 (+.03)
13	<b>\$ 8.13</b> (+.16)	\$7.97 (+.02)
14	<b>\$ 7.86</b> (+.16)	<b>\$7.85 (increased to minimum for Missouri 1/1/2018; Federal minimum rate is \$7.25)</b>

**7/1/2018 wage and salary scale increased by 2% due to COLA Increase 1/1/2018. 5/22/2018 OAI Board; 9/2018 PC**

Part-time, temporary staff (PC 5/13/2008; OAI Board 5/20/2008) and subs may be hired at minimum wage, which would be classified as the bottom range. 5/27/2014 OAI Board & 9/17/2014 PC

Wage/Salary Scale will be reviewed annually based on the Federal Cost of Living (COLA) Consumer Price Index for Social Security Benefits or funding source requirements based on budgets (3/26/2013 PC & OAI Board). Some grant(s) may require changes for the agency wage/salary scale to comply with funding source requirements. The annual review will ensure that the scale is adequately balanced for positions and wages in the counties served by OAI. (PC 5/2/06; OAI 5/23/06). The minimum on the Wage and Salary Scale for each range will only be increased as necessary. No employee will automatically receive a wage increase or decrease (3/26/2013 PC & OAI Board). Any increases or decreases (3/26/2013 PC & OAI Board) will be based on funding availability and future evaluations. If the range minimum is higher than the current hourly wage minimum that staff receive, staff would be increased to the minimum of that range effective 7/1 or the position description would need to be reviewed to ensure that the position was in the correct wage range and adjusted appropriately (PC 5/12/2009; OAI Board 5/26/2009). The agency will comply with any changes in the Federal and State Minimum Wage as required by law.

(PC 5/8/07; OAI 5/22/07) 2014/2015 Wage & Salary Scale Reviewed and Approved 5/7/2015 by the Program Directors; 5/19/2015 OAI Board; 5/7/2015 PC. 2016 Wage & Salary Scale reviewed and approved 5/16/2016 by directors; 5/17/2016 OAI Board 9/2016 PC. **2018 Wage and Salary Scale reviewed and approved OAI Board 5/22/2018; PC 9/2018.**

**SECTION V: PAY POLICIES AND WORK SCHEDULES**

**A. Purpose**

To establish policies and procedures for payment of employees and regular working hours and overtime for employees.

**B. Pay Policies**

Outlined below are the normal pay periods, deductions from employee’s paychecks and salary advances:

1. **Pay Periods**—Employees will be paid every two weeks unless otherwise specified by the Executive Director in writing. If pay day falls on a holiday, employees will be paid on the last working day prior to the official pay day date.
2. **Deductions**—Deductions from employee’s paychecks can be as follows:
  - a. **Voluntary**—Upon written authorization of the employee, the agency will deduct from the employee’s paycheck for the employee’s contribution for insurance benefits, MACA dues and any other deductions approved by the Executive Director.
  - b. **Garnishments**—When an employee has a judgment rendered against him/her in court and a garnishment is issued, the agency is required by law to withhold a specified amount from the employee’s paycheck. The amount is determined under a formula established by State and Federal Law. The agency must then turn this amount of money in to the court that issued the garnishment through the local county sheriff. Garnishment of an employee’s wages shall not be considered grounds for dismissal, but employees are urged to fulfill their legal financial obligations.
  - c. **Other Expenses**—When an employee owes the agency for a travel advance and it has not been paid back to the agency within ten days after the travel return date, the agency may deduct the amount owed to the agency from the employee’s wages as noted on the travel advance form. 3/26/2013 PC & OAI Board
3. **Salary Advances**—For purposes of these policies, a salary advance is defined as money which has been earned but is not routinely payable at the time the employee requests such an advance. Therefore, an employee requesting an advance of their salary will ordinarily have the following payroll reduced by the amount of the advance requested.

If extraordinary circumstances exist, the employee will request in writing an advance stating the circumstances. The supervisor will forward this written request to the Executive Director for final approval. Each salary advance request will be handled on an individual basis by the Executive Director as well as determination of financial hardship. 3/28/95

Payroll advances are allowed only in case of an emergency and are limited to a maximum of two per fiscal year (July 1 through June 30). (PC 5/13/08; OAI Board 5/20/08)

- a. **Annual Leave Advance**—Employees who are going on annual leave may request partial or full payment of their salary in advance if a regularly scheduled pay period will fall within the time the employee will be on annual leave. Such an advance must be requested in writing no later than Noon on Monday before the payroll in which the employee will be on leave. This request should be submitted to the program director/supervisor and forwarded to the Fiscal Director for processing.

**C. Staff Work Hours and Hours of Operation**

**1. Central Office Location, Outreach Office Locations and other Field Locations—**

- a. **Hours of Operation**—Lobby hours are Monday – Thursday from 8:00 a.m. to 4:30 p.m.; Friday 8:00 a.m. to 12:00 p.m. (First appointment 8:00 a.m.; last appointment 4:00 p.m.; Friday last appointment at 12:00 p.m.; appointments needed to serve clients outside of agency hours of operation will be reviewed and scheduled on a case by case basis.)
- b. **Staff work hours**—Vary by department or program, not to exceed 40 hours per week. Program Directors will conduct an annual review of staff work hours. If adjustments are necessary, the director will request in writing the modification of hours, staff affected and justification for the needed change to the Executive Director. The ED will review the request. If modifications will affect other departments or programs, program directors will work together to ensure staff availability during hours of operation. Upon approval or denial of the modification, the request will be forwarded to the Corporate Services Department to notify staff affected by the modification.
- c. **Lunch**—OAI is not required to provide a lunch break. When establishing staff work hours, a half hour lunch is included for any day that exceeds 5 ½ hours worked. In and out times must be accurately reflected on timesheets. Staff may not exchange a lunch break for leaving earlier at the end of a work day. Due to scheduling or workloads, staff may not be able to take lunch breaks at a specific time.
- d. **Breaks**—OAI is not required to provide breaks. Staff may not exchange a break for a long lunch period or to leave earlier at the end of the day. Breaks do not have to be reflected on timesheets and staff should not leave the premises. Supervisors will determine break times based upon staff schedules or workloads. Breaks should be kept to a maximum of 15 minutes each, one in the morning and one in the afternoon.
- e. **Timesheet/Workweek**—Starts on Sunday and ends on Saturday. Staff timesheets should reflect accurate in and out times and a lunch break (except head start staff when they eat with the children). Anytime staff leave the premises, it must be reflected on the in and out times, unless it is due to travel to other locations or agency related business. Timesheets should accurately reflect work hours following wage and hour rules and OAI policies. Time not accurately recorded would be considered fraud and is grounds for termination.

- 2. **Special Conditions**—Conditions occur that make work hazardous, unproductive or impossible due to phone or electronic media outages, power outages, weather conditions, natural disasters or any other special condition determined by directors or supervisors. Conditions could limit the number of staff needed for departments or locations; relocation of staff; hours of operation could be changed; facility locations opening/closing earlier or later; facility locations closed all day.

If conditions are so severe as to make travel to work dangerous, employees should notify their director or supervisor and be permitted to use accrued annual leave, accrued personal leave or leave without pay.

If conditions are determined by the Executive Director, (Program Directors or the OAI Board President would have authority to close the office, or agency locations in the absence of the Executive Director) that special conditions have caused the work environment to be hazardous, unproductive, or impossible for staff to reach agency locations.

The ED or designated director will notify supervisors of circumstances causing the special conditions, locations and staff effected and other relevant information concerning the facilities and procedures to follow as directed. Supervisors will notify those effected by the special conditions through the phone chain.

If special conditions require a media announcement for public notification of limited services; availability of services; facility closings, etc., designated staff will contact local radio stations, television, and newspaper, and social media, if applicable, with information concerning closings and/or other pertinent information for public dissemination.

Head Start center closings will continue to be based upon the school closings in their locations. Designated center staff will notify central office, media outlets and social media to notify the public of center closings due to special conditions.  
PC 5/12/2009; OAI Board 5/26/2009; OAI Board 5/23/2017; PC 9/12/2017

3. **Staffing, Workload, Budgetary and Seasonal Staffing Conditions** 5/27/2014 OAI Board; 9/17/2014 PC  
Program Directors will periodically review work conditions such as staffing issues, light or no work available, increased work available or budgetary and workload considerations during each program year. If necessary, the director(s) will ask the executive director for approval and staff will be notified as soon as possible of any issues, work availability or budgetary and workload considerations that would cause a staffing reduction, reduction of work hours, or the temporary closing of a department or facility for a short period of time. Staff would be given the option to take annual, sick, personal leave, or leave without pay if no other leave is available and if the request meets the requirements for the leave requested.

Seasonal, holiday, workload or work availability staffing issues could occur during specific times each year resulting in a reduction of the workforce. When these conditions occur, staff will be given an anticipated recall date or an extended recall date if already in a work reduction status.

Employee position classifications, position titles, employee benefits or rates of pay would not change unless the employee was given notice in writing 30 days prior to any implemented changes or as soon as feasibly possible.

4. **Alternative Work**—When no alternative work is available, employees will be given leave without pay. At the discretion of the Program Director “make-up” time may be made available in the week where time is lost as follows:
- a. Up to two (2) hours per day at the end of a working day; 3/27/01
  - b. Up to ten (10) hours on a Saturday.
5. **Posting and Changes**—The central office and all field office of OAI, shall post the hours which they are open to the public in a conspicuous place. Any change in the established work schedule of any employee must be authorized by the appropriate supervisor. Any change in the hours that field locations will be available to the public must be approved by the Program Director and by the Executive Director. Revised 3/25/97; 3/27/01
6. **Absence**—Employees who find that they will be unable to report for work on time or unable to report for a full day, must inform the immediate supervisor prior to their scheduled reporting time. Good and sufficient reason must be provided for any tardiness or absence; failure to do so, will result in no pay for the time. 4/30/02

**D. Overtime Policies**

In accordance with the provisions of the Fair Labor Standards Act (FLSA) and agency regulations, the following agency policies shall be in effect:

1. **Exempt and Covered Employees**—Employees of the agency who are exempt from the overtime provisions established by the agency in accordance with the FLSA are executive, administrative and professional staff as defined by the FLSA. All other employees shall be entitled to the overtime provisions.
2. **Overtime Provisions**—No less than the Federal minimum wage shall be paid to any employee of the agency unless otherwise specified by the provisions of the FLSA, as amended. The normal work period for covered employees is forty (40) hours worked in seven (7) consecutive days, beginning each Sunday at 12:01 a.m. and ending at midnight the following Saturday (3/25/97),

unless otherwise established by the Executive Director in writing. Overtime shall be considered to have been worked by an employee in any workweek in which he/she worked more than forty (40) hours. Employees shall be paid one and one-half (1 ½) times their regular rate for each hour worked over the forty (40)-hour week.

Overtime is paid for hours worked. Holiday pay, annual leave and sick leave are not considered hours worked and not paid at the overtime rate, but at the employee’s regular rate of pay. Overtime is anything over forty (40) hours in a workweek not a pay period. 3/26/02

3. **Agency Policy Governing Overtime**—As an official policy, the agency actively discourages the working of overtime hours by employees covered by FLSA. Work should be scheduled so that it can be accomplished in the normal workweek except under extraordinary circumstances. It shall be the responsibility of each Program Director to ensure that employees are not required or permitted to work overtime unless necessary and fully justified as the most effective and efficient way to maintain operations.
4. **Authorization**—Authorization for overtime work shall be made by the appropriate Program Director. It shall be the Executive Director’s responsibility to ensure that effective control is maintained on overtime work within the agency.

Revised 3/25/97; 3/26/02

**SECTION VI: EMPLOYEE BENEFITS**

**A. Purpose**

To set forth the types of employee benefits and to establish policies and procedures for employees. The following sections apply to all employees unless so specified.

**B. Eligibility for Benefits (PC 5/13/2008; OAI Board 5/20/2008)**

1. **Regular full-time:** employees who work thirty (30) hours or more per week that are classified as (C-EX 6, 7, 8 or 10); (C-RF 6, 7, 8, or 10).
2. **Head Start Center Staff:** who work thirty (30) hours or more per week during the designated school term that are classified as (C-6, 7, or 8)
3. **Regular part-time employees (C-RP), temporary full or part-time (C-TF or TP), or substitutes (CS):** will not be eligible as of 7/1/2008 for benefits provided by the agency. This includes benefits described in Section VI of these policies.
4. **Immediate family** for this section is defined as spouse, child, parents, parents-in-law and siblings, unless otherwise noted. (PC 5/12/2009; OAI Board 5/26/2009)  
PC 5/13/08; OAI Board 5/20/08; 3/26/2013

For **funeral leave immediate family** is defined as spouse, child, grandchildren, grandparents, parents, parents-in-law, siblings, brother-in-law, sister-in-law, son-in-law and daughter-in-law. PC 5/12/2009; OAI Board 5/26/2009

**C. Sick Leave (This applies to all STAFF EXCEPT PART-TIME (PC 5/13/08; OAI Board 5/20/08), TEMPORARY AND SUBSTITUTE EMPLOYEES.)**

OAI will comply with Federal Rule Executive Order 13706 as required by law. (7/26/2016 OAI Board; 9/2016 PC)

1. Employees will accrue sick leave at the rate of **1.25 hours** for every **twenty hours paid**. (OAI BOARD 5/23/2017; PC 9/2017) Sick leave may accumulate to a maximum of 600 hours for all eligible (3/26/02) employees with the minimum charge for sick leave being in quarter (1/4) hour increments, exempt employees will utilize sick leave in workday blocks only. (4/30/02) All requests for sixteen or more hours of consecutive sick leave shall be submitted on OAI Request for Leave form as required by the Program Director.
  - a. **HEAD START CENTER STAFF** employees will accumulate a maximum of 160 hours.
  - b. **HEAD START CENTER STAFF** requesting sixteen or more hours of consecutive sick leave shall submit an OAI Request for Leave Form.
  - c. **HEAD START FULLYEAR/FULL DAY STAFF** will accrue sick leave as a **REGULAR FULL-TIME (PC 5/13/08; OAI Board 5/20/08)** employee. 3/24/98
2. Upon approval of the supervisor, sick leave may be taken for either the employee's spouse, dependent (defined as unmarried age 25 or less and living in the family home) or guardianship of individual 5/19/2015) or parent's illness, injury, medical, surgical, dental or optical appointment. Major illnesses, emergency situations, trauma or sick leave not already described, shall be handled on a case by case basis by the supervisory staff in conjunction with the Executive Director. (PC 5/13/08; OAI Board 5/20/08)
3. No sick leave may be taken in advance of being earned. Leave time is not considered earned until it has accrued and appears on the employee's paycheck stub. (3/26/02) For **REGULAR FULL-TIME** (PC 5/13/08; OAI Board 5/20/08) and **EXEMPT** employees, illness extending beyond earned sick leave shall be charged against annual leave.



4. Each day employees are out for illness; they must call their immediate supervisor prior to their scheduled reporting time. Failure to do so, unless unable due to unusual circumstances, shall be grounds for disciplinary action. If an employee expects to be out for more than three (3) working (3/25/03) days, he/she should indicate to his/her immediate supervisor when he/she is expected to return to work and only call if there is a change. In addition, absences of three (3) working days may be governed by policies outlined in Section VI, Part E. Ozark Action, Inc. encourages the proper use of this benefit; however, at the discretion of the supervisor, employees may be requested to provide a physician’s certificate or other information pertaining to the absence to receive pay for any days they were ill and/or to return to work. 3/25/03
5. At the discretion of the Executive Director, absences due to serious illness extending beyond earned leave may be counted as temporary disability leave and the conditions listed in Section VI, Part E shall apply.
6. No pay will be granted at termination for any accumulated sick leave or accumulated personal leave. OAI Board 5/23/2017; PC 9/12/2017
7. In certain cases, specific departmental policies may have more stringent requirements due to staffing needs of the agency.
  - a. All departments will require that from January 1 – December 31 (calendar year) that once an employee has used five (5) sick days without documentation (doctors note, daycare provider, dental provider, school note) they will then be required to provide the documentation to use approved sick leave. Without approved documentation of the sick leave on file, employees will be required to use annual leave or leave without pay. For departments that had not already implemented this policy prior to July 1, the requirement will go into effect on 7/1/2010, those that had the policy in place will continue as they have previously.
8. Staff are required to complete a short or long request for leave form in advance of leave. Leave must be approved or denied with all required signatures on the leave request and forms are to be filed in the employees file as well as any documentation needed for the leave request. (PC 5/11/2010; OAI Board 5/25/2010) Revised 3/24/98; 4/30/02; 3/25/03

**D. Head Start Personal Leave—effective 7/1/2017**

Employees will accrue personal leave at the rate of 1.25 hours for every twenty hours paid. Personal leave may accumulate to a maximum of 16 hours for all eligible employees with the minimum charge for personal leave being in quarter (1/4) hour increments. All requests for personal leave shall be submitted on OAI Request for Leave form.

HEAD START CENTER STAFF—as of 7/1/2017, “roll over” will be eliminated. Staff eligible for personal leave will accrue up to 16 hours of personal leave per year. Due to changing the accrual rate of personal leave, if an employee had more than 16 hours as of 7/1/2017, they will not accrue any additional leave until their balance falls below 16 hours. The max accrual is 16 hours per year.

OAI Board 5/23/2017; PC 9/12/2017

No accrued personal leave will be paid to staff upon their voluntary or involuntary termination from OAI.

4/12/2011PC;3/22/2011 OAI

**E. Annual Leave**— (This applies **ONLY** to **REGULAR FULL-TIME (PC 5/13/08; OAI Board 5/20/08)** and **EXEMPT** employees.)

1. **Accrual**—**REGULAR FULL-TIME (PC 5/13/08; OAI Board 5/20/08)** and **EXEMPT** employees will accrue annual leave based on each twenty (20) hours paid. OAI Board 5/23/2017; PC 9/2017
  - a. **HEAD START FULL YEAR/FULL DAY STAFF** will accrue annual leave as a **REGULAR FULL-TIME (PC 5/13/08; OAI BOARD 5/20/08)** employee. 3/24/98
2. **Rate of Accrual**—Employees will accrue leave as follows:
  - a. Employees with less than three (3) years of employment as a **REGULAR FULL-TIME (PC 5/13/08; OAI BOARD 5/20/08)** or **EXEMPT** will earn 1.25 hours of annual leave, with a maximum of 160 hours, for every twenty (20) hours paid (excluding overtime).
  - b. Employees with over three (3) years of employment as a **REGULAR FULL-TIME (PC 5/13/08; OAI BOARD 5/20/08)** or **EXEMPT** employee will earn 1.66 hours, with a maximum of 200 hours, for every twenty (20) hours paid (excluding overtime).

Terminated employees that are re-hired into the same position within two (2) years from their termination date will be eligible to earn annual leave at the rate they were accruing when they terminated employment with the agency based on the accrual rate listed above that combines their previous years of service with their re-hire date.

PC 5/13/08; OAI Board 5/20/08;3/26/2013 PC & OAI Board

If re-hired into a new position, the employee will accrue leave as an employee with less than three (3) years of employment. (3/26/2013 PC & OAI Board)

3. **General Policies**
  - a. No annual leave may be taken in advance of being earned. Annual leave time is not considered earned until it has accrued and appears on the employee’s paycheck stub. In addition, employees may not take annual leave during their ninety (90)-day orientation period except for good cause. This exception must be submitted on the OAI Application for Leave Form and approved by the Executive Director. 3/26/02
  - b. Request for sixteen or more hours of consecutive annual leave shall be submitted on an OAI Request for Leave form as required by the Program Director. Annual leave must be authorized by the employee’s immediate supervisor in advance of the date requested.
  - c. New employees terminating their employment (voluntarily or involuntarily) during the 90-day orientation period will NOT be paid any accrued annual leave (3/25/03). New employees who are on extended orientation beyond the first 90 days will not be entitled to any accrued leave if they are terminated (voluntarily or involuntarily) during the extended orientation period. All other employees who have successfully completed orientation who terminate their employment (voluntarily or involuntarily) will be paid for all accrued annual leave in a lump sum or hourly increments. (PC 5/2/06; OAI Board 5/23/06)

d. In certain cases, specific departmental policies may have more stringent requirements due to staffing needs of the agency.

1. All departments will require that staff requesting less than an hour up to 16 hours of leave must require the leave in advance when possible and it is preferred a week in advance.
2. All departments will require that staff requesting more than 16 hours of leave must request the leave in advance when possible and it is preferred a month in advance.
3. All departments will require that leave requests must be submitted in advance, if possible, to the employee’s immediate supervisor for review of departmental needs and staffing during the period of leave requested. (PC 5/11/2010; OAI Board 5/25/2010)

Revised 3/24/98; 3/25/03; 5/23/06

4. **Determining Amount of Leave to be Charged**—The minimum charge of annual leave for all eligible employees will be in quarter (1/4) hour increments, exempt employees will utilize annual leave in workday blocks only. 4/30/02

5. **Recording of Leave**—All leave taken will be entered on the appropriate time and payroll report prior to submission of the time report to the payroll section.

6. **Responsibility**

a. **Executive Director** is responsible for the proper supervision and record keeping of all leave.

b. **Supervisors:**

- 1) Inform employees of the organizational requirements for scheduling and securing approval of annual leave. Staff are required to complete a short or long request for leave form in advance of leave. Leave must be approved or denied with all required signatures on the leave request form. Forms are to be filed in the employee’s personnel file as well as any documentation needed for the leave request which will be filed separately in the confidential medical file in the personnel office. (PC 5/11/2010; OAI Board 5/25/2010)
- 2) Ensure that each employee is informed of the requirements for seeking approval of annual leave in the case of emergency. Normally, notification of emergency annual leave should be made by telephone within the first two hours of the first day of absence.
- 3) Ensure that leave is properly recorded, both accrued and taken.

c. **Employees:**

- 1) Schedule vacations and other periods of annual leave when their service can best be spared.
- 2) Furnish full justification to the supervisor when requesting annual leave because of emergency situations.
- 3) Ensure that all leave taken is properly reflected on the time and payroll report.

**F. Family Medical Leave Act--FMLA (5/20/2008; FY 2010; 2/15/2012; 3/26/2013**

FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. Employees that are eligible for Service Member Family Leave would be entitled to take up to 26 weeks of unpaid, job-protected leave as stated in the amended Family Medical Leave Act of 1993, as amended by Section 585 of the National Defense Authorization Act for FY 2008 Public Law [110-181] Enacted January 28, 2008. The agency will comply with the Family Medical Leave Act and any amendments as required by law. For these policies, the agency calculates an employee’s leave based on a 12-month period from the date of commencement of leave.

To be eligible for FMLA benefits, an employee must:

1. have worked for the agency for a total of 12 months;
2. have worked at least 1,250 hours over the previous 12 months.

An employee that has met the eligibility requirements under the FMLA leave will be entitled to up to 12 or 26 workweeks of unpaid leave (OAI requires that accrued sick, annual and/or personal leave be taken in conjunction with FMLA leave) during a 12-month period for one or more of the following reasons:

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

“Son or daughter” under the FMLA includes not only a biological or adopted child, but also a foster child, stepchild, a legal ward, or a child of a person standing in loco parentis. Loco parentis means the employee intends to assume the responsibilities of a parent and provides either the day-to-day care or financial support for the child. No legal or biological relationship is required.

Military Family Leave Entitlements:

Because of any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is on active duty or called to covered active duty status in the Armed Forces (including the National Guard or Reserves) may use their 12-week entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a family member who is a covered service member during a single 12-month period. A covered service member is:

- Member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary retired list, for a serious injury or illness.

- A veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (including the National Guard or Reserves) at any time during the five years preceding the date of medical treatment, recuperation or therapy.

A serious injury or illness is:

- In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.
- In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the five years preceding the date of medical treatment, recuperation or therapy, a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces ( or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) that manifested itself before or after the member became a veteran.

When any of these events are foreseeable and such notice is practical (3/25/03), a 30- day written advance notice is required. When an event is unforeseeable, employees are required to notify their supervisor who will then forward notification to the personal department when an employee will be out more than (3) three consecutive days. (5/20/2008)

OAI will also require employees to provide the following:

1. Medical certification issued by the health care provider for the eligible employee or of the son, daughter, spouse, or parent of the employee, or of the next of kin of an individual in the case of leave taken as described in the Family Medical Leave Act of 1993, as amended. (5/20/2008)
2. Second or third medical opinions may be required (at OAI's expense).
3. Periodic medical recertification reports may be required during FMLA leave regarding the employee's status and intent to return to work. Certification will be required for leave related to active duty or call to active duty as prescribed by the Family Medical Leave Act of 1993, as amended. (5/20/2008)
4. Medical certification of the employee's fitness for duty before the employee will be permitted to return to work, if the leave was taken for the employee's serious health condition.

#### Length and Duration of Leave

If an employee is eligible, they may receive up to 12 workweeks of unpaid FMLA leave during any "rolling" 12-month period, measured backward from any date the employee takes FMLA leave. If the employee is eligible for leave related to the care of the employee's spouse, son, daughter, parent or next of kin who is undergoing medical treatment or recuperating from a serious injury or illness incurred while on active duty the employee is entitled to up to 26 weeks in a "rolling" 12-month period measured backward from any date the employee took FMLA leave. FMLA leave involving the birth or placement of the child. FMLA leave may, in most cases, be taken intermittently—in blocks of time or by a temporary reduction in the employees normal weekly or daily work schedule. This may involve, for example, reducing the employee's hours or changing or reducing the employees work responsibilities for

a period of time. If it becomes medically necessary for the employee to care for a seriously ill immediate family member, or if the employee is seriously ill and unable to work, the employee may take leave on an intermittent basis. In some cases, intermittent leave may involve temporary reassignment to another position that better accommodates your need for time off or a reduced schedule. Intermittent leave is not permitted after the birth of a child, to care for a newly born child or after placement of a child for adoption or foster care.

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves either:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:
- A health condition (including treatment therefore, or recovery there from) lasting more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
  - a. Treatment two or more times (within a 30-day period of incapacity) by or under the supervision of a health care provider; or
  - b. One treatment by a health care provider with a continuing regimen of treatment; or
- Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or
- A chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; or
- A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer’s, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
- Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

“Health care provider” means:

- Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; or
- Podiatrists, dentists, clinical psychologist, optometrists and chiropractors (certain conditions) authorized to practice, and performing within the scope of their practice, under state law; or
- Nurse practitioners, nurse-midwives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law; or
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
- Any health care provider recognized by the employer or the employer’s health plan.  
(5/20/2008)

While an employee is on FMLA leave, their health coverage will be maintained by OAI and payment of health insurance premiums for dependents and other elected insurance coverage's must (5/20/2008) be arranged with Personnel. If an employee fails to return to work from FMLA leave, OAI may recover the health coverage premiums paid. Exempt employees like all eligible employees are entitled to unpaid leave and can take it on a reduced leave schedule when medically necessary. The exempt status is not jeopardized when leave is taken in this matter.

The use of accumulated sick, annual and/or personal leave will be required before unpaid leave will begin within the 12-week period. An employee is entitled to a maximum of 12 weeks FMLA leave in a one-year period of time. The calculation of each employees FMA leave will be based on the date at which that employee initiates FMLA leave and will continue for the subsequent 12-month period.

In the even both husband and wife are employed by OAI, they will be jointly entitled to a combined 12 workweeks of leave if the leave is taken to care for a sick parent. Revised 3/22/94

Outside employment during an employee's approved leave is prohibited and may result in disciplinary action, up to and including immediate termination of employment.

Any employee who doesn't return or is unable to return to work at the expiration of his or her 12 week FMLA entitlement may be subject to termination of employment. An employee who informs the agency that he or she does not intend to return at the conclusion of FMLA leave will be deemed to have resigned.

This policy is not a contract and all of the parameters of FMLA leave, including the duration of leave, benefits available, job restoration, and other rights and obligations associated with FMLA leave are limited by the requirements of applicable federal, state and local law. Employees should not infer any express or implied contractual rights from this policy. The agency reserves the right to modify this as policy as necessary to ensure compliance with applicable federal, state and local laws.

**G. Other Leave (ONLY REGULAR, EXEMPT AND HEAD START CENTER STAFF)**

1. **Jury Duty Leave**—Employees may take (annual or personal) leave with full pay if they choose to keep the jury duty stipend issued to them by the courts for jury duty. If the employee chooses to reimburse the agency with the jury duty stipend, then jury duty pay will be paid to those employees who must serve on jury duty. (PC 5/11/2010; OAI Board 5/25/2010). The employee must provide written verification of jury duty and jury pay that will be attached to the time sheet.
  - a. If an employee is subpoenaed for work related case testimony, the agency will pay as if on regular duty.
2. **EXTENDED Leave-With(out)-Pay(ELWP)**—ELWP for regular full time employees must be requested within ten working days prior to FMLA ending date or ten working days prior to the commencement date, UNLESS THERE ARE EXTINUATING CIRCUMSTANCES, and will be considered on a case-by-case basis for up to ninety days (90 days) with Supervisor and Executive Director approval and by meeting the requirements for such leave through the personnel department. Usually ELWP can be granted to employees when other paid leave has been exhausted, as in the case of extended illness beyond Family Medical Leave. Any requested leave beyond this time period would be reviewed on a case-by-case basis and would have to be justified to maintain the employee status by the Program Director and Executive Director.

Leaves of absences without pay may be granted to maintain continuity of service in instances where unusual or unavoidable circumstances require prolonged absence.

ELWP places an employee on inactive employment status. While on this status no loss of service credit will occur, but no benefits will be accrued toward sick, annual or personal leave; nor will the employee be paid for agency paid holidays falling during the leave period.

Leave beyond Family Medical Leave will affect eligibility for or participation in employee medical benefits paid by the agency. Employee MEDICAL benefits will be maintained by the program for up to ninety (90 days) from the end of Family Medical Leave. At such time, the employee will be responsible for paying any and all premiums to maintain coverage under COBRA (UNLESS A DIFFERENT TIME IS REQUIRED BY FEDERAL AFFORDABLE CARE ACT).

ELWP for illness/injury related reasons must be supported by a healthcare provider’s statement. The illness/injury must be to the employee or to a family member of the employee’s household who is or who could be covered under the dependent coverage of the agency’s group medical plan. ELWP for illness/injury may last only as long as the period of actual illness/injury supported by a healthcare provider’s certification.

**Return from ELWP and Reinstatement**—Employees returning from ELWP will be reinstated to the position held prior to leaving if the position is available. If the position is altered or eliminated while the employee is on ELWP, a comparable position will be offered if one exists.

If the employee’s position or a comparable position is not available, the employee will be offered another position for which the employee is QUALIFIED AND suited, if such is available. If no position is available, or if an offer of a position is refused by the employee, then separation from the Agency will occur.

An employee returning from ELWP will be required to provide a healthcare provider’s release to return to work before the employee can be reinstated.

Provisions of the Federal Military Selective Service Act and The Uniformed Services Employment and Reemployment Rights Act of 1994 will govern reinstatement of employees returning from ELWP due to Military Service Leave of Absence.

An employee’s failure or inability to return from ELWP, as arranged by the Agency, will be considered a voluntary resignation. It is the employee’s responsibility to maintain contact with the agency (Supervisor, Program Director AND Personnel Department during ELWP, and to notify them of any changes in the employee’s plans to return to work as soon as possible.

**Coordination of Benefits**—With the implementation of leave entitlement of the FMLA and the Uniformed Services Employment and Reemployment Act, interpretations of the Agency’s EXTENDED Leave-With(out)-Pay Policy will conform to the FMLA provisions and/or USERRA provisions where a conflict exists. See FMLA for details of entitlement. See also Military Services Leave Policy for details of entitlement.

Temporary and Substitute employees are not eligible for ELWP benefits.



3. **Military Leave**

- a. **Leave of Absence of Military Service**—any employee inducted into the Armed Forces of the United States for military training and service will be granted a military leave of absence not to exceed one induction period. As soon as the employee finds that he/she is to enter the military service, he/she should submit a written request for a leave of absence.
  - b. **Leave of Absence for Reserve Units**—Any employee who is a member of the National Guard or any of the reserve components of the Armed Forces of the United States will be granted leave with full pay (less his/her base service pay) on days which the employee is ordered to military duty or training, not to exceed ten (10) working days. Such leave must be requested in writing, with a copy of the official orders attached, and verification of base service pay must be provided. Regular employees may take annual leave in lieu of reserve leave.
4. **Funeral Leave**—Upon approval of the employee’s supervisor, an employee may be granted time off with pay for death in the employee’s immediate family as described in Section VI: Subsection B5 (updated 5/26/2009). Funeral leave would be used to (PC 5/13/08; OAI Board 5/20/08) arrange and/or attend the funeral and for travel incidental to such activity. Such leave will consist of no more than three (3) workdays. This allowance will not be paid for any days for which the employee is otherwise compensated by this agency, or for any day for which the employee would otherwise not have been at work. Employees will be required to provide a program from the services or other documentation of proof for leave to be approved. (PC 5/13/08; OAI Board 5/20/08) In addition to funeral leave, the employee may request annual, sick or leave without pay, whichever is applicable. Any requests for funeral leave that do not conform to this definition will be handled on an individual basis by the Executive Director.
5. **All Other Leave**—Except for those instances covered elsewhere by the OAI Personnel Policies, all other leaves of absence must be authorized in advance by submission of a completed Application for Leave Form to the Executive Director. Employees will be required to utilize annual, sick or personal leave where applicable before a leave of absence request will be approved. Furthermore, unless covered elsewhere by the OAI Personnel Policies, the Executive Director shall grant no employee leave for a period more than ninety (90) calendar days without further approval. Failure on the part of an employee to return from a leave of absence and/or to report for work by the agreed upon day without notice shall be cause for dismissal. Leave will not be approved on a day by day basis without a thorough review and only approved for good reason in writing and placed in the employee file by the appropriate supervisor, program director and Executive Director prior to the leave being taken.

3/26/02

**H. Holidays**

- 1. **Designated Holidays**—The following ten (10) holidays have been designated for all employees except HEAD START CENTER staff, and positions classified as part-time, temporary and substitute employees. (PC 5/13/08; OAI Board 5/20/08) Head Start Full Year/Full Day Staff will observe holidays as a REGULAR FULL-TIME (PC 5/13/08; OAI Board 5/20/08) employee.

Designation of any other holidays will be at the discretion of the Executive Director.

- a. New Year’s Day
- b. Dr. Martin Luther King Jr.’s Birthday 3/27/01
- c. President’s Day
- d. Memorial Day
- e. Independence Day
- f. Labor Day
- g. Veteran’s Day
- h. Thanksgiving Day
- i. Friday after Thanksgiving Day
- j. Christmas Day

NGCC Staff will have the following twelve (12) days designated as holidays, if they are located at the Career Center or WIB office. Staff located at OAI facilities will following the OAI designated holiday schedule listed above (11/19/2013):

- a. New Year’s Day
- b. Martin Luther King Jr.’s Birthday
- c. Lincoln’s Birthday
- d. Washington’s Birthday
- e. Truman’s Birthday
- f. Memorial Day
- g. Independence Day
- h. Labor Day
- i. Columbus Day (NGCC staff will attend the OAI staff meeting on this day as a paid working day)
- j. Veteran’s Day
- k. Thanksgiving Day and the day after Thanksgiving that was mandated by the Governor
- l. Christmas Day 1/25/2011 OAI Board; 4/12/2011 PC; 11/19/2013

Positions classified as regular part-time (PC 5/13/08; OAI Board 5/20/08), temporary full-time, temporary part-time, and substitutes (PC 5/13/08; OAI Board 5/20/08) are not eligible for any paid holidays. Revised 3/24/98; 3/27/01; 5/20/08

2. **Holidays for Head Start Center Staff**

- a. New Year’s Day (Will be a paid holiday for Head Start Center Staff that are working the day before or the day after New Year’s Day.) OAI Board 5/23/2017; PC 9/2017
- b. Dr. Martin Luther King Jr.’s Birthday PC 5/2/06; OAI Board 5/23/06
- c. President’s Day 3/27/01
- d. Memorial Day—(Will be a paid holiday for Head Start Center Staff that are working the day before or the day after to Memorial Day.) OAI Board 5/23/2017; PC 9/2017
- e. Independence Day—(Will be a paid holiday for Head Start Center Staff that are working the day before or the day after Independence Day.) OAI Board 5/23/2017; PC 2017
- f. Labor Day—(Will be a paid holiday for Head Start Center Staff that are working the day before or the day after Labor Day.) PC 5/2/06; OAI Board 5/23/06; OAI Board 5/23/2017; PC 9/2017
- g. Thanksgiving Day
- h. Friday after Thanksgiving Day 3/27/01
- i. Christmas Day—(Will be a paid holiday for Head Start Center Staff that are working the day before or the day after Christmas Day.) OAI Board 5/23/2017; PC 9/2017

- 3. **Religious Holiday**—Time off will be approved at the Executive Director’s discretion.
- 4. **Date of Holiday**
  - a. All staff shall take all official holidays on the day they officially occur if they would normally be scheduled to work that day, except as covered in “b” below. The central office and all field offices of the agency shall be officially closed and notice of the holiday observance shall be posted in a conspicuous location, five (5) days prior to and on the day of the holiday, where it can be seen by the public.
  - b. On occasion, due to workload contingencies, it may be necessary for a staff member(s) to work on an official holiday. When this occurs, they should have previous written authorization from the Executive Director, who may then grant such employees a day off at a later specified time.
  - c. If a holiday occurs on a Saturday, the preceding Friday will be observed. If the holiday occurs on Sunday, the following Monday will be observed.
  - d. When a holiday falls during a time a person is on full pay of military reserve leave status, that day will not be counted as leave.
  - e. To receive full pay for a holiday, an employee must not be on any leave without pay on the working day immediately preceding or following that holiday. Employees that are eligible for paid holidays, will receive holiday pay for qualified days even though the center or agency was closed on the working day immediately preceding or following that holiday if the employee was not already scheduled for sick, personal or annual leave. 5/19/2015
  - f. Regular full-time employees— (C-RF 8 or 10) these are regular full-time, non-exempt employees whose normal workday is eight (8) or ten (10) hours a day. Holiday pay for these employees is considered in eight (8)-hour increments. These employees typically work no less than thirty (30) (PC 5/13/08; OAI Board 5/20/08) hours per week. 3/26/02 For those staff who are scheduled to work four (4)-ten (10) hour days, each of the ten (10) paid holidays delineated in Section VI (H) (1) will be paid as an eight (8)-hour increment. On those weeks, when a holiday occurs, 8-hour days will be observed throughout the week unless otherwise arranged with the Department Director. In clarification of Section VI (G) (4), and applicable to staff whose regular work days are Monday thru Thursday, if the holiday falls on a Friday, the preceding Thursday will be the observed holiday.

**Regular full-time employees**— (C-RF 6 or 7). These are regular full-time, non-exempt employees, whose normal workday is six (6) or seven (7) hours a day. Holiday pay for these employees are considered on what their normal workday is classified. These employees typically work no less than thirty (30) hours per week. 3/26/02

**Regular part-time employees**— (C-RP 2, 4, 6, 8, 10). These are regular part-time non-exempt employees whose normal work day is two, four, six, eight, or ten hours a day. (PC 5/13/08; OAI Board 5/20/08)

3/26/02

**Head Start Center Staff**— (C-6, C-7, C-8). The center staff receives holiday pay based on their classification of C-6 (normal work day is six (6) hours per day would receive six (6) hours of holiday pay), C-7 (normal work day is seven (7) hours per day; the employee would receive seven (7) hours of holiday pay); C-8 (normal workday is eight (8) hours per day, the employee would receive eight (8) hours of holiday pay). 3/26/02

**Exempt Staff**—(C-EX 6, 7, 8, or 10). These are regular full-time, exempt employees whose normal workday is six (6), seven (7), eight (8) or ten (10) hours a day. Holiday pay for these employees are considered what their normal workday is classified. These employees typically work their normal workweek on a regular basis and are excluded from the over-time provisions of applicable Federal and State wage and hour laws. These positions must meet an annual review of exempt classification to remain classified as exempt. 3/26/02

As provided in Section VI (H) (1), regular part-time (PC 5/13/08; OAI Board 5/20/08), temporary full-time, temporary part-time, and substitutes (PC 5/13/08; OAI Board 5/20/08) are not eligible for any paid holidays. Revised 3/28/00; 3/26/02; 5/20/08

**I. Insurance**

1. **Worker's Compensation**—All employees will be covered by Worker's Compensation or a similar insurance program consistent with Missouri State Law.

It is the policy of Ozark Action, Inc. that every effort will be made to reduce and/or eliminate exposures that cause accidents and occupational disease. This will include taking all practical steps to safeguard employees, participants and visitors from accidents and to maintain an effective safety organization at all times.

- a. Employees will be placed on Temporary Disability Leave for absences of more than fourteen (14) days due to work related injury or illness. Compensation for wages lost during such a period will be made by Worker's Compensation.
- b. Employees will be placed on Temporary Disability Leave for absences of fourteen (14) or less days due to work related injury or illness, as above, except that Sick Leave, if accrued, may be taken for the first three (3) days of absence. Compensation for wages lost after the third day of absence will be made by Worker's Compensation.
- c. Because Worker's Compensation is awarded at less than an employee's average earnings per week, employees may at their option, take Sick Leave if accrued, in conjunction with Temporary Disability Leave at the rate of one (1) hour for each four (4) hours per scheduled workday absence resulting from a work-related injury or illness.
- d. Employees may at their option, take Annual Leave in conjunction with Temporary Disability Leave for absences due to work related injury or illness but not in conjunction with Sick Leave.
- e. If the employee is covered by the agency's health insurance plan, the agency shall continue to pay the premium for individual coverage upon approval of the Executive Director while off on Worker's Compensation. 5/24/94

2. **Health/Life Insurance**—(This applies only to REGULAR, FULL-TIME (PC 5/13/08; OAI BOARD 5/20/08), EXEMPT and HEAD START CENTER STAFF employees who regularly work no less than thirty (30) (PC 5/13/08; OAI Board 5/20/08) hours per week. Insurance coverage becomes effective on the first service date following the first sixty (60) days of employment. Health/Life Insurance is provided at no cost to the employee for individual coverage. Employees may elect to carry insurance coverage on members of their families under this group by paying a monthly premium. Employees will be held liable for any charges from the insurance plan for any buy up or dependent insurance costs. This includes charges for coverage until the date of cancellation or back to the date of initial coverage by the insurance company. (PC 5/13/08; OAI Board 5/20/08) Insurance coverage provides for medical/surgical, hospitalization, prescription and life insurance benefits. Employees may elect additional buy up medical plans, life insurance, vision insurance and dental benefits for individual, or dependent coverage which can be payroll deducted. OAI Board 5/23/2017; PC 9/2017
3. **Social Security**—Each employee shall be covered by old age and survivor's insurance which provides for retirement and medical benefits in accordance with applicable law and the regulations of the Social Security Administration.

4. **Unemployment Insurance**—All employees are covered by unemployment insurance.
5. **Other optional insurances**—are available at a group rate but at full cost to the employee with the option of participation in a Section 125 Plan, where applicable. Employees will be held liable for any charges from the other insurance plans listed above for both the employee and dependent insurance costs. This includes charges for the employee and dependent coverage until the date of cancellation or back to the date of initial coverage by the insurance company. (PC 5/13/08; OAI Board 5/20/08)

3/25/97

**J. Tax Sheltered Savings Plan (This applies to all eligible employees.)**

Participation by employees is voluntary and all contributions will be made in accordance with a salary reduction agreement signed between the employee and the agency. Employees must arrange an appointment with the plan broker to complete the required paperwork before contributions can be withheld. Contributions will immediately become the property of the employee subject to restrictions required by the Internal Revenue Code.

Upon completion of two (2) consecutive years of employment as a regular full-time employee or (working a minimum of 1,000 hours or more) the agency will begin to make an elective employer contribution generally equal to five (5) (OAI Board 5/27/2014; 9/17/2014 PC) percent of the employee's gross pay to the employee's designated investment account(s). This amount is in addition to any amount being withheld from the employee's gross pay and contributed to the employee's designated investment account(s), pursuant to an employee salary reduction agreement. It is the responsibility of the employee to arrange an appointment with the plan broker to complete the required paperwork in a timely manner. Employees may meet with the broker at any time before their anniversary date.

An employee not classified as full-time but meeting the two-year anniversary date and 1,000 hours of work requirement during that time, will be eligible for the five (5) (OAI Board 5/27/2014; 9/17/2014) percent investment as per IRS regulations. PC & OAI Board 3/26/2013; 5/27/2014 & 9/17/2014

Employer contributions cover employees who normally work a minimum of 1000 hours of service per year and more than twenty (20) hours per week will be eligible for the agency retirement plan once they have reached their two-year anniversary date with the agency. The plan document, adoption agreement and summary plan description are available by contacting the personnel office for a complete copy of the documents. Any updates or changes to the plan will be distributed to staff as soon as they are made available to the personnel office from the Third-Party Administrator. (PC 5/11/2010; OAI Board 5/25/2010) 3/26/02; 5/20/08;5/25/2010; PC10/12/2010

**K. Travel, Time and Expenses**

Travel expense reimbursements for employees will be in accordance with agency, federal and funding source guidelines. All employees traveling for one day with no overnight, will not be given per diem advances, but will be reimbursed for expenses based on administrative procedures in place upon return after completing the Monthly/Single-Day Travel/Expense Reimbursement Form.

Employees are required to accurately report information on the travel and time sheets. The information needed will include the start time of travel, start time of the conference or training, in-and-out times for lunch, whether lunch was provided, time conference or training ended and time arrived back at their worksite. Employees will be paid for travel once the information provided is verified. Employees must ensure that there is no overtime due to their travel and information must be provided to the supervisor prior to taking hours off to compensate for travel or overage of hours. Employees must not charge time to the agency for travel time that is not business related. PC 5/12/2009; OAI Board 5/26/2009

All travel advance request forms must have original signatures and receipts submitted to the accounting department immediately upon returning from travel. Any travel advances owed back to the agency must be repaid within ten (10) days of the employees return date. PC & OAI Board 3/26/2013

**L. Training and Job-Related Employee Training Plan**

**Training**—Training will be made available to employees to attend trainings, courses, conferences, or seminars related to their current jobs, if funding is available and approved by the program director and executive director. If funding is not available employees may choose to pay for these types of trainings themselves. If the supervisor approves the staff to attend training, staff will be informed whether the training will be paid for by the agency or program prior to attending. Staff will not be required to attend these types of trainings if the agency or program does not have the funding available. (PC 5/12/2009; OAI Board 5/26/2009)

**M. Job Related Employee Training Plan**—A training program shall be available to all employees and shall provide areas of training needed to improve the employee’s performance in his/her current position. Requests shall be made in advance, not less than two weeks prior, to beginning days of training/course. All books and materials that are paid for during this training shall become the property of OAI and if satisfactory completion of training/course is not achieved, the employee will be responsible for costs incurred. All employees shall be encouraged to participate in this program and contingent upon availability of funds; training approved by the Executive Director, per the Administrative Policies Section 6 (PC 5/12/2009; OAI Board 5/26/2009), shall be paid by the agency. Any tax liability incurred because of this assistance will be the employee’s responsibility.

The Executive Director shall establish written administrative directives for supervisors and staff about job related training courses, which will be in the agencies Administrative Policies.

Revised 5/24/94; 3/26/02

**SECTION VII: EMPLOYEE DISCIPLINARY POLICIES**

**A. Purpose**

To set forth policies and procedures on formal employee disciplinary actions.

**B. Disciplinary Action**

Action must be taken by a supervisor against any employee who is not fulfilling his/her duties as directed or who has violated any of the rules or policies of Ozark Action, Inc. That action must be one of five (5) types of discipline, all of which may be reviewed in accordance with the procedures outlined in Section IX (Employee Grievances and Adverse Action Appeals). Supervisors will administer that form of disciplinary action most appropriate for the offense committed, taking into consideration such things as the employee’s past performance, extenuating circumstances (if any), and/or (PC 5/13/08; OAI Board 5/20/08) severity of the offense. The grounds for disciplinary action may include, but will not be limited to the following:

- 1) Violation of funding source or written Board policy;
- 2) Activity in opposition to stated mission and goals of the agency;
- 3) Evidence of personal irresponsibility in performance of duty which may endanger any person or property
- 4) Any action detrimental to the agency’s public image;
- 5) Unauthorized absence from the performance of duties;
- 6) Conviction of a felony while employed by OAI;
- 7) Falsifying or misusing records while employed by OAI;
- 8) Dishonesty, insubordination, immoral conduct or theft;
- 9) Use of drugs or alcohol in violation of this policy;
- 10) Continued, inferior performance.

PC 5/13/08; OAI Board 5/20/08

The five (5) types of disciplinary action are:

1. **Informal Verbal Counseling**—brings a problem to the attention of the employee and stresses the seriousness of the situation and presents suggestions or instructions to resolve or correct the problem.
2. **Verbal Reprimand**—will be given to an employee in an individual conference in which the nature of the violation is fully discussed. The reprimand will be documented by the supervisor only as to the date and subject of discussion. Signatures by both the employee and supervisor are required before being placed in the employee’s personnel file with removal after ninety (90)-days satisfactory performance.
3. **Written Reprimand**—will be given to an employee in an individual conference in which the nature of the violation is fully discussed. The reprimand is placed in writing and signed by both the supervisor and the employee and shall contain the specifics for which the employee is being reprimanded. Results of written reprimands must be placed in the employee’s personnel record, but will be removed at the end of one (1) year’s satisfactory performance from the date of the reprimand, provided no further/similar violations by the employee occur during that year.
4. **Disciplinary Probation**—a disciplinary probation letter is presented to the employee and signed by the supervisor, director and the employee who will receive a copy, and must contain: (1) the specifics of the conduct for which the employee is being placed on probation, and (2) the specific criteria which must be met for the employee to be released from probation. Probation is for a period of not more than ninety (90)-days and may not be extended.

The probationary period, however, may be less than ninety (90)-days and at the end of such period the employee must be informed in writing that he/she has completed the probation satisfactorily or that he/she is being terminated.

- a. Employees on disciplinary probation are not eligible to take annual leave (go on vacation) during a probationary period.
- b. An employee who is placed on disciplinary probation will be subject to a reduction in compensation without a change in wage/salary classification. The employee's wage/salary could be reduced to the wage/salary received immediately prior to the last wage/salary increase, before being placed on disciplinary probation. Any reduction in pay would be reviewed and approved by the supervisor, program director and the Executive Director. (PC 5/13/08; OAI Board 5/20/08) This reduction in wage/salary will take place after a thirty (30)-day written notice to the employee. If an employee is later released from probationary status, the wage/salary will be reinstated effective as of the date of release from probation. Under no circumstances, will a reduction in wage/salary go below the minimum wage/salary range. 3/24/98; 5/20/08
- c. The employee's immediate supervisor or the Program Director may initiate probation. However, all probations must be approved by the appropriate Program Director after consultation with the Executive Director. 3/24/98

5. **Suspension**

- a. A suspension may be used in cases when the infraction of agency rules, regulations or policies is of such seriousness that it may warrant dismissal pending review of the facts. The grounds for suspension may include, but will not be limited to the following:
  - 1) Violation of funding source or written Board policy;
  - 2) Activity in opposition to stated mission and goals of the agency;
  - 3) Evidence of personal irresponsibility in performance of duty which may endanger any person property;
  - 4) Any action detrimental to the agency's public image;
  - 5) Unauthorized absence from the performance of duties;
  - 6) Conviction of a felony while employed by OAI;
  - 7) Falsifying or misusing records while employed by OAI;
  - 8) Dishonesty, insubordination, immoral conduct or theft;
  - 9) Use of drugs or alcohol in violation of this policy;
  - 10) Continued, inferior performance.3/24/98
- b. **Suspension Conditions (except Head Start)**
  - 1) Suspensions may be ordered by any Director for a period not to exceed twenty-four (24) hours.
  - 2) All suspensions of more than twenty-four (24) hours must be recommended to the Executive Director, who is the only person that can authorize the suspension of an employee for more than twenty-four (24) hours. If the Executive Director authorizes a suspension, it must be in writing with a copy given to the employee, stating the reason for the suspension. 3/24/98



- 3) The Executive Director will designate a staff member who will investigate the question(s) leading to the suspension and will report to the Executive Director within five (5) working days.
- 4) All suspensions are without pay and result in either provisional reinstatement, full reinstatement with back pay, or termination based on the decision of the Executive Director.

c. Head Start Suspension Conditions

- 1) All suspensions of Head Start Staff must be recommended by supervisory staff to the Head Start Director who shall issue a suspension, without pay, of the employee in question. After investigation, the personnel and Grievance Committee of the Policy Council would then review the suspension and either sustain or deny the acts of the Head Start Director in such suspension—thus effecting termination, in accordance with Section VIII, Paragraph D of this policy, or revoking the suspension. It will then be presented to the Policy Council for approval or disapproval.

3/24/98

**SECTION VIII: TERMINATION OF EMPLOYMENT**

**A. Purpose**

To set forth agency termination policies and procedures.

**B. Voluntary Termination**

All employees (except directors) are required to give written notice to the appropriate supervisor/director of intent to terminate employment with the agency no later than two weeks prior to the date of termination. In the case of directors, four weeks written notice of intent to terminate employment is required. Annual leave may not be taken in lieu of proper notice, or as any part of the notice period. Failure to provide notice required by this section may be grounds for forfeiture of accrued annual leave.

**C. Involuntary Termination**

Employees may be terminated for continued, inferior performance, serious offenses and/or repeated disciplinary problems. While employment may be terminated at any time without cause, examples of conduct which may result in dismissal for a single incident include, but are not limited to, the conduct described in paragraph 1. 3/24/98

**1. Conduct which may result in immediate, involuntary termination:**

- a) Violation of funding source policy or written Board policy;
  - b) Activity in opposition to stated mission and goals of the agency;
  - c) Evidence of personal irresponsibility in performance of duty, which may endanger any agency program, person or property
  - d) Any action detrimental to the agency's public image;
  - e) Unauthorized absence from the performance of duties;
  - f) Conviction of a felony while employed by OAI;
  - g) Falsifying or misusing records while employed by OAI;
  - h) Dishonesty, insubordination, immoral conduct or theft;
  - i) Use of drugs or alcohol in violation of this policy;
  - j) Continued, inferior performance.
- 3/24/98

**2. Procedure for involuntary termination:**

- a) Any involuntary termination will be recommended to the Department Director by appropriate supervisory personnel. Any involuntary termination is to be ordered by the Department Director pending approval of the Executive Director. Terminations are written and a copy of the termination letter shall be sent to the employee, his/her supervisor and a copy placed in the employee's personnel file. 3/24/98
- b) All involuntary terminations, except those during initial orientation, may be appealed through the procedures described in Section IX.
- c) Employees who are involuntarily terminated under this section shall receive no severance pay.

**D. Involuntary Terminations for Head Start Staff**

Serious offenses and repeated disciplinary problems will require dismissal of any Head Start staff. While employment may be terminated at any time without cause, the type of conduct that can result in dismissal for a single incident includes, but is not limited to, each of the grounds listed in paragraph C of this section.

1. Involuntary terminations are recommended by the supervisory staff and ordered by the Head Start Director pending approval of the Executive Director.
2. All involuntary terminations will be presented at the next regularly scheduled Policy Council meeting at which a quorum is present for approval or disapproval of the termination action. The Policy Council must also approve or disapprove the termination of Head Start employees during the orientation period. (PC 6/19/06; OAI Board 5/23/06)
3. All Head Start involuntary terminations may be appealed in accordance with the procedures set forth in Section IX: D Disciplinary Grievance Policy for Head Start Personnel Terminations.

3/24/98; 3/22/05

**E. Agency Reduction in Force**

Termination of an employee’s service by the agency due to a reduction in force, budget cutbacks, or reassignment of duties, will require the agency to give notice in writing to the employee.

1. **Length of Notice Time**—The agency shall give all employees notice of termination as soon as possible, and two weeks in advance of termination should be given unless it is impractical to do so.
2. **Mass Layoff of Facility Closing**—In the event of a mass layoff or facility closing as defined in the WARN Act, 29 U.S.C. Section 2101, notification shall be provided to employees in accordance with 29 U.S.C. Section 2102.
3. **Basis for Reduction**—Reduction in agency staff, due to budget cuts, will be based on the continuing needs of the agency by position, proven staff performance factors and not on seniority.

3/24/98

**SECTION IX: EMPLOYEE GRIEVANCES AND ADVERSE ACTION APPEALS****A. Purpose**

To set forth policies and procedures for employee's grievances and adverse action appeals that do not relate to discrimination cases under equal opportunity procedures, as outlined in the Manual for EEO and AAP.

**B. Grievance Policy**

A grievance may be defined as any feeling of dissatisfaction or injustice about one's employment situation and the procedure is outlined below:

1. The employee should informally discuss the problem with their immediate supervisor. If this does not resolve the problem, the employee may wish to file a grievance. The Employee Grievance Form should be provided by the immediate supervisor or it may be copied from the Employee Resource Manual. (PC 6/19/06; OAI Board 5/23/06)
2. After receipt of the grievance form, the immediate supervisor will make every effort to resolve the grievance in writing within five (5) working days. If resolved, the Employee Grievance Form and all information concerning the grievance will be given to the Corporate Services Director for filing in the employee's confidential file in the personnel department. (PC 6/19/06; OAI Board 5/23/06)
3. If grievance is not resolved between employee and immediate supervisor, the Employee Grievance Form must be presented to the next level of supervision within ten (10) working days of initiation. The next level of supervision shall make every effort to resolve the grievance in writing within five (5) working days. If unresolved, the grievance information will then be forwarded to the next appropriate level within five (5) working days, this next level of supervision will have five (5) working days to resolve in writing and if necessary to forward on to the next level. This process will be repeated as necessary until all levels below the Executive Director have been utilized. If resolved, the Employee Grievance Form and all applicable information from previous steps of the grievance process will be given to the Corporate Services Director for filing in the employee's confidential file in the personnel department. If after this process, there is still no resolution of the grievance between the employee and the last level of supervision, the Employee Grievance Form and all of the information from the previous levels of supervision, must be presented to the Executive Director within five (5) working days of the last effort to solve. (PC 6/19/06; OAI Board 5/23/06)
4. The Executive Director shall make a decision regarding the grievance within five (5) working days of receipt. A written response will be given to the employee with a copy for the supervisor; and all information concerning the formal grievance from each level of supervision up to the written response from the Executive Director will be given to the Corporate Services Director for filing in the employee's confidential file in the personnel department. (PC 6/19/06; OAI Board 5/23/06)  
The decision of the Executive Director is final.
5. For those directly under the supervision of the Executive Director (ED), they shall contact the Executive Director when they feel actions of the ED would be in violation of Board and funding source policies and procedures for OAI. After this informal contact, if the concerns have not been resolved, a grievance form should be provided to the employee. Upon completion of the grievance form, the Executive Staff has the authority to notify the President of the Board. The President of the Board will call upon the Executive Committee to discuss, review and resolve the Executive Staff concerns. The decision of the Executive Committee will be final. (PC 5/2/06; OAI Board 5/23/06)

6. It will be a violation of this policy for any employee, Policy Council Member or Board Member to interfere with, threaten, coerce, restrain, discharge or otherwise discriminate against any employee because he/she has filed a grievance or actively participated in the grievance process in an official capacity.

3/24/98; 5/23/06

**C. Disciplinary Grievance Policy**

The disciplinary grievance will be utilized when any form of personnel disciplinary action has been taken against an employee by supervisory staff. The following list of disciplinary actions will be subject to this process:

1. Verbal reprimand;
2. Written reprimand;
3. Disciplinary probation;
4. Suspension;
5. Involuntary termination; (except Head Start personnel, per Section IX.D);
6. Lateral transfers;
7. Demotion;
8. Change in position classification; or
9. Change in rate of pay.

There will be a Grievance Review Committee consisting of five (5) individuals that will be utilized as described below:

- The grieving employee will present a Disciplinary Grievance Form to their Director. The Director will attempt to resolve the grievance within five (5) working days of receipt. If no resolution is possible, the next step is available.
- The Disciplinary Grievance Form will be presented to the Grievance Review Committee chairman for processing.
- After review by the committee a recommendation will be submitted to the Executive Director within five (5) days of receipt for a final decision.
- The Executive Director shall make a decision regarding the grievance within five (5) working days of receipt of recommendation from the Grievance Review Committee. A written response will be given to the employee with a copy for the director. The decision of the executive Director is final.

It will be a violation of this policy for any employee, Policy Council Member or Board Member to interfere with, threaten, coerce, restrain, discharge or otherwise discriminate against any employee because he/she has filed a grievance or actively participated in the grievance process in an official capacity.

3/24/98

**D. Disciplinary Grievance Policy for Head Start Personnel Terminations**

Head Start involuntary terminations are governed by Head Start performance standards. All Head Start involuntary terminations may be appealed in writing to the Head Start Director who will forward to the Personnel and Grievance Committee of the Head Start Policy Council. The Committee will meet with the Head Start Director to review the grievance. The committee may interview the aggrieved employee or other employees with direct involvement in the nature of the grievance. The Personnel and Grievance Committee shall make a report and recommendation to the full Policy Council. The decision of the Policy Council will be final.

3/24/98

**E. Adverse Action Appeals**

An adverse action is a disciplinary or personnel action initiated by the Executive Director that adversely affects an employee’s career and/or employment with the agency. An appeal of such action shall be made in writing to the Executive Director utilizing an Adverse Action Appeal Form within ten (10) working days of the action.

- 1. **Coverage**—any employee who is not on initial orientation or, serving in a temporary or substitute position classification may appeal the following adverse action(s):
  - a. Verbal reprimand;
  - b. Written reprimand;
  - c. Disciplinary probation;
  - d. Suspension;
  - e. Involuntary termination;
  - f. Lateral transfers;
  - g. Demotion;
  - h. Change in position classification; or
  - i. Change in rate of pay.

All other disciplinary and personnel actions are subject to the grievance or disciplinary grievance process.

3/24/98

**2. Process**

- a. **Initial Review**—All appeals will be reviewed by the Executive Director within five (5) working days from the date the appeal is filed. If, after review, the Executive Director finds the action being appealed is justified, he/she will forward the appeal to the Board of Directors’ Appeals Committee. If the Executive Director finds the action being appealed is not justified nor warranted, he/she will take appropriate steps to remedy the situation and provide the employee written notification of the remedy on the Adverse Action Appeal Form.
- b. **Appeals Committee**—Will be comprised of nine (9) members, six (6) of which will be appointed from the Board Directors by the President of the Board. In the case where an adverse action appeal is from a Head Start employee, two (2) of the six (6) members will be selected from the Policy Council by the Policy Council Chairperson. The President of the Board will serve on the committee in an ex-officio capacity, unless needed to break a tie vote. The eighth (8th) member of the committee shall be selected by the appealing employee and will serve as an advisory (non-voting) member as will the ninth (9<sup>th</sup>) member of the committee who shall be selected by the Executive Director. Representatives selected by the appellant and the Executive Director may be from among either the Board of Directors or the staff of the agency. The Appeals Committee shall conduct a review of the action being appealed within ten (10) working days from the date the appeal was filed with the Executive Director. The appeals committee shall make a report of its findings and make a recommendation to the full Board of Directors as its next regularly scheduled bi-monthly meeting. 3/24/98
- c. **Board Decision**—The Board shall consider the report and recommendation of the Appeals Committee. The decision of the Board shall be final and there shall be no other resource or appeal within the agency from the Board of Directors. 3/24/98

3. **Violations**—It will be a violation of these policies for any employee or member of the Board of Directors, to interfere with, threaten, coerce, restrain, discharge or otherwise discriminate against any employee or other person because he/she has filed a complaint, given testimony, or otherwise appeared before the Appeals Committee in connection with an adverse appeal or actively participated in the adverse appeal process in an official capacity.

3/24/98

4. **Forfeiture of Rights**—The appealing employee forfeits all adverse appeal rights upon his/her failure to:
  - a. File the appeal within the required time frame;
  - b. Appear at the Appeal Committee Hearing, and/or;
  - c. Provide, no later than two (2) working days prior to the date of the appeals hearing, the Executive Director with the name of the Board Member or staff member selected to serve on the Appeals Committee.

**F. Board of Directors/Head Start Policy Council Impasse**

In the event of an impasse between a vote of the Head Start Policy Council and the OAI Board of Directors, a committee of each governing body composed of the President, Vice-President, and Secretary shall review the action. The group shall elect a temporary chairperson for the purposes of resolving the impasse. Every effort shall be made to reach a decision that can be accepted by both governing bodies.

If the impasse remains unresolved, the agency will contact the Missouri Community Action Network (MO-CAN) and request one or three arbitrators be sent to resolve the impasse. The results of the arbitration shall be final. 5/23/00; 1/23/07; OAI Board 5/23/2017; PC 3/14/2017

**SECTION X: PERSONNEL RECORDS**

**A. Purpose**

To set forth policies and procedures on the contents, maintenance and responsibility of personnel records.

**B. Contents**

Personnel records of Ozark Action, Inc. shall include at a minimum the application for employment, letters of reference, signed documentation of all personnel actions, a sequential history of the person’s salary and employment status, any changes in information on the original application for employment and career development information.

**C. Maintenance**

Records should be updated for all personnel actions, including hiring’s promotions, commendations, disciplinary actions, terminations, salary histories, attendance and leaves, for all classes of employees hired by the agency. The staff person responsible for personnel functions shall maintain these records.

**D. Responsibility**

The staff person responsible for personnel functions is primarily responsible for seeing that personnel records are maintained on each employee of the agency and that individual personnel files are treated as confidential material. The staff person responsible for personnel functions shall assist with setting up administrative policies and ensuring that all personnel actions of the agency are adequately documented.

**E. Public Information**

Employee names, salaries, and dates of hire, will be public information.



**SECTION XI: PERSONNEL VOTING AND REGISTRATION****A. Purpose**

To establish a uniform method of excusing employees from duty to exercise their voting and registration privilege.

**B. Policy**

Employees will be excused from duty when absence is necessary for the purpose of voting or registering in any election or referendum on civil matters in their community. This agency will make every effort to provide opportunities for staff members to exercise their rights as voting citizens.

**C. General****1. Voting:**

- a. As a rule, excused absence will be granted to permit an employee to report for work three (3) hours after the opening of the polls or to leave work three (3) hours before the closing of the polls, whichever requires the lesser amount of absence.
- b. If, because of unusual circumstances, the general rule does not permit sufficient time, absence will be excused as needed to enable the employee to vote. Excused absence will never exceed one (1) full day.
- c. When an employee's voting place is not within normal commuting distance, excused absence will be granted to travel to the voting only if absentee ballot is not permitted. Annual leave will be granted for any time in excess of one (1) day.

**2. Registration**

If an employee is required to register in person and this cannot be accomplished on a non-workday, absence will be excused as outlined in the preceding paragraph 1-a. If registration can be accomplished on a non-workday and the place of registration is within a reasonable one (1)-day round trip distance of the employee's place of residence, excused leave will not be granted.

**D. Responsibilities****1. Supervisors:**

- a. Ensure that all excused absences for voting and registration approved by them, in keeping with the provisions of this regulation.
- b. Inform employees of these provisions.

**2. Employees:**

- a. Request approval for excused absences in advance if it is anticipated that absence for voting or registration will be necessary.
- b. Furnish information verbally or in writing as requested by the supervisor concerning the location of the place of voting, the hours during which he polls will be open, and the reasons that excused absence is necessary.
- c. Exercise the voting privilege by absentee ballot when voting outside the local area.

OAI Personnel Policies

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Section XII: Organizational Chart

**Ozark Action, Inc.  
Organizational Chart  
July 1, 2017**

