

*Bluegrass Regional Mental Health-  
Mental Retardation Board, Inc.*

*Personnel Policies*

*Adopted*

*With Revisions*

*January 2009*

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# I

## GENERAL INFORMATION

The Personnel Rules, Regulations, and Policies stated herein have been adopted by the Bluegrass Regional Mental Health-Mental Retardation Board, Inc., and are applicable to all employees.

While maintaining a degree of flexibility is essential, it is just as essential to work within the framework of an established system in order to provide for standardization and maximum utilization of personnel and financial resources with respect to efficiency and economy of operation.

The policies stated herein are subject to change at the sole discretion of the Board.

These personnel policies should not be construed as, and do not constitute, a contract of any kind. Further, these policies do not imply or guarantee continued employment for any specific duration. Although it is hoped that employment with the Board will be long-term, either the employee or the Board may terminate the employment relationship at any time, in accordance with these policies.

Further information and procedural details concerning the policies herein can be reviewed at the corporate website, [www.bluegrass.org-employee](http://www.bluegrass.org-employee) information.

## II

### DEFINITIONS

#### A. Board

The Bluegrass Regional Mental Health-Mental Retardation Board, Inc., is a private non-profit organization providing outpatient mental health services, programs for the mentally retarded and substances services in 17 counties of the Bluegrass. The Board also manages Bluegrass Regional Psychiatric Services (Eastern State Hospital) an inpatient psychiatric hospital in Lexington and Bluegrass Oakwood, an MRDD residential community in Somerset. The Board of Directors is the governing body for all 3 companies and may have up to 40 (forty) volunteer members.

#### B. Class

A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience or skill, and such other characteristics that the same title and the same schedule of compensation have been applied to each position in the group.

#### C. Employee

A person appointed to a position for which he/she is compensated.

1. Full Time Employee - An individual appointed to a position who works at least forty (40) hours per week.
2. Part Time Employee - An individual who works less than forty (40) hours per week.
3. Provisional Employee - An individual appointed to a position for a specified period of time, or on an on-call basis, or to a position so designated wherein status may not be conferred upon, nor fringe benefits accrue to, the incumbent.
4. Temporary Appointed Employee - An individual appointed to a position for a period of time on a temporary or trial basis not to exceed (9) nine months. Certain fringe benefits may be accrued for a temporary appointment employee.

5. Regular Employee - An individual who has completed a temporary period may be considered for regular status and benefits or an individual who has successfully completed a psychiatric performance review period (MD, Psychiatrist, ARNP)..

**D. Position**

An office of employment (whether temporary, part time or full time, provisional or regular, occupied or vacant) involving duties requiring the services of one person.

**E. Psychiatric Performance Review Period**

Appointments to MD, Psychiatrist, or ARNP positions require a specific review period of one (1) year.

**F. Status**

The acquisition of tenure with all rights and privileges appertaining thereunto and as identified in these policies after satisfactory completion of a temporary period.

**G. Service Area**

The collection of counties associated for the delivery of services, managed by a Service Area Manager, and supported by a Service Area Administrator.

**H. Service Area Manager**

The term "Service Area Manager " as used in these policies refers to the Director of a Service Area or a Regional Program Coordinator (i.e., Personal Care Home, Schwartz Center, Crisis Stabilization Program) or a Regional Office Department Head, whichever is appropriate.

**I. Executive Director**

The Chief Executive of the organization.

### **III**

## **CLASSIFICATION/COMPENSATION PLAN**

### **A. Classification Plan - General**

The Board has a classification plan which includes for each position: a title, description of duties and responsibilities, essential functions, core competencies, physical requirements, and minimum qualification requirements relating to education and experience.

Every position shall be assigned to the appropriate classification prior to any administrative action being taken on appointments, reclassifications, promotions, transfers, pay grade changes, or any other type of personnel or position actions.

Positions which require the performance of similar duties and responsibilities, scope of discretion exercised, and minimum qualification requirements will be assigned to the same classification.

New positions will be assigned to existing classes whenever possible. If no existing classification is suitable to properly classify a position, a position description outlining the duties and responsibilities and minimum qualification requirements of the new position shall be submitted to the Human Resources Department along with the request to establish a new classification.

### **B. Class Specifications**

Class specifications are descriptive and explanatory. They are designed to indicate the kinds of positions which should be allocated to each class. Specifications do not contain an exhaustive list of every duty which an employee might be required to perform while serving in a specific position classification. Specifications are not to be construed as limiting or modifying the authority of Service Area Managers or the Executive Director to revise, eliminate, or otherwise change the duties or responsibilities of employees under their direction. Class specifications may be supplemented by a competency-based position description which will further identify job specific essential functions.

### **C. Compensation Plan - General**

The Board has a compensation plan providing salary ranges for all positions listed in the classification plan with salary levels assigned to each class of position depending upon the total complexities and functions of the position as outlined in the classification plan.

Salary ranges are established depending upon the relative level of duties and responsibilities of various classes, current salary rates in other sectors of employment, state and federal wage and hour laws and the financial resources of the Board.

#### **D. Salary Schedule - General**

The salary schedule is divided into twenty-eight pay grades with ten steps in each grade. Effort shall be exercised to appoint individuals at the first step of a pay grade leaving the other steps for lateral advancement which is concomitant to satisfactory performance and tenure in eligible positions.

There are, however, circumstances which necessitate the employment of individuals in-step. In these cases, the candidate must possess qualifications of education and experience in excess of the minimum requirements as listed on the appropriate job specification.

#### **E. Position Actions and Salary Advancements**

Salaries may be advanced as a result of several possibilities. All salary advancements shall be based upon individual evaluation and no salary advancement will be deemed automatic.

##### **1. Reclassification**

When a permanent and material change of the duties and responsibilities of a position occurs, the position may be reclassified. Position reclassifications do not occur solely as a result of an increase in workload of a position or the gaining of expertise by the incumbent. These may be contributing factors, however, the overriding factor will be an increase in the scope of discretion exercised by the incumbent resulting from an increase in the responsibility of the position.

An employee who is advanced to a higher pay grade as a result of a position reclassification shall receive a salary increase of 5% or to the minimum of the new pay grade if applicable.

##### **2. Reallocation**

When it is determined that a position has been incorrectly assigned to a classification and there have been no substantial changes in the duties and responsibilities of the position, it may be reallocated either upward or downward to a proper level. If a position is reallocated, the affected employee will be entitled to serve therein with the corresponding status held prior to the reallocation.

An employee who is advanced to a higher pay grade as a result of a position reallocation shall receive a salary increase to at least the lowest step of the salary range for the class which will provide an increase over the salary received prior to advancement.

3. Promotion

As vacancies occur throughout the Region, the positions may be filled either through employment of qualified applicants or through promotion of qualified candidates presently employed by the Board. A promotion constitutes advancing an employee from a position having a lower salary range to a position with a higher salary range that encompasses a greater degree of discretion and responsibility.

When filling a vacancy through promotion, all eligible candidates shall be given consideration. It is encouraged that vacancies be filled through promotion of present employees whenever possible.

An employee who is promoted shall receive a salary increase to at least the minimum step of the pay grade applicable to the new position that is assumed. When fixing a salary as a result of a promotion, the individual's new salary will be determined by a comparison of the individual's qualifications (with respect to the requirements applicable to the class to which assignment will be made) and the salary rate of other employees assigned to the same class.

4. Demotion

A change in rank of an employee from a position in one class to a position in another class having a lower minimum salary and requiring less discretion or responsibility is a demotion.

An employee may be demoted due to reorganization or for cause. An employee must be presented with the reason(s) for demotion in writing at least two weeks prior to the demotion.

If, for personal or other reasons, an employee requests a demotion, such action may be recommended at the discretion of the Service Area Manager.

An employee who is demoted shall have a salary placement at the corresponding step of the lower pay grade as that held prior to the demotion.

5. Transfer

The movement of an employee (whether voluntary or involuntary) from one position to another having the same salary range and the same level of responsibility is a lateral transfer.

Employees may be transferred upon request, at the discretion of the Service Area Manager upon written approval of the Executive Director; or for cause. If the Service Area Manager, upon approval of the Executive Director, feels an employee would be utilized in a more efficient and effective manner at a different work station, the employee may be transferred after giving the employee two weeks notification in writing.

An employee who is transferred shall receive the same salary or hourly rate that was paid prior to the transfer.

6. Pay Grade Change

Whenever it is determined that the pay grade for a class of positions is inadequate, a new salary range may be made applicable. Persons employed in that class at the effective date of the adjustment may have their salaries increased to at least the minimum step of the new pay grade. In adjusting salaries as a result of a pay grade change, all employees affected by the adjustment shall be afforded equitable treatment.

7. Increment

Eligible employees may be considered for a salary advancement on an annual basis.

8. Annual Increment

Annual increments are considered by the Board of Directors each year following the close of the fiscal year financials. Eligible employees may be considered for a salary advancement following completion of twelve months continuous satisfactory service since last receiving a salary increase. The award of an increment will require completion of the competency evaluation and a recommendation to the Executive Director by the Service Area Manager as to the employee's satisfactory work performance including the successful completion of position goals, objectives, and productivity as identified by the Service Area Manager or CEO during the entire evaluation period. Employees assigned to Mental Retardation Residential Units have annual increments replaced by wage increases as mandated by minimum wage laws, but may be considered eligible for consideration of annual/lump sum retention awards

## **F. Increment Dates**

1. Increment dates will be established or advanced when:
  - a. An eligible employee first enters service.
  - b. An employee receives a salary increase as a result of a promotion.
  - c. An employee receives a salary increase as a result of a reclassification.
  - d. An employee going on leave without pay shall result in the postponement of the employee's receiving an increment one day for each day on said leave.
  - e. An eligible employee may receive a salary increase no sooner than nine (9) months and no more frequent than one (1) year thereafter.
  - f. An employee appointed to a Psychiatric Review Period may be eligible for an initial salary increase after one (1) year of employment and no more frequent than one (1) year thereafter.
2. Increment dates will not change when:
  - a. An employee's class receives a pay grade change.
  - b. An employee receives an increase as a result of a position reallocation.
  - c. An employee is transferred.
  - d. An employee is demoted.

## **G. Overtime**

In the event that employees "covered" under the Fair Labor Standards Act (FLSA) of 1938, as amended, are required to work more than 40 hours in one work week, they shall be compensated in accordance with the provisions of Part 778 of the same Act.

Covered employees are allowed to work only forty (40) hours during a work week unless specifically approved for additional hours by the Service Area Manager. All hours worked must be reported on the bi-weekly time/travel report. Hours worked in excess of forty (40) will be compensated at the rate of time and one half the regular rate of pay for covered employees. Covered employees may elect to use

compensatory time if taken during the same work week as the accrual of overtime hours. Compensatory time must be pre-approved by supervisor.

Each seven day work week stands alone when addressing the issue of overtime. It is not acceptable, for example, to work thirty-five hours during one week of a pay period and forty-five hours during the second week of that pay period and count the time as a straight eighty hours. Full time employees must work five eight hour days each week. Any exceptions require authorization from the Service Area Manager.

Since the nature of the work of the professional employee is such that they are expected to give time to the work at hand without consideration of remuneration of overtime, professional employees shall not be paid for overtime work (hours over 40). These employees are referred to as "exempt," meaning exempt from the FLSA overtime rule. However, with prior approval of the immediate supervisor and Service Area Manager, compensatory time for work performed under special circumstances, such as work on holidays, may be authorized.

For exempt employees compensatory time must be taken within the last two (2) preceding pay periods of accrual and requires prior approval of the immediate supervisor.

## **H. Shift Differential**

Employees assigned to residential programs (other than mental retardation/developmental disabilities residential programs) who work either second or third shifts or weekends will receive an hourly shift differential in accordance with the following:

1. The extraordinary shift must be the employees regularly assigned shift; or
2. The employee is covering an extraordinary shift for another employee.
3. For employees who work an eight hour day, shift differential will be made applicable for shifts beginning no earlier than 2:00 p.m.
4. For employees who work less than an eight hour day, shift differential will be made applicable for shifts beginning no earlier than 5:00 p.m.
5. Only those employees with pre-approval in writing from Service Area Manager and the Executive Director may record shift differential on a time sheet.

## **IV**

### **APPOINTMENTS AND EMPLOYMENT POLICIES**

#### **A. Staff Selection**

It is the aim of the Board to build in Kentucky one of the outstanding organizations of its kind in the nation. To do this, a top-flight professional staff, supported by highly skilled and dedicated service personnel, must be assembled in a positive working environment which brings out the best in each.

The keystone in achieving this aim is the selection of staff members. Not only must the prospective employee possess the knowledge, abilities, and attitudes which meet our needs, but also the candidate must find in our programs, personnel, and policies, the ingredients of a challenge that will constitute maximum incentive and job satisfaction. All job openings shall be made known to the staff. To this end, a list of open positions will be published weekly and distributed to all offices in the Region. In addition, vacancies are posted on employee website, available on the network drive and routinely advertised in local newspapers throughout the Region, and all listings for job openings are shared with local employment offices.

Even though the Board is chartered as an independent, private community service organization, its employees must have the character, attitudes, and personality that will hasten their acceptance by the community and enable them to perform effectively within the limitations of community standards and customs.

#### **B. Employment Opportunity**

The Board is committed to the education and enforcement of all regulations regarding the prohibition of discrimination including all EEOC and OFCCP regulations.

Opportunity for employment with the Board or any of its services shall be open to any person, who, on the basis of merit, is qualified for the desired position. Applications shall be considered and persons will be appointed, promoted, demoted, or dismissed without regard to race, sex, religion, national or ethnic origin, political or religious opinions and affiliations, age, handicap, disability, or sexual orientation. In addition the Board is committed to affirmative action that will enhance recruitment and opportunities for minorities and female applicants.

#### **C. Employment Procedures and Responsibilities**

##### **1. Employment**

To make the greatest use of the accumulated experience and wisdom of our management team in evaluating prospective employees, it is important to have each candidate interviewed by at least those supervisors and managers in the candidate's "chain of command." Furthermore, to insure the most competent evaluation of an applicant's capabilities, it is advisable that the immediate work supervisor and the Service Area Manager collaborate closely on an applicant's suitability before a final offer of employment is made by the Service Area Manager and approved by the Executive Director.

A careful reference check shall be made into the background of any applicant under active consideration of employment. At least three (3) professional references must be secured and verified before a candidate can be recommended for employment. If a candidate has been gainfully employed with the same employer for at least ten (10) consecutive years, then two (2) professional references will be sufficient. A positive determination shall be made of professional qualifications of any applicant and all credentials shall be verified.

All offers of employment may be made only upon completion of the full selection procedure, completion of all documentation, and following approval of the Executive Director.

## 2. Ongoing Responsibilities

In addition to expectations regarding satisfactory job performance, it is important and expected that staff will fulfill full licensure/credentialing requirements for which they are eligible with education and experience. If state licensure testing is involved or required, the employee is responsible for all test fees and renewal fees.

An employee will be expected to complete full licensure at first eligibility following completion of required supervision and experience hours. Failure of a licensure exam may be cause for demotion or change in job assignment. Continued failure or noncompliance with obtaining licensure may be grounds for termination of employment or loss of the privilege of Board sponsored clinical supervision.

## **D. Pre-Employment Requirements**

The following special requirements should be discussed with applicants (as they might apply to the position) at the time of completing the application for employment. All non-provisional applicants, with the exception of MR/DD programs, will be asked to complete a drug screening test prior to any offer of employment. All testing will be at the Board's expense and done at an independent testing laboratory. Positive drug screens may terminate the employment process.

Applicants for positions responsible for client payments or other cash related functions will have a pre-employment credit check completed by the regional office prior to a recommendation for appointment. The credit check is done at the Board's expense by an independent service bureau.

All applicants must also authorize the Board to complete the required criminal records checks prior to offer of employment. This process is conducted by the Administrative Office of the Courts, the Kentucky Nurse Abuse Registry, the Cabinet for Families and Children, Adult Protective Services, and a Nationwide Criminal and Sex Offender background check at the Board's expense. The results of the background check will be shared with the applicant/employee and will be evaluated/reviewed for suitability for continued employment.

Other staff may be subject to pre-employment or periodic criminal records and background checks depending on payor requirements, licensing requirements, special legislative requirements or position.

#### **E. Appointment Letters/Agreements**

Employees shall receive appointment letters which will include job classification, description, starting hourly or salary rate, effective date of employment, and other specific conditions relating to the individual's employment. The candidate must sign the appointment letter indicating an understanding of the conditions of employment and acknowledging receipt of personnel policies.

In addition to the appointment letter, employees will be asked to sign a statement of understanding or agreement to assure confidentiality, drug free workplace, and code of ethics. This agreement will become a part of the permanent personnel record.

#### **F. Employment Contracts**

Written contracts for employees will not normally be required; however, should it be desired that a contract be used in a specific case, or should an employee desire one for a specified period of employment, a contract of employment may be executed.

#### **G. Privileging**

All physicians, psychiatrists, and advanced nurse practitioners are required to apply for and attain privileges in accordance with the Medical Practice Committee Policies and Procedures. The Privileging application process is initiated by the Human Resource Department, completed by the requesting employee and reviewed by the Medical Practice Committee and/or Executive Director or Board of Directors.

## **H. Clinical Leadership Committee**

The Clinical Leadership Committee is made up of clinical employees who represent a leadership role in evaluating and making recommendations about clinical functions, performance improvement, best practices, competency development and standards, and training needs. The Clinical Leadership Committee works closely with all administrative departments. All clinical employees are eligible to participate. The Clinical Leadership Committee collaborates with the Human Resource Department in developing competency based training programs.

## **I. Interview Expenses**

With the pre-approval of the Executive Director, reasonable and actual interview and travel expenses for professional applicants, and moving expenses will be paid. Agreement on limits shall be made in advance.

## **J. Employment of Relatives**

The Board shall not offer employment to individuals who have close relatives presently on our staff or who are members of the Board or who have family members currently in treatment or receiving services at the same unit where the individual applies for employment. As a result, individuals with immediate family as present employees and/or Board members cannot be considered for employment. The following defines immediate family:

Father	Father-in-law
Mother	Mother-in-law
Son	Son-in-law
Daughter	Daughter-in-law
Brother	Brother-in-law
Sister	Sister-in-law
Husband	Wife

## **K. Provisional Appointment**

Provisional appointments can be made upon receiving prior approval from the Executive Director. Provisional employees receive no fringe benefits, are not eligible for salary advancements, and are not eligible for other rights and privileges outlined in these policies. Time served as a provisional employee shall not count toward status unless the individual employee is appointed to a regular position at the expiration of the provisional assignment.

## **L. Part-Time Appointment**

The appointment of an individual to a part-time position (less than 40 hours per week) shall constitute a part-time appointment. Part-time employees must work at least twenty hours per week to be eligible for fringe benefits (excluding retirement which requires 100 hours per month and dental which requires full time status).

#### **M. Temporary Appointment**

A temporary appointment involves the initial appointment of an employee to a temporary position.

#### **N. Re-employment**

An employee who has been terminated will not be considered for re-employment if the termination was due to:

1. Discharge for cause.
2. Leaving without proper notice.
3. Failure to meet standards in job performance.
4. Failure to receive a positive recommendation from previous supervisor(s) or Human Resources.

#### **O. MHA Residential/Respite Appointment**

The appointment of an individual to a MHA Residential/Respite provider classification within the Mental Retardation/Developmental Disabilities Program shall constitute a MHA Residential/Respite appointment. MHA Residential/Respite staff may work full or part time hours in a residential setting and are compensated for all hours on the premises and in lieu of annual increments, are eligible for consideration of retention bonuses.

## V

### TEMPORARY PERIOD

#### A. Temporary Appointment Period Defined

An initial temporary appointment may be used to demonstrate and determine that the appointment to a particular position was appropriate and the employee may be considered for a status change if it is reasonably expected to continue successfully and if an appropriate vacancy exists. No appointment to regular status is deemed automatic nor is a recommendation for retention related solely to the presence or absence of disciplinary actions.

The length of the temporary appointment period shall not exceed (9) months. During the temporary period, the employee's supervisor shall provide a detailed assessment in writing of the employee's performance with a recommendation for retention, dismissal, or job transfer. This recommendation shall be made on the basis of a full assessment of the employee's performance and the potential for professional growth. If dismissal is recommended and approved, the employee will receive applicable notice as required under Section VI, C, Step 4.

Other clinical professionals from the fields of social work and psychology (or others that function under a temporary permission to practice as applicable or who were notified at hire of such expectation) must obtain full licensure in minimum amount of time designated by applicable licensure board.

#### B. Psychiatric Review Period Defined

For physicians, psychiatrists, and advanced registered nurse practitioners, the successful completion of the psychiatric review period will be contingent upon the overall performance and completion and award of full clinical privileges.

#### C. Disciplinary Actions for Temporary Appointed and Psychiatric Review Period Employees

If a temporary employee's, or an employee appointed to a Psychiatric Review Period, performance becomes unsatisfactory at any time, the immediate supervisor shall counsel the employee in an oral interview as to expectations for improvement. Further problems or instances of unsatisfactory performance shall be communicated in writing to the employee. This notification will serve as a written reprimand and will be final warning for expected

improvement. Following the receipt of a written warning while in a temporary or Psychiatric Review Period position, termination may be recommended for any additional performance problems. Serious infractions or violations of Board Policy will be addressed according to policy VI, C, Step 3, 2.

A supervisor may choose to recommend an extension of the temporary or Psychiatric Review period at any time prior to conclusion of the temporary period or Psychiatric Review period for an additional two (2) months. This action must be approved by the Executive Director.

If, during the temporary period or Psychiatric Review period, an employee's performance in a position to which the employee has been promoted becomes unsatisfactory, said employee shall be demoted to a position similar to that which was held prior to promotion.

## VI

### SEPARATIONS AND DISCIPLINARY ACTIONS

#### A. Voluntary Separation

Professional and administrative employees (exempt) will be required to give notice in writing of intention to leave not later than four weeks in advance of their separation date. If less notice is given and the employee has accrued annual leave, the employee will at the discretion of the Executive Director, lose one day of vacation pay for each day less than the required four weeks.

Paraprofessional and supportive staff (non-exempt) will be required to give written notice no less than two weeks in advance of their separation date. If less notice is given and the employee has accrued annual leave, the employee will, at the discretion of the Executive Director, lose one day of vacation pay for each day less than the required two weeks.

It is expected that all employees will work the full notice period, and that annual leave and sick leave will not be requested during the period of required notice. It is also expected that all paperwork and medical records will be completed or updated as necessary prior to termination.

Any eligible employee will be entitled to pay in lieu of vacation in accordance with policy VIII, C, if the employee leaves with proper notice and is at the work location on the last official work day.

#### B. Retrenchment/Reorganization

Lack of work due to retrenchment or reorganization requires four weeks written notice to all affected employees.

#### C. Disciplinary Actions/Involuntary Separations

The following progressive disciplinary steps will be utilized in circumstances where an employee has demonstrated unsatisfactory job performance; excessive absenteeism; disruptive conduct; or other misconduct or related offenses. In situations where offenses are considered a policy violation or require investigation as described in Step 3, item 2 of this section, the progressive steps may be bypassed. The system is designed to provide feedback and support, communicate expectations, and provide for discussion, while giving opportunity for

improvement. An employee's refusal to participate in any step of the process may result in a forfeiture of the step and implementation of the next step.

**Step 1. Oral Warning** - The immediate supervisor shall notify the employee, in a private interview session, that a violation or performance problem exists. The purpose of the interview will be to call the offense to the employee's attention, hear the employee's view, discuss possible solutions, and to explain what behaviors are expected and penalties for further offenses. The immediate supervisor shall keep a record of oral warnings. The record shall include:

1. Description of problem or violation.
2. Date of the interview.
3. Summary of the discussion.
4. A time frame for improvement.

**Step 2. Written Warning** - A written warning may be issued if the employee fails to improve as directed in the oral warning, or if further offenses (of the same or different nature) occur following an oral warning. The written warning shall be a formal memo which includes:

1. Review of oral warning, if applicable.
2. Description of problem or violation.
3. Outline of discipline that will follow continued violation.
4. Description of steps for employee to remedy the problem.
5. Define time frame for improvement.

The formal written warning shall be reviewed in an interview with the employee, the immediate supervisor and the Service Area Manager. The employee should acknowledge the warning by signing and dating the file copy. All written warnings will become a part of the permanent personnel record. After a period of one year, if no other problems have been documented, the employee may request that the warning be removed from the record. All requests should be forwarded to the supervisor and must be approved by the Executive Director.

**All actions beyond the written warning require recommendation of Service Area Manager and prior approval of the Executive Director.**

### **Step 3. Disciplinary Suspension**

1. Suspension up to 3 days - An employee may be suspended without pay for repeated instances (three or more within one year) of unsatisfactory or unacceptable performance as documented in the offending employee's personnel record. This suspension cannot exceed 3 working days. Additional problems or continued unsatisfactory performance following a 3 day suspension (up to 6 months thereafter) may result in a recommendation for termination.

2. Suspension up to 10 days - Alleged violation of Board policy or Service Regulations as defined in Section IX, felony or misdemeanor convictions, or other legal matters that cause concern for the safety, well being, or general care of a client, Board Members, and/or staff or other actions deemed harmful to the programs of the Board, or poor judgment of such a serious nature that an investigation of the incident(s) must be conducted, may require suspension as an immediate step to discipline. Under these serious conditions, progressive Steps 1, 2, and 3, (1), may be by-passed. A suspension of this nature can be for a period of time not to exceed 10 working days during which time a thorough investigation/inquiry may be necessary. The investigation shall include an interview with the employee, supervisor, Service Area Manager, Human Resources Director, and others related to the incident(s). Disciplinary suspension will be time off without pay. If vindicated, the employee shall be reinstated with full back pay and no loss of tenure. If allegations are substantiated, or partially substantiated, the employee may be dismissed, or at the discretion of the Executive Director, may return to work at the conclusion of 10 day suspension (no back pay) under “disciplinary final warning status.” Employees who return to work under this condition must function for one full year without disciplinary warnings or actions of any nature. The first instance of necessary disciplinary action will result in termination of employment. Employees terminated under these conditions are not entitled to notice nor salary in lieu of notice.

**Step 4. Notice of Involuntary Termination** - An employee may be given notice of termination, upon approval of the Service Area Manager and Executive Director provided that progressive Steps 1, 2, and 3 have been followed and documented, or appropriately bypassed as described herein. Four weeks written notice shall be given to professional employees and two weeks written notice to paraprofessional and supportive employees. Salary may be paid in lieu of notice, when, in judgment of the Executive Director, it is wiser that the termination be effective immediately. Employees terminated under the conditions of Step 3, (2) are not entitled to notice nor salary in lieu of notice.

Employees may appeal disciplinary actions through the normal grievance procedures.

## VII

### GRIEVANCES AND APPEALS

#### A. Grievances

The channel for resolving grievances shall be through the employee's immediate supervisor, Service Area Manager, and Executive Director. A grievance may be filed in response to formal disciplinary action taken against an employee or other action or circumstances that negatively impact upon the employee's ability to perform the duties of their position as defined by the Board. Directives from supervisors related to the definition and scope of a position or of an individual's responsibilities or limitations within a position do not necessarily meet the criteria for a legitimate grievance. It is anticipated that grievances shall usually be resolved by the employee's immediate supervisor. Grievances shall be submitted to the supervisor in writing and should state the remedies sought to resolve the grievance.

A grievance must be filed by an employee to the immediate supervisor and Service Area Manager within ten (10) working days of the event or circumstance that prompts the grievance. In the event that a grievance cannot be resolved by the immediate supervisor or Service Area Manager within ten working days, subsequent recourse is to submit this grievance to the Executive Director no later than five (5) working days following the decision of the Service Area Manager or supervisor. The Executive Director shall direct the Director of Human Resources to investigate the grievance and report the findings, in writing. If the Executive Director does not resolve the grievance within five (5) working days, the employee may request an appeal to the Board Human Resources Committee no later than five working days following the Executive Director's response. After appropriate study and consultation, the Board Human Resources Committee shall make its recommendation to the Executive Committee. Aggrieved employees have the right to appear before the individual or body hearing the grievance to state their views and hear any charges leveled against them.

#### B. Staff Personnel Committee

The Staff Personnel Committee is the duly elected and representative body of all employees of the Board. It is constituted as an organization to consider personnel policies and practices in broad scope with relevance to the following:

1. To propose policies which enhance the recruitment of adequate and competent personnel to fulfill the service goals of the organization;
2. To foster good morale among employees;

3. To advise the Human Resources Committee of the Board of recommended changes in personnel policies and practices as suggested by the Board of Directors or its Human Resources Committee.
4. To propose policies and procedures which promote a safe work environment and foster safe work habits.

The Staff Personnel Committee shall be composed of two employees plus one alternative from each Service Area. There will also be one representative from each of the following: Regional Children's Services, Regional Substance Abuse Services, Regional Office, Mental Retardation/Developmental Disabilities, and Other Regional Programs, for a total of 17 members. These representatives shall be chosen by secret ballot, and shall include representatives from supportive, administrative, clinical professional, and clinical paraprofessional groups throughout the Region. The representatives from each area will elect their own chairperson who will serve for a twelve month period ending June 30.

The Staff Personnel Committee shall meet at least once per year for the purpose of considering revisions to the Personnel Policies. The meetings will be called by the Committee Chairperson. At least 10 days notification should be given to the elected representatives, to provide adequate opportunity for consultation with associates about proposed modifications. The Staff Personnel Committee shall communicate any recommended revisions to the Board Human Resources Committee. The Board Human Resources Committee will review and make a response to those recommendations within a reasonable period of time. Likewise, should the Board's Human Resources Committee propose changes in Personnel Policies, the Staff Personnel Committee will review and make recommendations regarding such changes.

### **C. Board Human Resources Committee**

The Human Resources Committee of the Regional Board is composed of at least 20 percent of the total membership of the Board.

The objective of this Committee is to recommend fiscally sound personnel policies and salary schedules for consideration of the Board that will be conducive to the recruitment and retention of a highly qualified and motivated staff.

The Committee also acts as an appeals board to resolve employee grievances.

## VIII

### EMPLOYEE BENEFITS

#### A. General

The Board offers to all eligible employees an outstanding package of fringe benefits. Some benefits will vary slightly depending upon job classification and FLSA status. Provisional employees and part-time employees who work less than twenty hours per week are not eligible for benefits including holiday pay.

#### B. Holidays

Full time non-provisional employees and part time employees who work at least twenty hours per week are eligible for holiday pay. Part time employees will receive holiday pay on a prorated basis.

The following holidays are currently recognized by the Board, and all eligible employees will be granted leave with pay on the appropriate dates.

New Years Day	January 1
Martin Luther King Jr. Day	Variable
Memorial Day	Variable
Independence Day	July 4
Labor Day	Variable
Thanksgiving Day	Variable
Day After Thanksgiving	Variable
Christmas Eve	December 24
Christmas Day	December 25

When a holiday falls on a Sunday, the following Monday (in the case of Christmas, both Monday and Tuesday) will be observed as the holiday. When a holiday falls on a Saturday, the preceding Friday (in the case of Christmas, both Thursday and Friday) will be observed as the holiday.

Employees covered by the overtime provisions of the Fair Labor Standards Act who work on a holiday may receive eight hours holiday pay in addition to their regular pay, or may take the holiday at a later date during the calendar year at the discretion of the Service Area Manager. If holiday pay in addition to regular pay is chosen, the employee must code hours to work time as well as hours to holiday time (03) on the bi-weekly time/travel sheet. The maximum benefit allowable for holiday pay is eight (8) hours (per observed holiday).

Employees exempt from the provisions of the Fair Labor Standards Act who work on a holiday may take the holiday at a later date during the calendar year with the exception of Thanksgiving and Christmas holidays, which must be taken by the end of March of the upcoming year.

### **C. Annual Leave**

All eligible employees are entitled to annual vacation leave after six (6) months of consecutive employment. Vacations are to be arranged at times that are most convenient for the agency, although an employee's preference will be given due consideration. Schedules will be arranged by immediate supervisors and approved by the Service Area Manager in order to provide for adequate personnel to meet the workloads of the agency.

1. Effective for appointments after January 1, 2009, all non-MD/Psychiatrist and non-ARNP's will accrue as follows:

0-4 years of service	12 days per year	(3.69 hrs. per pay period)
5-9 years of service	15 days per year	(4.62 hrs. per pay period)
10-14 years of service	18 days per year	(5.54 hrs. per pay period)
over 15 years of service	21 days per year	(6.46 hrs. per pay period)

2. Staff hired prior to January 1, 2009 supportive and paraprofessional (covered) employees accrue vacation credit at the rate of 4.62 hours per pay period of full time employment (120 hours per year). Professional and administrative (exempt) employees accrue vacation credit at the rate of 6.16 hours per pay period (160 hours per year). Vacation leave for all eligible staff is computed from the anniversary date of employment.
3. MD/Psychiatrists and ARNPs will accrue vacation credit at the rate of 6.16 hours per pay period (160 hours per year) if forty (40) hours a week.

Although vacation days may be accumulated, no more than 240 hours of accumulated leave may be carried forward from one calendar year to the next. At time of separation, no employee may receive compensation beyond 192 hours of accumulated time. Vacation leave for all eligible staff is computed from the anniversary date of employment.

Part-time eligible employees earn vacation on a prorated basis.

Saturdays, Sundays, or holidays occurring in a vacation period will not count as days of vacation leave.

### **D. Annual Leave Conversion**

If at the end of a calendar year an eligible employee has accumulated more than 30 days (240 hours) in annual leave, the excess of 240 hours may be converted to sick leave. The amount that may be converted will be equal to the amount of annual leave the employee has taken during the year, up to a maximum of eighty (80) hours.

## **E. Sick Leave**

All eligible employees are entitled to sick leave. Sick leave is accrued at the rate of 3.69 hours per pay period (96 hours per year). Part time eligible employees earn sick leave credit on a prorated basis. There is no maximum amount of sick leave that an employee may accumulate. In the case of sickness beyond one's accumulated annual leave and sick leave credits, the Executive Director will determine the matter on an individual basis, and the employee may make application to the sick leave bank (according to policy provisions) after submitting a request for sick leave advance.

The accumulation of sick leave is encouraged to cover an extended illness or accident. In addition, accumulated sick leave may be utilized for maternity purposes. Accumulated sick leave, however, is not to be construed as earned time off with pay and may not be granted in this manner.

Sick leave may be used in cases of critical illness or death of a member of the immediate family.

For members vested in the retirement system, unused sick leave may be credited at time of retirement toward KERS in accordance with the Retirement System's rules and regulations. Accrued sick leave is not paid out upon termination of employment.

## **F. Sick Leave Bank**

It is recognized that employees may become ill or injured through no negligence of their own and, therefore, unable to perform their duties. In most cases, the employees will have accumulated sufficient leave time to cover necessary absences. However, situations may arise wherein the required time off is in excess of one's accumulated leave credits. The following sick leave bank policy has been developed to handle such situations.

Employees may voluntarily contribute excess sick leave hours on an anonymous basis to the sick leave bank. Contributions may not be earmarked for specific employees.

To be eligible to donate sick leave hours to the bank, the following conditions must be met:

1. The employee must have a sick leave balance in excess of eighty (80) hours.
2. The employee must retain a sick leave balance of not less than eighty (80) hours.
3. The employee must sign an agreement of understanding pertaining to potential reduction of retirement benefits.
4. The employee must sign a waiver of exclusive rights to any donated sick leave.
5. The employee cannot be retiring or otherwise planning to terminate employment.

To be eligible to receive sick leave hours from the bank, the following conditions must be met:

1. The employee must be eligible to accrue sick leave under the Board's sick leave policy.
2. The employee must exhaust all annual leave, sick leave, and compensatory leave before making application to the sick leave bank.
3. The employee must have a documented illness or injury, unrelated to worker's compensation or any other payor who would assume responsibility for the loss of wages, in excess of three consecutive working days.
4. This policy is not intended for maternity purposes.

An eligible employee wishing to donate sick leave hours to the bank must complete a sick leave donor form. The sick leave donor form must be approved by the employee's supervisor, Service Area Manager and the Executive Director. An eligible employee may donate sick leave hours at any time, and as many times as the employee's sick leave balance allows, pending approval.

An eligible employee wishing to receive sick leave hours from the bank must complete a sick leave bank application form. The application form must be accompanied by certification from the attending physician indicating the illness or injury that will prohibit the employee from performing duties for a period in excess of three consecutive days. In the event that the employee is unable to make application on his own, the employee's supervisor may do so on the employee's behalf. The application with attached certification must be approved by the employee's supervisor, Service Area Manager, and the Executive Director. The application must be received during the time of the illness or injury or no later than

the fifth day after return to work. No application retroactive beyond this cutoff will be approved.

The maximum amount of sick leave that a donee may receive from the sick leave bank is 480 hours.

By maintaining the sick leave bank, the Board is not guaranteeing the availability of donated sick leave to any employee.

In the event that a balance in the bank is non-existent or insufficient to cover need, all staff will be notified. If no donations are received, the pending application(s) will be denied.

The decision of an employee to donate, or not to donate, will at no time have any impact on his employment status with the Board.

The current authority of the Executive Director to advance up to 80 hours of sick leave based upon individual circumstances is in no way altered by the development of a sick leave bank.

## **G. Military Leave**

For employees who are required to perform an annual two week tour of active military duty, the Board will pay the difference between military pay and their regular pay. Such absences will not be charged against any other leave. A copy of the active duty order, pay statement, and completion of duty notice will be required.

The employee must code the time as 04 on the bi-weekly time/travel sheet.

## **H. Jury Duty**

When an employee is subpoenaed for jury duty or as a witness in a Board legal action, the employee will be excused on paid leave. Such absences are not charged against any other form of leave.

The employee must code the time as 04 on the bi-weekly time/travel sheet. A copy of the jury selection summons must be attached to the time sheet.

## **I. Family/Medical Leave**

The Board will grant family/medical leave for the reasons specified in the Federal Family and Medical Leave Act (FMLA). The reasons specified in the FMLA are: (1) birth of a child or placement of a child with the employee for adoption or foster care; (2) need to care for a parent, spouse, or child with a serious health condition; or (3) because of the employee's own serious health condition; (4) Military Family Medical Leave (26 weeks in a 12 month period to care for a covered service

member with a serious illness or injury incurred in the line of duty on active duty); (5) Qualifying Exigency Leave (family members of National Guard or Reserve who are called to active duty in support of a contingency operation. Family members allowed 12 weeks to help manage affairs of military member.)

If any employee has worked for the Board for a minimum of 1,250 hours in the past 12 months, the employee is eligible for family/medical leave. If the employee is eligible for family/medical leave, the employee is entitled to up to 12 weeks of leave in a 12 month period. **The 12 month period is measured forward from the date the employee's first FMLA leave begins. Accrued vacation and sick leave must be used prior to the use of leave without pay and will be considered as a part of the 12 weeks of leave available under this policy.**

To prepare for the employee's absence during family/medical leave, the Board requires a 30 day written notice of the employee's intention to take leave prior to the date leave is to begin. If, due to emergency or unforeseen circumstances, the employee is unable to provide such notice before taking leave, notice as soon as possible and practical is acceptable. At the end of family/medical leave, the employee will be returned to the position the employee held when leave began or will be given an equivalent position with like employment benefits, pay, and other terms and conditions of employment.

Requests for, and questions regarding FMLA should be directed to the Regional Human Resource Office.

## **J. Leave Without Pay/Leave of Absence**

The Executive Director may grant, if deemed in the best interest of the Board, special leave without pay for a period not to exceed twelve months. Such leave would be for military, educational or other such purposes. Leave without pay may be granted employees for maternity purposes beyond one's accumulated leave credits. First consideration for open positions is given to those completing a leave of absence, however, absent specific legal requirements there shall be no requirement to reemploy such persons. Regular employees shall not be considered temporary upon return from leave of absence. The practice of time off without pay shall be discouraged and is not intended for casual absences or leave that would otherwise be for personal matters, i.e. vacation. At the discretion of the Executive Director, it can be allowed for emergencies, special events, etc.

Benefits such as annual leave and sick leave are not accrued while an employee is on leave without pay. In addition, other contributions/deductions such as retirement and health insurance will cease. Employees may choose to continue health insurance coverage under C.O.B.R.A. provisions.

## **K. Retirement**

All eligible (non provisional and non temporary) employees who work an average of at least 100 hours per month must participate in the Kentucky Employees Retirement System (KERS or other retirement plan approved by the Board). As a participant in KERS, six percent (6%) (if hired after September 1, 2008) and five percent (5%) (if hired prior to September 1, 2008) of an employee's salary is deducted from individual earnings. The Board's contribution is mandated by State Legislation. An employee may inquire with the Human Resources Department regarding current employer contributions. The total amount is placed in the retirement system to the employee's credit.

**For staff hired prior to September 1, 2008:**

To be eligible to receive a retirement allowance, an employee must have at least 48 months of current service credit at age sixty-five (65). An employee may retire at age fifty-five (55), if fully vested, however, the benefit allowance will be reduced based on age and length of service unless the employee has twenty-seven (27) years of service, fifteen (15) of which are current. If an employee has twenty-seven (27) years of service credit, the employee may retire without regard to age.

**For staff hired September 1, 2008 or after:**

To be eligible to receive a retirement allowance, an employee must have at least 60 months of current service at age 65. If an employee is 57 years or older they may retire with no reduction in benefits if the members age and years of service equal 87. An employee may retire with a reduced benefit if 60 years or older with 120 months of service credit.

Should an employee resign before qualifying for retirement, all monies contributed by the employee will be refunded by KERS upon request.

Please visit KERS website at [www.kyret.com](http://www.kyret.com) for detailed information on retirement.

**L. Tax Sheltered Annuities**

The Internal Revenue Code provides that colleges, universities, and certain other non-profit organizations may place a portion of an employee's compensation in an annuity contract owned by the employee, and that this portion of compensation will not be taxed to the employee currently, but will be taxed, instead, as the individual receives it during retirement.

An employee may elect to participate in this program by notifying the Service Area Manager or supervisor. The law places limitations on the amount of salary that can be applied toward the purchase of annuities on a tax deferred basis.

**M. Insurance**

1. Life Insurance

All eligible employees who work at least twenty (20) hours per week, receive a premium paid life insurance policy effective the first day of the month coinciding with or next following the date of employment.

The amount of insurance coverage will be in accordance with the table below:

*\*Note: Please refer to official life insurance policy for important information about benefit reduction after age 65. Only applies to staff hired on or after May 1, 2003.*

If annual salary is:	Life Insurance	Principal Amount of Accidental Death or Dismemberment Benefit
Less than \$5,000	\$8,000	\$8,000
\$5,000 but less than \$10,000	\$16,000	\$16,000
\$10,000 but less than \$15,000	\$24,000	\$24,000
\$15,000 but less than \$20,000	\$32,000	\$32,000
\$20,000 but less than \$25,000	\$40,000	\$40,000
\$25,000 but less than \$30,000	\$48,000	\$48,000
\$30,000 but less than \$35,000	\$56,000	\$56,000
\$35,000 but less than \$40,000	\$64,000	\$64,000
\$40,000 but less than \$45,000	\$72,000	\$72,000
\$45,000 but less than \$50,000	\$80,000	\$80,000
\$50,000 but less than \$55,000	\$88,000	\$88,000
\$55,000 but less than \$60,000	\$96,000	\$96,000
\$60,000 but less than \$65,000	\$104,000	\$104,000
\$65,000 but less than \$70,000	\$112,000	\$112,000
\$70,000 but less than \$75,000	\$120,000	\$120,000
\$75,000 but less than \$80,000	\$128,000	\$128,000
\$80,000 but less than \$85,000	\$136,000	\$136,000
\$85,000 but less than \$90,000	\$144,000	\$144,000
\$90,000 but less than \$95,000	\$152,000	\$152,000
\$95,000 but less than \$100,000	\$160,000	\$160,000
\$100,000 but less than \$105,000	\$168,000	\$168,000
\$105,000 but less than \$110,000	\$176,000	\$176,000
\$110,000 but less than \$115,000	\$184,000	\$184,000
\$115,000 but less than \$120,000	\$192,000	\$192,000
\$120,000 and over	\$200,000	\$200,000

The term "annual salary" means the basic annual salary rate exclusive of overtime or other forms of additional compensation.

If an employee's salary classification is changed, the insurance will be adjusted automatically to conform to the new salary classification and the adjustment will take effect on the day the change in salary classification is to be effective, except as follows:

- a. If the employee is not at active full time work on the day the adjustment would otherwise take effect, it will take effect on the day of return to active full time work.
- b. No change in salary classification will be effective retroactively.

It is important to keep beneficiary cards current and changes may be made at any time by completing a change of beneficiary card and forwarding to the Human Resources Department.

In the case of pending disability determination, employees should immediately contact the Human Resources Department about continuation/conversion of life insurance benefits.

2. Health Insurance

Eligible employees are given the option of participating in a group health insurance program. Following an initial appointment to employment, eligible employees have thirty (30) days from date of hire to enroll in a plan. Upon expiration of the 30-day time frame, subsequent enrollment may be made only during the open enrollment period (which occurs one time per calendar year). Changes to policies/coverage are not permitted outside the open enrollment period without a qualified change of family status. By participating in a group program, the rates are significantly lower than could be expected on an individual basis. In addition, the Board pays a portion of the monthly premium. Supervisors will furnish pertinent information of a more detailed nature concerning this program. Employee contributions are made via payroll deduction.

3. Dental Insurance

Eligible full time, non-provisional, employees may participate in the Board's dental insurance plan. Enrollment time frames and limitations are the same as for health insurance. Employee contributions are made via payroll deductions.

Dental coverage is available to part-time employees who work between 24-39 hours a week. Employees pay 100% of premium.

4. Supplemental Insurance

Eligible employees may participate in supplemental short term disability, term life insurance and universal life insurance on a voluntary basis. Premiums are made after tax via payroll deduction.

5. C.O.B.R.A.

The Consolidated Omnibus Budget Reconciliation Act of 1985 (C.O.B.R.A.) allows employees who have lost their health or dental insurance (under qualifying circumstances such as lay-offs, resignation,

termination or reduction of hours) to continue coverage under the employer's group rate for members and eligible dependents.

The employee is responsible for the entire premium under C.O.B.R.A. continuation coverage. The length of time that continuation coverage may be carried is determined by a number of events or circumstances, however, in general, the time period is 18-36 months from the qualifying event. Individuals/employees that are eligible for C.O.B.R.A. Continuation Coverage will be notified of said eligibility. The full C.O.B.R.A. law is available in the Human Resources Department for employee review.

6. Malpractice Insurance

The Board provides group malpractice insurance to all staff for coverage of all Board related activities.

7. Unemployment Insurance

All employees of the Board are covered under the provisions of the Kentucky Unemployment Insurance Law as amended.

8. Workers Compensation

All employees of the Board are covered under the provision of the Kentucky Workers Compensation Act. Employees who are absent from work due to an eligible workers compensation claim and who receive "loss time wages" from the insurance company may "buy back" any annual leave or sick leave hours they may have used during the absence/injury period (unless the employee chose to take leave without pay).

## **N. Flexible Benefits**

Eligible employees may elect to participate in the Board administered/IRS Regulated, Section 125 Cafeteria Plan, or Flexible Benefit Program. This plan allows employees to make tax-exempt contributions for expenses which are used for the payment of health and dental insurance premiums, general medical care, or dependent care, into three flexible spending accounts.

An employee may choose to contribute to one or all three accounts and reimbursements may be made to the employee once per month. Elections to participate are made only during open enrollment or during the initial appointment process. Changes to elections are not permitted outside open enrollment period without a change in family status.

While this plan allows considerable tax-savings for the employee, it is an IRS Regulated Plan with specific requirements and procedures for implementation.

Employees who are interested in participating may request a benefit plan summary from the Human Resources Department.

## **O. On-The-Job-Expenses**

Professional, administrative, and supportive staff will be compensated for reasonable and actual on-the-job expenses with the approval of the supervisor or Service Area Manager. Service Area Managers and regional staff expenses shall be approved by the Executive Director. Expenses of the Executive Director shall be approved by the Treasurer, Chairman of the Board, or Chairman of the Human Resource or Finance Committee.

Employees will be reimbursed according to Board approved mileage rates for use of their own cars.

In-state mileage expenses must be recorded on the bi-weekly time/travel sheet.

Other types of expenses will be reimbursed on a monthly basis.

In order to receive reimbursement for expenses, an accounting of expenses must be submitted by the 10th of the month following the expenditure. Failure to do so shall result in forfeiture of said expenses.

## **P. Employee Assistance Program (EAP)**

Employees and eligible dependents may seek services under the Board's Employee Assistance Program subject to the following conditions:

1. Employees (and eligible family members) shall not be eligible for this benefit until successful completion of six (6) months consecutive service.
2. Eligible family members are spouses and dependent children. (Hereafter, the word "Employee" will be defined as the employee and/or eligible family member, where applicable.)
3. Each Service Area Manager will maintain a current list of therapists in the Service Area who have indicated a willingness to participate as providers of EAP services. Employees may call and arrange appointments with therapists appearing on these lists.
4. Therapists may limit the number of employees they take as clients under this program.
5. Therapists may refuse to accept employees as clients.

6. Employees shall seek services outside their own Service Area. In the event a particular service is available only in their Service Area, an exception will be made in this instance.
7. Employees shall furnish the Board with any required insurance information, and if applicable, insurance will be billed for each visit.
8. Service tickets will be made on EAP services with an identifying code so that the Board can track usage as well as insure that the therapist is given credit for service delivery.
9. Acceptable medical record policies will be followed using pseudo names and numbers.
10. Eligible employees shall be allowed no more than a total of six (6) visits annually, with a fee for service, in accordance with the Board's fee schedule, being made applicable after the sixth (6th) visit.
11. Employees must use approved leave (annual or sick) or seek services after hours. Time off with pay (other than approved leave) shall not be authorized for EAP services.

## **Q . Performance/Competency Evaluations**

The performance of each employee of the Board will be appraised periodically. The Human Resources Department shall provide evaluation forms to each major organizational unit. This form must be completed and discussed with the affected employee at the following times.

1. Prior to the completion of the temporary period in accordance with provisions outlined in Section V.
2. On the employee's anniversary date of employment and annually thereafter. Annual evaluation dates shall coincide with anniversary dates.
3. Prior to consideration for salary advancement as a result of reclassifications, promotions, or annual increments.

The evaluation process will include a general assessment of work performance and a position specific addendum which addresses skills and current competency. An employee will be asked to review the completed evaluation and to acknowledge by their signature.

## **R. Educational Assistance**

Eligible employees may apply for educational assistance. The amount of the educational assistance award will vary depending upon budget and number of applications received. Eligible employees must have at least one year of full time service credit, a satisfactory performance evaluation for the most recent evaluation period, and work at least twenty (20) hours per week. The educational courses should be related to the employees position at the Board.

Employees who are notified of an award will be reimbursed tuition expenses, at the pre-approved amount, following submission of required verification of successful course completion.

All employees who have received educational assistance will be required to pay back, in service time, each credit hour that the Board has financed. One month of service is equal to one credit hour. Pay back time may not be served while enrolled in additional courses which are also funded by educational assistance, however, upon completion of all Board financed courses, the maximum pay back required will be one (1) year of service time. Those who leave employment with the Board, before completion of pay back service, will be required to refund the award.

## **S. Staff Development and Training**

It is important in all professions to keep abreast of laws, rules and regulations, new treatment methods, etc., to maintain a high level of proficiency. Each Service Area has on-going in-service training programs that are geared to staff and program needs.

Employees may also have the opportunity to attend workshops, conferences, and seminars that are directly related to their work at the Board. Upon return from certain training activities or conferences, employees may be asked to share new information with other staff at management or service area meetings.

Some employees may be required to participate in Continuing Education to maintain a particular license or credential. It is the responsibility of each employee to insure that those credentials that are required by law or administrative regulations are kept current and in full compliance with all standards. In addition, due to the regulations of the state's professional licensure boards, employees may be required to complete certain licensure or certification or other training standards prior to the award of regular status (See Section V - Temporary Period). The Human Resources Department will serve as an information contact point for mandatory trainings, upcoming events, training requirements, and worthwhile conferences and seminars.

All non-provisional employees are required to attend the first scheduled session of "New Employee Orientation" following the employee's appointment date. These orientation sessions are held monthly at the Regional Office. In addition all direct care staff are required to attend a second day of Orientation related specifically to clinical care and clinical policy and procedures.

Additional staff development and training opportunities are provided on an ongoing basis. The Fiscal Year Training Schedule is maintained at Regional Office and available to all staff.

## **IX**

### **SERVICE REGULATIONS**

#### **A. Sexual Harassment**

Sexual harassment is no longer considered by our society as a private matter that impacts upon an individual in only a personal matter. It is a form of discrimination prohibited by Title VII of the Civil Rights Act.

The Bluegrass Regional Mental Health-Mental Retardation Board, Inc. recognizes the serious nature of sexual harassment and explicitly forbids both verbal and physical forms of conduct of this nature. The acceptance of sexual advances is not a condition of employment, advancement, or access to special treatment in any form for any employee of this organization. Sexually derogatory remarks are recognized as offensive and totally intolerable.

Supervisory personnel must be sensitive to objectionable behavior and be prepared to take immediate action to remediate and report said behavior. Employees who are the object of forbidden conduct of this nature have an obligation to report their complaints.

A complaint may be filed through normal grievance procedures. Considering potential complications of this reporting mechanism, as well as the sensitive nature of such complaints, an employee may lodge a complaint directly to the Human Resources Director. The Human Resources Director is designated as the person to hear charges, investigate complaints, and recommend corrective action. The Human Resources Director must then report any findings to the Executive Director. If the matter is not resolved by the Executive Director in accordance with established grievance procedures, the employee may appeal to the Board Human Resources Committee

The Board's definition of sexual harassment coincides with the EEOC definition, and is stated as follows:

1. Submission to the conduct is made either an explicit or implicit term or condition of employment.
2. Submission to, or rejection of, the conduct is used as the basis for employment decisions affecting the person who did the submitting or rejecting.

3. The conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, offensive work environment.

It must be stressed that employees must not tolerate any form of sexual harassment, and must feel free to lodge any complaint, in good faith, without fear of reprisal. Complaints will be handled in a sensitive manner as expediently as possible.

While every effort will be made to fully investigate and resolve sexual harassment complaints, the Board prohibits claims that an employee knows are false, spurious, or made with intent to take revenge against, or otherwise harm a fellow employee. Employees who make such accusations, knowing that they are not justified by the facts, are subject to discipline up to and including discharge.

## **B. Supplementary Employment**

1. General

Supplementary employment by an employee is permissible only at the discretion of the Executive Director: (1) Wherein it does not interfere with the individual's professional activities as an employee of the Board, and (2) wherein it enhances the professional growth of the employee or acceptance of the programs of the Board, or (3) in the case of non-professional employment, wherein it does not inhibit or reflect unfavorably upon the programs of the Board. If in the judgment of the Executive Director, supplementary employment by an employee fails to meet these conditions, the Service Area Manager shall discuss this with the employee in an effort to achieve compliance. Should the Service Area Manager fail to work out a satisfactory accommodation with the employee, he may ask the employee to resign. If the employee is resistant to this, the Service Area Manager may recommend dismissal for violation of established Board Policy.

2. Private Practice

Private practice will be an acceptable option for appropriately credentialed staff who have attained regular status with the Board. All activity of private practices may be subject to periodic review by the Executive Director.

All employees requesting supplementary employment in private practice, and all who currently participate in private practice, are required to file application for approval and to sign the agreement of conditions. The application and agreement should be forwarded to the immediate supervisor for approval, then to Service Area Manager, and finally to the Executive Director. The Executive Director will have final approval for all requests and standardized procedures for reviewing requests will apply region-wide.

The following will be issues related to denial of requests:

- a. The employee has a history of disciplinary problems or unethical conduct documented in his/her personnel record.
- b. An employee is not meeting minimum standards of performance for his/her position.
- c. Such supplementary employment would be denied if the employee were specifically competing with the agency.
- d. All staff engaged in private practice must have an acceptable performance evaluation which must specifically address the impact of the employee's private practice on his/her performance as a Board employee.

Grievances will be reviewed and administered through the normal grievance procedures defined in current Board Personnel Policies. Any violation of the conditions of the agreement may result in disciplinary action.

### **C. Employee-to-Employee Services**

Employees are permitted to provide psychotherapy or related treatment modalities to other employees in accordance with the provisions of the Employee Assistance Program (see VIII, O).

### **D. Public Affairs**

It is the responsibility of the Board to set public affairs policy and to approve the public affairs programs in all Board Programs. The Executive Director is responsible for coordinating all staff public affairs in accordance with established policies and agreed upon programs.

All public contacts, including those with the news media, must be made through the Executive Director's Office when an employee is acting as a spokesperson or representative of the Board or its programs.

### **E. Political Activities**

The Board recognizes and respects the personal political rights, privileges, and duties of its staff members, and supports the right of all employees to their political beliefs so long as they conduct their political activities in such a way as not to claim or imply endorsement of their views or activities by the Board, or do not by their actions inhibit community acceptance of Board Programs.

## F. Dual Relationship Policy

All staff members have a duty to report and to request approval for entering into a dual relationship with a client. It is the basic policy of the Board that dual relationships with clients pose a risk to the clients, and a potential liability to the Board and to the staff member, and are, therefore, discouraged. Special circumstances, however, may arise in which the clients' interests are not harmed but are advanced through such a relationship. In these cases where potential harm to staff, the Board, and the client is deemed not to exist, approval may be granted to staff members requesting dual relationships with clients.

For purposes of this policy, the following definitions are provided:

1. Staff members: All Board employees and contractors.
2. Dual relationship: A situation in which the staff member has a professional or agency role relationship with the client and another relationship with the client wherein there is personal gain or value to the staff member. In most instances, this term refers to relationships with clients that are formed after a professional relationship has been established. In addition, this policy prohibits the establishment of an employment relationship with individuals who are receiving treatment or services from the programs of the Board currently, or have received services within the last six months. The establishment of a relationship where the Board is both "employer" and "service provider" constitutes a dual relationship. The policy is not intended to address casual or pre-existing relationships in which there is no direct personal gain or value to the staff member, nor relationships developed in the Employee Assistance Program.

The following are examples of employee conduct which are considered unacceptable and unethical:

1. Entering into a romantic or sexual relationship with a client.
2. Borrowing or accepting money from a client.
3. Hiring or allowing a client to perform work for the staff member's personal business, home or family, such as housekeeping, baby-sitting, yard work, etc.

The following are examples of conduct which would require a written report requesting approval and may or may not be acceptable employee behavior:

1. Lending money to a client for an emergency need.
2. Engaging a client to perform casual labor as part of a Board approved project (i.e. raising money for participation in a special event).

3. Bringing a client into a staff member's home as a resident on an emergency basis.
4. Accepting gifts from a client.
5. Relationship with a client that is outside an employee's professional job responsibilities, during any non-compensated hours, or is not appropriate for documentation in the medical record.

The following are examples of conduct that would not be considered dual relationship matters and would not need to be reported:

1. Providing Board services to a fellow member of the staff member's organization or club.
2. Serving on a board of directors of another agency or community organization and providing services to a staff member of that board or agency.
3. Receiving a referral from a personal friend.
4. Providing services, according to policy, under the Board's Employee Assistance Program.

A staff member has a duty to report in writing to his/her Program Director and to the Service Area Manager any dual relationship with a client. The Service Area Manager may, upon the staff member's request, recommend approval of the relationship to the Executive Director if the following conditions are satisfied:

1. A determination that the relationship does not exploit the client in any way and will not pose an obstacle to the client's treatment interest.
2. A determination that the client could benefit from the relationship.
3. A determination that the liability risk to the Board is minimal and is not beyond the risks associated with other Board interventions.
4. A determination that professional ethics are not being violated.
5. A determination that the client's confidentiality interest is not being harmed.

## **G. Drug Free Workplace/Drug Screening and Testing**

In accordance with Federal Drug Free Workplace Act of 1988, the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is

prohibited in the workplace and in any capacity of service provision related to the Board's programs or client care. Any evidence of alcohol abuse is also prohibited in work situations. Violation of this policy will be subject to disciplinary action, up to and including termination of employment, and in accordance to Section VI, page 19-20, Step 3(2) of these policies.

The Board also has a policy to conduct pre-employment drug screening and screening for any employee who may show reasonable suspicious behavior to indicate potential drug/alcohol abuse. This policy is posted at all service sites.

It is every employee's duty and responsibility to immediately notify the Human Resources Department of criminal activity, including actions related to criminal drug convictions, or violations occurring in the workplace.

## **H. Corporate Compliance**

In order to assure effective standards for the continuation of fiscally responsible services and to implement and maintain employment practices and programs that comply with all applicable federal and state laws, the Board has adopted a Corporate Compliance Policy that is applicable to all employees, contractors, and volunteers.

The Board will take steps to communicate effectively its standards and procedures to all employees by requiring participation in training programs and by dissemination of publications that explain the requirements. The organization will also utilize monitoring and auditing systems reasonably designed to detect criminal activity. Any employee or representative of the organization who has knowledge of facts concerning activities that he/she believes might violate the law has an obligation, promptly after learning such facts, to report the matter to his/her immediate supervisor or directly to the Board's Corporate Compliance Officer.

The complete policy related to Corporate Compliance is Appendix B of this document.

## **I. HIPAA**

The Board will comply with all provisions of the Health Insurance Portability and Accountability Act. All staff will attend required training related to HIPAA. Any employee who has knowledge of facts concerning activities that may violate HIPAA or Privacy Rules should report these facts immediately to his/her supervisor or directly to the Privacy/Security Officer.

## **J. Bloodborne Pathogens/Communicable Disease: Exposure and Risk Reduction**

There is a clear national problem related to occupational safety and health for employees exposed to bloodborne pathogens. The Occupational Safety and Health Administration (OSHA) has determined that certain employees may face a significant health risk as a result of occupational exposure to blood and other potentially infectious materials because they may contain bloodborne pathogens, including hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Exposure can be minimized or eliminated by utilizing work practice controls, personal protective clothing and equipment, training, HBV vaccination, surveillance, warning signs and other provisions.

To further promote safe work practices, and to protect employees from health hazards, a written "Exposure Control Plan" (which includes an assessment of risk for all positions) will be made available to all employees at each service site. The Plan will be reviewed at least annually and revised as necessary. All employees will participate in education/training for risk reduction during new employee orientation, as well as, continued, inservice training.

All employees are required to receive a tuberculosis screen test at least annually and forward verification of test results to Human Resources. In addition, employees who have contracted a communicable disease shall not be permitted to provide services to clients until such time that the condition is determined not to be contagious. A qualified medical provider shall provide this documentation.

#### **K. Professional Environment/Cultural Sensitivity**

The Board is committed to providing a professional and appropriate work environment for all employees. All staff are expected to exhibit professional courtesy, respect, and appropriate workplace behavior. In addition, in an effort to promote cultural sensitivity, all employees will participate in cultural diversity training to promote culture awareness and sensitivity. Direct Care Clinical employees also participate in client specific cultural diversity training to improve overall patient care.

#### **L. Pay Periods**

Employees are paid by direct deposit once every two weeks. Deposits are made to any bank of the employee's choice. Official pay dates are every other Friday at the close of business. If a pay date falls on an observed holiday, employees will be notified in advance of availability of direct deposit vouchers and procedures.

#### **M. Deductions**

Federal, state, and local taxes, FICA, and retirement contributions, if applicable, are mandatory deductions and will be made automatically. Employees may elect to

participate in programs such as medical insurance, tax deferred annuities, credit union, etc. - wherein deductions are authorized.

## **N. Working Hours**

The work week begins at 12:01 A.M. Sunday and ends at midnight Saturday. Employees shall ordinarily work Monday through Friday, forty hours per week. Service Area Managers are responsible for establishing working hours that best facilitate the needs of their particular Service Area.

Every effort should be made to always arrive at work on schedule. Should an employee be unable to report for work because of illness or other reasons, the supervisor must be contacted regarding the circumstances surrounding the absence within the first hour of the scheduled shift. MR/DD and all residential program staff should call in prior to the beginning of their scheduled shift. When an employee is absent or late for work a hardship is created for fellow employees. Repeated instances of unexcused absences or tardiness will result in disciplinary action according to provisions in Section VI.

## **O. Computer Use Policy**

This policy was developed to maximize the benefits of the Board's computer resources and minimize potential liability. Please refer to Appendix C.

## **P. Revisions**

This document, with approved policies and service regulations is approved by the Board of Directors on January 2009.

Any changes made to this document will be announced to all employees via email. Updated document can be viewed by all employees on website.

## Appendix A

BLUEGRASS REGIONAL MENTAL HEALTH-MENTAL RETARDATION BOARD		
DEPARTMENT:	Human Resources	EFFECTIVE DATE: 7/1/95
TITLE:	Employee Drug Screening & Testing Drugs, Narcotics, Alcohol	Revised 4/23/96

**PURPOSE:** To ensure that the Board fulfills its legal responsibility and management obligation to provide a safe work environment for all employees as well as to protect the well being of our clients by ensuring employees are free from drug dependence, illegal drug use, and substance abuse.

**POLICY:** The Board prohibits the use, sale, dispensing, or possession of illegal drugs and narcotics on Board premises or in other work situations or locations. The same prohibition exists concerning the consumption of alcoholic beverages during work situations. Prescription drug abuse or use which results in impairment on the job will also be within the scope of this policy.

**SCOPE:** Organization-wide/All programs.

### PROCEDURE:

#### 1. New Employees

- A. Following the satisfactory completion of the normal applicant screening process, but prior to final approval by the Executive Director, all individuals who have been identified for potential employment will be requested to submit to a substance abuse screen. The applicant will be required to execute an “Informed Consent and Release of Liability” authorizing the Board and/or its designated certified laboratory to perform the screen, to receive the results of the screen, and to disseminate the results to representatives who are immediately involved in the selection process.
- B. All pre-employment applicants will be notified of the screening results. A positive substance/abuse screen may terminate the employment process.

#### 2. Incumbent Personnel

- A. The illegal use, sale, possession or dispensing of drugs, narcotics, or alcohol while on work premises or reporting to work under the influence of any of these substances will result in immediate disciplinary action up to and including discharge.
- B. A supervisor may request, with prior approval of the Executive Director, or his designee, a substance abuse test when there is documented “reasonable

suspicion” that an employee is impaired or incapable of performing assigned duties, as shown by factors including, but not limited to, avoidance of supervisors, reduced productivity, high absenteeism, or other behaviors that may indicate impaired functioning or that are inconsistent with previous performance. The evidence will be presented to the Director of Human Resources. Contents of the documentation will be made available to the employee. The employee will leave the work premises until such time as test results are obtained and communicated.

- C. Any employee who has been directed by a physician to take a prescription drug that may adversely affect or impair performance on the job must report that circumstance to the immediate supervisor along with acceptable medical documentation. A determination will then be made through the Human Resources Department as to whether the effects of the drug or narcotic pose a potential safety risk and/or may impair the employee’s efficiency and effectiveness. Reasonable accommodations will be made where indicated and necessary.
- D. All supervisors will insure that their subordinates are aware that confidential counseling for drug or alcohol dependence problems is available according to Board policy via the Board’s EAP Program and referrals for treatment and arrangements for leaves of absence, where appropriate, will be coordinated through the Human Resources Department.

### 3. Other Testing Procedures

- A. All testing will be planned and reviewed with and approved by the Executive Director. All testing will be at the Board’s expense.
- B. Prior to testing, the employee in question will be requested to execute an “Informed Consent and Release of Liability” authorizing the Board to proceed with the test, to receive the test results, and to disseminate those results among personnel who have a need to know including, but not limited to, the Executive Director, the Service Area Manager, the Director of Human Resources, and the employee’s immediate supervisor.
- C. Screen results will be kept in strict confidence together with other medical information that is to be maintained separate from the individual’s personnel file.
- D. An employee who voluntarily admits to illegal usage of drugs or narcotics prior to substance abuse screen scheduling or testing shall be given the opportunity to enroll in and complete a rehabilitation program or alcohol or drug treatment program.
- E. Refusals by an employee to take a substance abuse screen or to follow this policy may be grounds for discipline and may result in termination.

## Appendix B



*Bluegrass Regional Mental Health-Mental Retardation Board, Inc.*

*Bluegrass Regional Psychiatric Services, Inc.*

*Bluegrass Oakwood, Inc.*

*Bluegrass New Directions, Inc.*

# *Corporate Compliance Policy*

## **Bluegrass Regional Mental Health-Mental Retardation Board, Inc.**

### ***CORPORATE COMPLIANCE POLICY***

**WHEREAS**, as a tax-exempt organization that participates in the Medicare and Medicaid Program, and as a contractor of various other services with the Commonwealth of Kentucky and the Federal Government, providing services as a Community Mental Health Center as mandated by KRS 210.370-460, inpatient services via a management agreement with the Cabinet for Health Services effective September 1, 1995, an ICFMR facility via a management agreement with the Cabinet for Health Services effective November 1, 2006, the Bluegrass Regional Mental Health-Mental Retardation Board, Inc. and its affiliated organizations must comply with a number of federal and state laws and regulations and must adhere to the standards promulgated by various private accreditation bodies; and

**WHEREAS**, it is the continuing desire of the Board to provide care at a reasonable cost to all clients and to promote the mental health of all people in the community served by this organization; and

**WHEREAS**, we recognize our responsibility to serve the Kentucky indigent population and to serve as good fiscal managers to ensure the continued growth and success of our programs through Corporate Compliance; and

**WHEREAS**, the Board has determined that this organization will not be able to provide needed services to its clients and the community if it does not comply with all applicable federal and state laws, regulations, and private accreditation body standards;

**NOW THEREFORE**, this Board hereby adopts the following Compliance Policy. The Compliance Policy shall evidence the Policy of this organization and its affiliated organizations regarding compliance with all applicable state and federal laws.

**SCOPE: All corporations and subsidiary corporations including: all employees, contractors, and volunteers of Bluegrass Regional Mental Health-Mental Retardation Board, Inc., Bluegrass Regional Psychiatric Services, Inc., Bluegrass New Directions, Inc., and Bluegrass Oakwood, Inc.**

**PURPOSE: To establish effective standards which will contribute to the fulfillment of the organization's mission while serving to increase the likelihood of early detection of any violation of relevant laws and regulations.**

## **General Principles & Standards**

1. It is the policy of this organization to comply with all applicable federal, state, and local laws and regulations, both civil and criminal.
2. No employee, contractor, or volunteer has any authority to act contrary to the provision of the law or to authorize, direct, or condone violations offered by any other employee, contractor, or volunteer.
3. Any employee, contractor, or volunteer of this organization who has knowledge of facts concerning this organization's activities that he or she believes might violate the law has an obligation, promptly after learning such facts, to report the matter to his or her immediate supervisor or to the organization's Corporate Compliance Officer. Bluegrass will not, without just cause, discharge or in any manner discriminate or retaliate against any person who in good faith makes a report required or permitted by KRS 205.8451 to 205.8483, testifies, or is about to testify, in any proceeding with regard to any report or investigation.
4. This organization will take steps to communicate effectively its standards and procedures to all employees, contractors, and volunteers by requiring participation in training programs and by dissemination of publications that explain in a practical manner what is required. This training and dissemination of information will include detailed information about the False Claims Act, Kentucky law pertaining to criminal penalties for false claims and statements (KRS 205.8563), and Kentucky whistleblower protections identified in KRS 205.8465.
5. This organization will take steps to achieve compliance with its standards by utilizing monitoring and auditing systems reasonably designed to detect criminal conduct by its employees, contractors, and volunteers, and by having in place and publicizing a reporting system whereby employees, contractors, and volunteers, can report criminal conduct by others within the organization without fear of retribution.
6. This Corporate Compliance Policy will be consistently enforced through appropriate disciplinary mechanisms, including, as appropriate, discipline of individuals who have knowledge of an offense and ignore it or otherwise fail to report it, as well as those individuals who actually committed or conducted an offense. Discipline will adhere to the policies set forth in the Board's Official Personnel Policies and will be case-specific.
7. After an offense has been detected, this organization will take all reasonable steps to respond appropriately to the offense and to prevent further similar offenses, including any necessary modifications to its program to prevent and detect violations of law and to make reimbursements as appropriate.

## **Corporate Commitments**

This organization is a tax-exempt organization that is organized for the promotion of the mental health of the individuals who reside in its service area. **In order to further its tax-exempt purposes, this organization, its Board, employees, contractors, and volunteers, hereby express the following commitments:**

1. To the community, this organization is committed to the promotion of good mental health and to using this organization's best efforts to satisfy the mental health needs of the community while operating this organization in a fiscally responsible manner.

2. To its employees, contractors, and volunteers, this organization will implement and maintain employment practices and programs that comply with all applicable federal and state laws.
3. To its clients, this organization is committed to providing the highest quality of care, consistent with this organization's facilities and resources, that is responsive to client needs and complies with government laws and resources that govern the operation of a tax-exempt organization. This organization is also committed to maintaining accreditation by the Joint Commission on Accreditation of Healthcare Organizations and/or other such accreditation bodies as this organization may determine appropriate.
4. To third-party payors, both private and public, this organization is committed to submitting bills for services in a timely and accurate fashion and reporting all reimbursable costs to the Medicare and Medicaid program and to any other third party in a legally appropriate manner.
5. To its suppliers, this organization stresses a sense of responsibility that enables it to be a good customer. When this organization determines that it is in its best interest, or that it is dictated by the paying source, to utilize a competitive bidding process, this organization is committed to a fair and equitable bidding process.
6. To all who do business with this organization, this organization shall conduct its business in a manner that is consistent with this organization's tax-exempt status and all other applicable laws and regulations.

### **Special Considerations/Tax Status**

1. This organization is a not-for-profit entity that is exempt from federal taxation pursuant to section 501(c) (3) of the Internal Revenue Code. That tax-exempt status could be jeopardized if any of the tax-exempt benefits enjoyed by the organization inure to the benefit of certain private individuals. All employees, contractors, and volunteers, who associate with this organization must do so in a manner that is consistent with this organization's tax-exempt status.
2. This organization is exempt from federal taxation, in part, because it participates in the Medicare and Medicaid program and it operates an emergency crisis-line that is available 24 hours per day. The Internal Revenue Service (IRS) has stated that this organization's federal tax-exempt status might be jeopardized if this organization is excluded from participation in the Medicare and Medicaid program or is found to have not provided emergency treatment that is consistent with the Emergency Medical Treatment and Active Labor Act (EMTALA). Violations by employees, contractors, or volunteers, of any law or regulation governing the Medicare and Medicaid program, or the anti-referral provisions of any state or federal law, will not be tolerated. In addition to the loss of federal tax exemption, violations of these laws might subject this organization and the employee involved to criminal prosecution and significant civil penalties. Supervisors are to monitor whether employees under their direction receive adequate education of how these laws and regulations affect the employee's duties and make each employee aware of this policy and his or her duty to report any suspected violations.
3. Political contributions and activities might also jeopardize this organization's federal tax-exempt status. No funds or assets, including the work time of any employee, contractor or volunteer will be contributed, loaned, or made available directly or

indirectly to any political party or to the campaign of any candidate for federal, state, or local office. Any involvement and participation in a political campaign by employees, contractors, or volunteers must be made clear that comments or statements made are those of the individual and not of this organization.

4. This organization is also exempt from certain state and local taxes, including but not limited to state income tax, state sales tax, and local real estate taxes. All employees, contractors or volunteers must make a good faith effort not to jeopardize this organization's exemption from state and local taxation.

### **Policy Implementation and Oversight**

1. This organization has designated a Corporate Compliance Officer (CCO) who is responsible for the oversight and implementation of this policy. Each employee, contractor and volunteer, has a duty to report any suspected violations of any of these Standards to the Corporate Compliance Officer. When the Compliance Officer is made aware of a potential violation of these Standards, he/she will contact the organization's Executive Director, when necessary. Any investigation of a suspected violation of these standards shall be done by the Corporate Compliance Officer or Internal Audit department as deemed appropriate, under the direction of any necessary outside legal counsel.
2. The Corporate Compliance Officer shall review and, when the Corporate Compliance Officer determines that it is reasonable to do so, disseminate to appropriate parties the monthly program exclusion listing by the Inspector General's Office and of the Department of Health and Human Services that is published in the *Federal Register* from time to time. The Corporate Compliance Officer will also regularly review and disseminate new statutes, regulations, pronouncements, or directives of the federal or state government, the government's fiscal intermediary, any third-party payors, or any hospital association or trade publication that might affect these standards.
3. The Corporate Compliance Officer shall design and implement the financial test/audits specific to the business of the organization to allow early detection of errors or to prevent opportunity of fraud and abuse.
4. The Corporate Compliance Officer shall develop a system for surveying terminated employees/and or clients on a random basis to gather any information that could be useful in identifying risk areas that require attention or monitoring.
5. It is the duty of each employee, contractor and volunteer to report promptly any suspected violation of these Standards to the Corporate Compliance Officer. The Corporate Compliance Officer's office is located at the Regional Administrative Office at 1351 Newtown Pike, Lexington, The Corporate Compliance Officer's telephone number is (859) 253-1686. Alternatively, suspected violation of these Standards may be reported to the Executive Director.

### **Revisions**

This policy is approved by the Board of Directors effective January 1, 2009.

The policies stated herein are subject to change at the sole discretion of the Bluegrass Regional Mental Health-Mental Retardation Board of Directors. If any employee,

contractor or volunteer has a question concerning a particular provision contained herein, or concerning any practice not addressed in this document, he or she should confer with the Corporate Compliance Officer or the Executive Director.

**Bluegrass Regional Mental Health-Mental Retardation Board, Inc.**  
***Corporate Compliance Policy***

**Employee/Contractor/Volunteer Acknowledgment**

I, \_\_\_\_\_, do hereby acknowledge and confirm that I have  
(Print Name)

received a copy of this organization's Corporate Compliance Policy. I have read the policy and do agree that while I am an employee, contractor, or volunteer of this agency, I have a duty to report any suspected violations of this policy. I also agree to conduct myself in accordance with the policy.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Appendix C

BLUEGRASS REGIONAL MENTAL HEALTH-MENTAL RETARDATION BOARD		
DEPARTMENT:	Information Systems	EFFECTIVE DATE: 8/25/05
TITLE:	Computer Use Policy	

**PURPOSE:** To maximize the benefits of Bluegrass Regional Mental Health-Mental Retardation Board, Inc. computer resources and minimize potential liability.

**POLICY:** All computer users are obligated to use these resources responsibly, professionally, ethically, and lawfully.

Employees are given access to the computer network to assist in performing job duties. Employees should not have an expectation of privacy in anything created, stored, sent, or received in the computer system. The computer system belongs to Bluegrass Regional MHMR Board and may only be used for business purposes. Without prior notice, Bluegrass Regional MHMR Board may review any material created, stored, sent, or received on its network or received through the Internet or any other computer network.

Use of the computer resources for any of the following activities is strictly prohibited:

1. Sending, receiving, downloading, displaying, printing, or otherwise disseminating material that is sexually explicit, profane, obscene, harassing, fraudulent, racially offensive, defamatory, or otherwise unlawful.
2. Disseminating or storing commercial or personal advertisements, solicitations, promotions, destructive programs (that is, viruses or self-replicating code), or any other unauthorized material.
3. Wasting computer resources by, among other things, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing excessive copies of documents, or otherwise creating unnecessary network traffic.
4. Using or copying software in violation of a license agreement or copyright.
5. Violating any state, federal, or international law.

Employees who become aware of someone using computer resources for

any of these activities are obligated to report the incident immediately to a supervisor or Regional Management.

Violations of this policy will be taken seriously and may result in disciplinary action, including possible suspension of computing privileges, termination of employment, and civil and criminal liability.

Logging in constitutes that you have read and understand the above and will abide by the letter and intent of this policy.

**SCOPE:** Organization-wide/All programs.

**PROCEDURE:**

When users log on to their computers, this policy will be referenced on screen prior to the user entering their user name and password.

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