

PERSONNEL POLICIES

For Family Support Employees

ADAPT, INC. /ADAPT ST. JOE, INC.

Receipt of Personnel Policies

For Family Support Employees

I have received a current copy of the personnel policies. I understand that I have no reasonable expectation to believe these policies will remain in effect indefinitely. I understand that this handbook does not constitute an expressed or implied contract. I further understand that these personnel policies do not constitute a contractual arrangement between ADAPT, Inc. /ADAPT ST. JOE, INC., and myself. I understand that the company reserves a unilateral right to change, withdraw, or add to these policies at any time.

Name: _____

Signature: _____ Date: _____

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PERSONNEL STANDARDS, POLICIES, AND PROCEDURES

THE DESIGNATION THROUGHOUT THESE POLICIES OF ADAPT REFER TO THE CORPORATIONS NAMED ADAPT, INC./ADAPT ST. JOE, INC.

I. GENERAL

PURPOSE

The purpose of ADAPT is to provide residential services, day programs, work experiences, and other opportunities for developmentally disabled and mentally ill adults and children. It is the desire of this organization to provide the least restrictive environment possible that will maximize the growth of the consumers and assist them to become as self-sufficient as possible.

BOARD OF DIRECTORS

ADAPT is governed by a Board of Directors. The Directors has the responsibility and the authority for the operation of all programs of ADAPT. This Board employs an Executive Director for the effective operation and growth of ADAPT'S programs. In delegating such authority the Board realizes that effective programming is directly related to adequate state, federal, and local funding.

AT-WILL STATUS OF EMPLOYMENT

The employee/employer relationship is "at-will." This means that at the sole discretion of either the employer or the employee, the relationship may be terminated with or without cause and with or without notice. Personnel practices, including the right to hire, assign, transfer, suspend or discharge, to relieve employees from duty and to maintain discipline and efficiency of employees, rest exclusively in the sole discretion of the employer. The employer may introduce new administrative methods and job requirements as changing needs indicate. Nothing in these policies operates to change the status of the employee from at-will to other status. All disciplinary provisions in this manual are advisory. The employer expressly reserves the right to terminate any employee at the sole discretion of the employer. Any representations that change the employee status from an at-will employment status must be in writing and must be signed by the Executive Director. Any other purported changes in the at-will nature of the employment arrangement are without any effect. Employees acknowledge and certify that no oral statements or promises of employment beyond the at-will policy of the employer were made prior to, or relied upon by employee prior to hire.

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

ADAPT subscribes to a policy of equal employment opportunities and will maintain and conduct all practices relating to recruitment, hiring, discipline, and other terms and conditions of employment in a manner which does not discriminate on the basis of race, color, religion, national origin, age, sex, handicap, marital status, height, veteran status, or weight.

Under Michigan law, a person with a disability needing accommodations for employment must notify the employer in writing within 182 days after the need is known or reasonably should have been known. Failure to notify the employer may result in your loss of rights. Should you have any questions or concerns on your rights, please contact the Executive Director immediately in writing. ADAPT will not discriminate against persons with disabilities in regard to any employment practice or terms, conditions, and privileges of employment. This prohibition covers all aspects of the employment process, including application, testing, hiring, assignment, evaluation, disciplinary actions, promotions, medical examinations, training, layoff/recall, termination, compensation, leave, benefits, or any other term, condition or privilege of employment. If you are a person with a covered disability as defined by law, then we will make every reasonable effort to accommodate your disability. Postings detailing the law will be on display at all locations.

MANAGEMENT RIGHTS

The employer expressly retains and reserves, including but without limiting the generality of the foregoing, the right to:

- ◇ Hire, fire, suspend, and otherwise discipline its employees as the employer, in its sole discretion, deems advisable.
- ◇ To determine the work hours of the employee, to assign the employee and to lay off the employee as the employer, at its sole discretion, deems fit. Management reserves the right to reduce work hours and transfer employees.
- ◇ To determine job classifications and duties of each employee, subject to change without written notice to the employee.
- ◇ To manage its affairs efficiently and economically, including the determination of quantity and quality of services to be rendered, the control of equipment to be used, and discontinuance of any services or methods of operation.
- ◇ To introduce new equipment, methods, or processes, change or eliminate existing equipment, and institute technological changes, decide on supplies and equipment to be purchased.
- ◇ To sub-contract or purchase the construction of new facilities, or the improvement of existing facilities, as the employer, at its sole discretion, deems advisable.
- ◇ To determine and adjust the number, location, and type of facilities, to direct the work force, to assign the type and location of work assignments, and determine the number of employees assigned to operations.
- ◇ To close or otherwise reduce the scope of operation of any or all facilities.
- ◇ To determine starting and quitting times, and the number of hours to be worked by employees.
- ◇ To establish and change work schedules, work standards, and the methods of processes and procedures by which such work is to be performed by employees.

- ◇ To select employees for promotion or transfer to other supervisory positions, and to determine the qualifications and competencies of the employees to perform the available work.

ADAPT SUBSTANCE ABUSE POLICY

ADAPT recognizes the problems associated with substance abuse in society and in the workplace. We believe substance abuse poses a serious threat to our employees and clients.

This policy seeks to balance our respect for individual privacy with our need to keep a safe, productive, work environment. ADAPT reserves the right to change this policy at any time upon notice to our employees.

ADAPT prohibits the possession, use, and distribution of a controlled substance (as defined in federal and state law), or any form of narcotic or intoxicant (including the abuse of a legal drug) in the workplace, while on ADAPT business, during any contact with clients, or while driving a vehicle on ADAPT business.

Alcohol consumption during work hours is prohibited, whether on company property or off. If it is reasonably suspected that you are impaired by alcohol or illegal drugs, or if you are involved in an accident in the workplace, you may be asked to immediately present yourself for drug testing at an authorized medical facility. Reasonable suspicion will be determined in the sole discretion of the authorized ADAPT supervisor.

Reasonable suspicion shall be based upon the observations of a supervisor or others that the employee is impaired. All determinations will be based upon articulable suspicion that an employee is using or has used drugs or alcohol and shall be drawn from specific objective facts and reasonable inferences drawn from those facts in the light of experience. If you refuse to submit to drug testing, under these circumstances of reasonably suspected impairment, your employment will be terminated.

ADAPT will contract with an appropriate agency for conduct of drug and alcohol testing, which will be based upon a sample of urine submitted at the time of the test. Sufficient quantities of the sample will be obtained and segregated into two units. One unit will be tested for the presence of metabolites of illegal drugs or alcohol. If the test is positive, the employee may, if he or she wishes, have the second sample sent to another lab for testing, at his or her expense.

A positive test will result in disciplinary action up to and including termination of employment. It is a condition of your continued employment with ADAPT to authorize the release of test results to the employer of any tested sample.

As with other medical reports, all testing results will be maintained in a confidential medical file of the employee, and will not be released absent authorization of the employee, or court order, or in compliance with state and federal law.

ANTI-HARASSMENT POLICY

Harassment because of religion, race, color, national origin, sex, age, height, weight, handicap, disability, marital status or other legally protected status is unlawful discrimination and is prohibited by federal law and the employer. The employer will not tolerate any form of harassment.

For the purposes of this Policy, "Harassment" means unwelcome verbal communication or physical contact because of religion, race, color, national origin, sex, age, height, weight, handicap, marital status, or other legally protected status, which unreasonably interferes with a person's work performance or which creates an intimidating, hostile or offense work environment.

"Harassment" includes "sexual harassment", which means unwelcome sexual advances, unwelcome requests for sexual favors and other unwelcome verbal or physical conduct or communication of a sexual nature when:

- (a.) submission to such conduct or communication is made either explicitly or implicitly a term or condition of the individual's employment;
- (b.) submission to or rejection of such conduct or communication by an individual is used as a basis for employment decisions affecting such individual; or
- (c.) such conduct or communication has the purpose or effect of unreasonably interfering with an individual's employment or creating an intimidating, hostile or offensive work environment.

Examples of Harassment may include one or more of the following:

- ◆ Physically touching an employee in an offensive manner;
- ◆ Making suggestive or derogatory comments or gestures about a person's religion, race, color, national origin, age, sex, height, weight, handicap, marital status or other legally protected status;
- ◆ Displaying magazines, cartoons or jokes which are derogatory about a person's religion, race, color, national origin, age, sex, height, weight, handicap, marital status or other legally protected status;
- ◆ Telling jokes which are derogatory about a person's religion, race, color, national origin, age, sex, height, weight, handicap, disability, or other legally protected status.

Examples of sexual harassment may include one or more of the following:

- ◆ Repeated and unwelcome requests for dates after work;
- ◆ Sending letters which make romantic suggestions;
- ◆ Sexual advances or propositions or threats;
- ◆ Continuing to express interest after being informed that the interest is unwelcome;
- ◆ Suggestive or insulting comments or sounds, including whistling;
- ◆ Commentary about an individual's body;
- ◆ Display of sexually suggestive objects, pictures, or letters;
- ◆ Obscene gestures;
- ◆ Unwanted physical contact, including offensive touching, pinching, brushing the body, impeding or blocking movement, unwanted sexual intercourse or other unwanted sexual acts, sexual assault or battery.

The above list is not meant to be exhaustive, but is included to provide examples of prohibited action.

The employer does not condone, either explicitly or implicitly, and will not tolerate, harassment of any kind by anyone in the organization, consumers, vendors, independent contractors, applicants for employment, or visitors to the workplace.

Any employee who believes that the actions or words of a fellow employee or member of management constitute harassment should report the incident as soon as possible to his/her supervisor. If the employee cannot report the complaint to his/her supervisor because the supervisor is the offending party, the employee may speak to the Executive Director, Human Resource Director, Director of DD Services or Director of DD/MI Services.

If possible, all complaints should be reported within 48 hours of occurrence. In filing a complaint about harassment, the employee should be prepared to specifically identify the incident(s) in question, the dates (if possible), the name of the person accused of wrongdoing, witnesses, a description of exactly what happened and what remedy would be satisfactory. This information affords management the opportunity to make a thorough investigation into the alleged incident(s) of harassment, which shall be conducted promptly.

Further, after the employee has raised his/her harassment complaint with the appropriate party and the employee continues to believe the problem is occurring, he/she is encouraged to pursue his/her complaint to the Board of Directors or the Equal Employment Opportunity Commission (EEOC).

Employees found to have engaged in harassment shall be disciplined. Such discipline can range from a written warning to discharge depending on the judgment of management as to the seriousness of the offense. Management will take into consideration proposed suggestions of the victim of the harassment regarding disciplinary action, but reserves its right to make the final decision.

ADAPT shall assure that no individual shall be retaliated against for making a complaint of harassment, opposing harassment, or participating in an investigation under this policy, regardless of whether a policy violation is found, no policy violations found, or no determination of a policy violation is possible.

WEAPONS POLICY / WORKPLACE VIOLENCE

Weapons of any kind, including but not limited to guns and knives, are not allowed on any of ADAPT premises. Employees, visitors, or consumers may not bring weapons into the workplace. This applies even if person has a concealed weapons permit.

Violence or threats of violence in the workplace will not be tolerated. Pushing, choking, fighting, or intimidating acts of violence against any Employee, Employee's personal property or Employer property is forbidden.

If an Employee feels he or she is a victim or potential victim of violence in the work environment, it is recommended that the Employee file a written complaint with his or her supervisor or the Director. Filing a complaint will allow the Employer to undertake an immediate investigation of the complaint and take whatever action is deemed appropriate.

All complaints will be treated on a confidential basis to the extent possible. No disciplinary action or retaliatory action will be taken against any Employee filing a complaint in good faith.

If a friend or relative of an Employee enters or attempts to enter the Employer premises under the suspicion of threat to the Employee or other persons, the Employee will be removed from the schedule until the potential or actual risk to the Employee or others is eliminated.

The Employer endeavors to provide a safe work environment for its Employees.

POLICY ON FRAUD AND ABUSE

The purpose of this policy is to provide ADAPT's management, employees, agents, and contractors with information pertaining to state and federal fraud and abuse laws. This policy also provides information regarding ADAPT's compliance program policies and procedures designed to detect, investigate, and report any suspected fraud or abuse in accordance with the Federal Deficit Reduction Act. For purposes of this policy, abuse refers to abuse of financial resources rather than physical or mental abuse.

- It is the policy of ADAPT to detect, investigate, and report any suspected fraud or abuse within the organization's operation. As an organization, ADAPT is committed to preventing fraud, abuse, and waste while furthering its mission. In order to meet these objectives, ADAPT has established a corporate compliance program and appointed a corporate compliance officer who shall be ADAPT's Business Manager.
- All employees are expected to adhere to all legal, regulatory, fiscal and program requirements.
- Each employee is responsible to read and understand, and implement ADAPT's policy on fraud and abuse as set out in this personnel manual including copies of the Federal False Claim Act, Michigan Medicaid False Claim Act and Michigan

Whistleblowers' Protection Act which are included as part of this policy on fraud and abuse. Detailing concerning the Federal and State Whistleblower's Protection Act are full explained and available at every ADAPT location on wall posters.

- Each employee shall immediately report any suspected fraud, abuse, or waste to ADAPT's corporate compliance officer. Each employee shall not be discriminated or retaliated against or be subject to any form of disciplinary or other adverse employment action for making such reports in good faith.

Employees are expected to provide only those services authorized and necessary, accurately documenting and billing for authorized services rendered. Under no circumstances shall any employee knowingly make false or inaccurate claims; bill for services not rendered; provide and/or bill for medically unnecessary services, or submit duplicate billings

COMPLIANCE PROGRAM FOR DETECTING AND PREVENTING FRAUD, WASTE, AND ABUSE

Auditing and Monitoring: ADAPT will conduct regular reviews of policies and procedures to ensure all practices are current and optimally designed to ensure the detection of fraud, waste, and abuse. ADAPT's annual audit includes a management review of internal practices to make sure accounting and billing duties are monitored and split among different personnel.

Standards and Procedures: ADAPT has a clear and up-to-date procedure for records retention

Compliance Officer: ADAPT's Business Manager shall be designated as ADAPT's Compliance Officer. This position shall be responsible for overseeing the compliance program; establishing methods to improve the process and reduce our vulnerability to fraud and abuse; Be prepared to revise the compliance program if changes are required; ensure that the compliance training is current and up-to-date; ensure the HHS-OIG's List of Excluded Individuals and Entities, and the GSA's List of Parties Debarred from Federal Programs have been checked with respect to employees, medical staff, and independent contractors; and investigate any report or allegation concerning possible unethical or improper business practices, and monitor subsequent corrective actions and/or compliance.

Training: ADAPT shall ensure that ALL employees are fully trained in the compliance program, in the consequences of violating standards, in the role of each employee in the compliance program, and how employees can perform their jobs in compliance.

Responding to Detected Offenses: The Corporate Compliance Office shall conduct an investigation into any suspected violation and report the results of that investigation to the Executive Director. All investigation, whether substantiated or not shall be reported to the Executive Director of Community Mental Health and, if a violation of law might have occurred, to the appropriate law enforcement agency.

Communication: Discussions concerning the importance of Fraud Detection shall be not only handled during initial training but also at periodic staff meetings. All employees shall receive a copy of this personnel policy manual and any and all updates shall likewise be conveyed to all staff.

Publicizing Disciplinary Standards: During initial and on-going compliance training staff shall be made aware of the disciplinary actions taken in non-compliance is detected. Any non-compliance incidents shall be fully documented and include the date of the incident, name of the reporting party, the name of the person responsible for taking action, and the follow-up action taken.

GOOD MORAL CHARACTER/CRIMINAL HISTORY CHECKS/ DRIVING RECORDS/OTHER CHECKS

It is the policy of ADAPT to conduct a criminal history check through the Michigan State Police, Sex Offenders Registry, Abuse/Neglect, CNA registry and other police agencies where appropriate. Since this information may not be available until after an applicant has been hired and assumed responsibilities, it may be necessary to conduct a post-hire good moral character assessment that includes information found in the criminal history report. If the employer substantiates that the employee provided dishonest or false answers on the job application or during employment interviews, the employee can be terminated immediately. ADAPT also will conduct annual checks with the Department of Motor Vehicles for moving violations. Three (3) or more moving violations may result in loss of employment. An offense involving alcohol within a five year period may likewise result in loss of employment.

Effective April 1, 2006 ADAPT must comply with Public Act 29 of 2006. In brief summary, this state statute mandates the obtaining of extensive criminal history background information, including FBI fingerprinting, of all individuals who seek employment, independently contract, or clinical privileges in positions that provide "direct access" to consumers served by this company. "Direct Access" is defined as access to a patient or consumer or to a patient or consumer's property, financial information, medical records, treatment information, or any other identifying information. This law supplements and reinforces ADAPT's long standing policies relating to requisite good moral character and suitability to work with vulnerable adults.

PA 29 of 2006 prohibits individuals with certain conviction histories from regularly providing direct services to consumers. PA 29 of 2006 also prohibits the employment, independent contract or clinical privileges to individuals who have been the subject of a finding of not guilty by reason of insanity and findings of neglect, abuse, or misappropriations of property by a state or federal agency pursuant to an investigation conducted in a skilled nursing facility.

The criminal history background information obtained mentioned in this policy will be obtained by ADAPT only after a good faith offer of employment or contract has been extended. All workers covered under this law must, as a condition of employment, execute any and all consent forms, acknowledgements, and releases arising from compliance with PA 29 of 2006.

As a condition of continued employment, all direct access workers must immediately report to ADAPT any arraignment or conviction of one or more offenses that make them ineligible to work under PA 29 of 2006. As an additional condition of employment, all direct access workers must report to ADAPT if they have become the subject of an order or disposition finding of not guilty by reason in

insanity. Similarly, workers are to report if they are the subject of a substantiated finding of neglect, abuse, or misappropriation of property by a state or federal agency pursuant to an investigation arising in a skilled nursing facility.

The provision of false, incomplete, or misleading information during the hiring and application process will result in refusal of work and/or termination. Under Michigan law, an individual who knowingly provides false information regarding his or her identity, criminal convictions, or substantiated finding is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500 or both.

GIFTS, GRATUITIES, AND LOANS

An employee shall not be permitted to accept loans, gifts, money, goods, services or other preferred arrangements of personal benefit under any circumstances directly or indirectly involving possible interest, or appearance of influence upon the manner in which they perform their work, make their decisions or otherwise discharge their duty as an ADAPT employee. Any gift of doubtful nature shall be cleared with the Executive Director. Employees are not permitted to borrow money from consumers or family members under any circumstances. Employees are not to commingle, borrow, or pledge funds of a consumer. Michigan law makes it a misdemeanor, with the possibility of 2 years in jail, a \$25,000 fine, or both if convicted. Consumer's accounts shall be individual to the consumer. Neither ADAPT nor any ADAPT employee shall have any ownership interest in a consumer's account.

QUALIFICATIONS

Direct Care Staff shall meet all of the following to obtain and maintain employment, unless an exception is approved by the Executive Director:

- ◇ Must be able to complete required reports and follow written and oral instructions that are related to the care and supervision of consumers.
- ◇ Must be suitable to meet the physical, emotional, intellectual, and social needs of each consumer in their care.
- ◇ Must be capable of handling emergency situations.
- ◇ Must successfully complete training curriculum.
- ◇ Must be in such physical and mental health so as not to negatively affect either the health of the consumer or the quality of his or her care.
- ◇ Must be at least 18 years of age.
- ◇ Must be able, if necessary, to physically assist in the lifting/transferring of consumers who range in size from child to adult.
- ◇ Must be physically capable of engaging in physical intervention once properly trained.
- ◇ Must be able to report to assigned work site at the assigned time.
- ◇ Must be able to operate a motor vehicle safely and legally, and be insurable under ADAPT's policy, if necessary.
- ◇ Must attend all regular and special staff meetings and in-services.
- ◇ Must be of good moral character.

TRAINING

- ◇ All necessary training and tests required by the State, any governmental agency, or ADAPT must be successfully completed.
- ◇ Any additional requirements which the State or ADAPT may impose in the future must be complied with.
- ◇ All employees will be required to attend all regular and special staff meetings and special in-service training sessions that may be held at the home, program or contracting agency.
- ◇ Employees will have two (2) opportunities to successfully pass all aspects of the training curriculum.
- ◇ Employees who are 30 minutes or more late will not be allowed to attend that training module.
- ◇ Through orientation, the formal training provided, and ongoing in-services, ADAPT employees review those FIA rules and requirements, and guidelines relevant to their responsibilities.

GRIEVANCES

An employee who is dissatisfied with any aspect of the employment relationship, other than termination, may file a written grievance with the employee's supervisor. The supervisor shall, within 10 working days, discuss the grievance with the employee and attempt to resolve it. The proposed resolution suggested by the supervisor shall be final and binding, unless reviewed by the Executive Director.

If the employee is not satisfied with the decision of the supervisor, the employee may request a review by the Executive Director. Such request shall be in writing. Such review shall be promptly conducted, and a copy of the proposed resolution suggested by the Executive Director shall be final and binding, unless reviewed by the Board of Directors.

An employee who is not satisfied with the proposed resolution of the grievance by the Executive Director may file a written appeal with the Board of Directors. Final action shall be taken by the Board of Directors. Such action shall be reduced to writing, included in the minutes of the Board and a copy thereof shall be delivered to the employee. The proposed resolution of the Board of Directors will be final and binding.

MEDICAL EVALUATIONS

ADAPT may require staff to have an employment physical and TB test following a conditional job offer. The Human Resource Director or Director of DD/MI Services will arrange an appointment with ADAPT'S physician to conduct said physical and TB test. The TB test will be updated at least every three years.

The Hepatitis B Vaccine is available for all staff. If the staff person chooses not to accept the vaccine, a waiver must be signed. The staff person can change their mind at any time by contacting the Human Resource Director or the Director of DD/MI Services.

The employer reserves the right at any time to require the employee to submit to a medical examination verifying that the employee is physically and emotionally capable of performing the employee's job responsibilities from a physician selected by the employer at the employer's expense. The employer also reserves the right at its sole discretion and expense to require an employee who is presently working, and is not on any leave of absence, to provide a physician's statement verifying that the employee is physically and emotionally capable of performing the employee's job responsibilities.

EMPLOYMENT OF RELATIVES AND PERSONAL RELATIONSHIPS AMONG COWORKERS

The employment of relatives of employees is permitted by ADAPT, as long as qualifications for the position are met and, in the opinion of ADAPT, employing the relative will not create an actual or perceived conflict of interest. Employees will not be permitted to work in positions where relatives will influence, or be influenced by, decisions affecting work assignments, responsibilities, salary, promotion or other career matters (without approval of the Executive Director). Managers who seek to hire, transfer or promote their own relatives must obtain prior approval from their supervisor.

Relatives include: spouse, parent, parent-in-law, child, grandparent, grandchild, sister/brother, sister-/brother-in-law, aunt/uncle, niece/nephew, and any individual with whom an employee has a personal relationship.

Personal relationships may create an actual or perceived conflict of interest, and/or create the risk of sexual harassment/hostile work environment related claims. Thus, supervisors may not hire, promote or directly supervise any person with whom they have a personal relationship, nor may they engage in any personal relationships with their subordinates.

A personal relationship includes, but is not limited to the following activities: dating, sharing the same household or living together.

An employee must notify ADAPT if his or her relationship to another employee changes to fit the definition of 'relative' above. If a personal relationship develops between a supervisor and subordinate, both employees are required to inform their supervisor.

Adapt reserves the right to use its sole discretion in placing and transferring relatives of its current employees in a manner calculated to eliminate potential conflicts of interest or other employment complaints. To do this, ADAPT will take action that is fair and equitable and that will remove any direct reporting or management relationship between employees who are defined as 'relatives.'

Similarly, Adapt reserves the right to use its sole discretion in the hiring or placement of new employees who have personal relationships with current employees. The employer further reserves the right to review and modify the placement of all current employees who have personal relationships with co-workers. ADAPT will take action that is fair and equitable to eliminate any direct reporting or management relationship between employees who are involved in a personal relationship. Finally, the employer may change the placement of individuals involved in a personal relationship regardless of whether there is a direct reporting or management relationship if the employer determines that the personal relationship interferes with the employee's job performance.

STAFF/CONSUMER RELATIONSHIPS

Employees shall refrain from pursuing or engaging in intimate personal relationships with agency consumers. Given the nature of our work, such dual relationships can easily become confusing and possibly result in unethical conduct.

Employees shall not use their position within the agency as a means of developing relationships with consumers.

Employee/consumer relationships that develop in a way that is entirely independent of the agency shall be handled in the same manner as a preexisting relationship.

PERSONNEL POLICIES

- ◇ These policies apply to all employees of ADAPT, Inc. /ADAPT ST. JOE, INC.
- ◇ The development of policies shall be the responsibility of the Executive Director or his designee. Such policies shall be subject to review by the Board. All policy statements shall be distributed to each employee.
- ◇ Whenever there is a disagreement between a member of the staff and their supervisor over interpretation of a personnel policy, it is to be presented to the Executive Director.
- ◇ These policies are only meant to serve as a reference guide. The Policies and Benefits described are not conditions of employment, and do not reflect a contract between the employer and the employee. The employer reserves the unilateral right to add, delete, or amend the policies and benefits provided for in these policies. Employees should contact their supervisor or any member of management with questions concerning the contents of these policies.
- ◇ A copy of ADAPT'S Personnel Policies will be given to each new employee. Additional copies will be readily available to all employees. Revisions will be distributed to all employees after a revision is made.

JOB DESCRIPTIONS

A written job description listing date of hire, salary, duties, qualification, and any conditions of employment shall be signed by the employee and maintained on file in their personnel file.

PERSONNEL FILES

A personnel file will be maintained for each employee. For the purpose of maintaining complete and accurate personnel files, employees are required to report any changes in their personal status to the employer. The information needed is:

- ◇ change in address or phone number
- ◇ any change affecting your tax withholding status
- ◇ legal change of name
- ◇ change of persons designated to call in case of emergency

You may see your personnel file by submitting a written request to the Human Resource Director or Director of DD/MI Services. Employee access to their personnel file will be provided in compliance with all State and Federal laws.

TERMINATION

The employment of any employee may be terminated by the Executive Director/or designee, or Board of Directors of ADAPT, at any time, for any reason whatsoever, effective forthwith, and in such event written notice of said termination shall be delivered to the employee.

RESIGNATION

- ◇ Resignations are requested to be in writing.
- ◇ Should you decide to terminate your employment please notify your supervisor.

PROCEDURE FOR STAFF INJURIES

Any employee who is injured while at work must follow the following procedures.

1. Report the injury to your on-site supervisor immediately.
2. Call ADAPT and request an Employee Report of Injury Form, making sure you complete the entire front page, sign it, date it, and leave it for your supervisor to review within 24 hours or as soon as possible.
3. If you require medical attention during normal business hours or if you are able to wait until normal business hours, you must contact the office during regular business hours.
4. If you require attention after normal business hours, you are to go to the Emergency Room in your area and inform them that this is a workman's compensation injury.
5. Employees must contact the business office of ADAPT as soon as possible.
6. Time off due to work injury will be counted towards your Family Medical Leave time.

II. EMPLOYEE CONDUCT

PERSONAL APPEARANCE AND CONDUCT

All employees should constantly be aware that they act as role models for the consumers, and that their appearance and conduct are a reflection of ADAPT. Staff are expected to maintain a high standard of neatness, cleanliness, and personal hygiene. All employees should arrive for work in neat, clean clothing, appropriate for the working conditions. Clothing can be casual, but should be in good repair and presentable. Closed toe shoes must be worn at all times by direct care and workshop staff. All staff must wear acceptable length shorts, shirts and skirts. ADAPT staff serve as role models and should wear appropriate attire for planned activities. Bare feet are not accepted or tolerated at any time unless specifically appropriate for the specific activity being engaged in. (Example: Swimming).

EMPLOYEE HONESTY AND INTEGRITY

As a new employee, you were accepted by ADAPT with the fact in mind that your honesty and integrity are of the highest level. We are certain these traits will greatly increase your chances of success if you continue them through your lifetime. It is every employee's responsibility to enforce and/or report policy, rules, and procedure violations to their supervisor or an administrative staff person. Property, equipment, or supplies of ADAPT are not to be removed from the ADAPT premises by any employee without express permission to do so from your employer.

CONFIDENTIALITY STATEMENT

All consumers and staff have the right to confidentiality. In accepting employment at ADAPT, you are placed in a position of trust in regard to information regarding consumers. Employees must be constantly aware of the confidential nature of all information regarding consumers. All reports, records, and data are confidential which pertain to testing, care, treatment, reporting, and research associated with the serious communicable diseases or infection of HIV infection, acquired immunodeficiency syndrome related complex. Any employee who releases information in any form about a consumer or employee's HIV status may be guilty of a misdemeanor, punishable by imprisonment for not more than one year or a fine of not more than \$5000 or both, and is liable in a civil action for actual damages of \$1000 whichever is greater, and cost and reasonable attorney fees. If anyone contacts you about a consumer or employee for which this section is applicable, immediately direct that person to the Executive Director and contact the

Executive Director yourself. Information concerning consumers or other staff is not to be released outside the home or day program. Information concerning consumers or staff persons shall not be released, whether written, orally, or over the phone, to any individual or agency without the approval of the employer.

Consumers shall not be talked about in front of themselves or other consumers. Discussions of their personal lives outside the day program or home with anyone, including ADAPT employees, is not acceptable. Whatever happens in the home or day program must not leave that environment. Staff is not to discuss consumer behavior, programs, or information with a home or day program unless it is germane to their treatment.

SMOKING

Smoking shall be determined by the location supervisor.

SLEEPING

Sleeping shall be determined by the location supervisor.

MILEAGE REIMBURSEMENT

Employees will be reimbursed for business mileage for any miles they drive AFTER they arrive at their first appointment of the shift and UNTIL the end of their scheduled shift. We DO NOT pay mileage for driving to the first appointment or for going home after the last appointment. Mileage will only be reimbursed for driving to and from appointments and/or consumer related trips. Reimbursement Rate will be determined by ADAPT. Employees using their vehicles for work must produce a valid drivers license and proof of insurance.

Personally owned vehicles driven by employees on behalf of Adapt, Inc.

The following policy has been established to encourage safe operation of vehicles, and to clarify insurance issues relating to drivers and Adapt, Inc.

- All drivers must have a valid driver's license.
- Motor Vehicle Records will be checked periodically. Driving privileges may be suspended or terminated if your record indicates an unacceptable number of accidents or violations. Should your record fall into our insurance carrier's guidelines of an, 'unacceptable driver,' your employment may be terminated.
- Your supervisor must be notified of any change in your license status or driving record.

When operating your own vehicle for Adapt, Inc.:

- Your Personal Auto Liability insurance is the primary payer. Adapt, Inc.'s insurance is in excess of your coverage.
- Adapt, Inc. is not responsible for any physical damage to your vehicle. You must carry your own collision and comprehensive coverage.
- You should carry at least \$300,000 per occurrence liability coverage. Report your mileage for expense reimbursement.

In the event of an accident:

- Take necessary steps to protect the lives of yourself and others.
- Comply with police instructions.
- Do not assume or admit fault. Others will determine liability and negligence after thorough investigation.
- Report the accident to Adapt, Inc. as soon as possible.

ABSENCES AND TARDINESS

- ◇ Upon accepting employment with ADAPT, you assumed the personal responsibility of being on the job each scheduled day. You should strive for perfect attendance.
- ◇ Absenteeism is defined as a failure to meet a scheduled shift exclusive of approved leaves. Tardiness is defined as the failure to report to work at the time scheduled.
- ◇ We recognize that the occasional absence and lateness are unavoidable. However, absenteeism and tardiness always cause lost wages to you and difficulty in meeting staffing requirements. Because consumers require round the clock care, the tardiness of an employee will necessarily force the other employees to continue working for the health, welfare and safety of the consumer.
- ◇ Employees are expected to inform their location supervisor that they will be late or absent as soon as it becomes evident.
- ◇ Any employee who is absent three (3) consecutive scheduled work days without reporting their absence to their supervisor will be considered to have abandoned their job and will no longer be employed by ADAPT.

PERSONAL BUSINESS AND APPOINTMENTS

Permission for personal phone calls, incoming and outgoing shall be determined by the location supervisor. All personal appointments should be scheduled outside working hours. Permission must be obtained from your Supervisor for any appointment that is scheduled during working hours.

Personal business while responsible for consumers is generally discouraged. Permitted personal business would generally be of an incidental nature, must not interfere in any way with the normal course of business, should be related to the purpose of the activity in which the consumers are participating. Examples of permitted personal business include: an employee cashing their own paycheck while taking consumers to the bank to cash their own paychecks, buying a small incidental item while taking consumers shopping, or buying personal souvenirs when on a field trip.

MEALS

The home site will determine meal procedures.

INSPECTION OF CONTAINERS AND PACKAGES

The employer reserves the right to inspect all containers and packages entering and leaving the premises such as boxes, bags, lunch buckets, briefcases, etc. at all locations on the employer's premises.

III. CONSUMER RELATED

CONSUMER RIGHTS

ADAPT staff receive training on Consumer Rights and are expected to honor those rights at all times. Violations of consumer's rights will not be tolerated. Any staff observing any person violating these Consumer Rights must first make every effort to protect the consumer from further violations (if possible) and then report it to the administrator/home supervisor or consumer rights officer immediately and in preferably in writing. These rights include:

- ◇ The right to be free from discrimination on the basis of race, religion, color, national origin, sex, age, handicap, marital status, or source of payment in the provision of services and care.
- ◇ The right to exercise his or her constitutional rights.
- ◇ The right to refuse to participate in religious practices.
- ◇ The right to write, send, and receive uncensored and unopened mail at his or her expense.
- ◇ The right of reasonable access to telephone for private conversation including long distance and collect calls.
- ◇ The right to voice grievances and present recommendations pertaining to policies, services, and house rules without fear of retaliation.
- ◇ The right to associate and have private communications and consultations with his or her attorney, physician, or any other person of their choice.
- ◇ The right to participate in the activities of social, religious, and community groups at his or her own discretion.
- ◇ The right to use services of advocacy groups and attend other community services of his or her choice.
- ◇ The right of reasonable access to and use of his or her personal belongings and clothing.
- ◇ The right to have contact with relatives and friends and receive visitors in the home at a reasonable time. Exceptions shall be covered in the Consumer's Assessment Plan, and special consideration shall be given to visitors coming from out of town or whose hours of employment warrants deviation from the usual visiting hours.
- ◇ The right to employ the services of a physician, psychiatrist, or dentist of his or her choice for obtaining medical, psychiatric, or dental services.
- ◇ The right to refuse treatment or services, including the taking of medication, and to be made aware of the consequences of that refusal.
- ◇ The right to request and receive assistance from the responsible agency in relocating to another living situation.
- ◇ The right to be treated with consideration and respect, with due recognition of personal dignity, individuality, and the need for privacy.
- ◇ The right of access to his or her room at his or her discretion.
- ◇ The records of the consumer that are required to be kept by the licensee under the Adult Foster Care Facility Licensing Act or rules shall be confidential and properly safeguarded as required by the Licensing Act, Section 12(3).

INFORMED CONSENT

Informed consent is obtained in writing for consent to participate in the services and work on the individual's program plan through the annual personal centered planning process.

RIGHTS POLICY

ADAPT adheres to the Michigan Mental Health Code's Recipient Rights requirements. Each county Mental Health agency has its own procedures, coordinated by that county's Recipient Rights Officer. ADAPT follows the policies and procedures as required by Pines Behavioral Health and St. Joseph Community Mental Health. These include:

1.Consent for Treatment 2. Sterilization 3. Fingerprinting, photographing, audio taping, and use of 1-way glass 4. Abuse and Neglect 5. Treatment by spiritual means 6. Qualifications for training the rights staff 7.Changes in the type of treatment, Medication procedures 8. Use of psychotropic drugs 9. Restraint and Seclusion 10. Dignity and Respect 11. Least restrictive environment

12. Entertainment materials, information and news 13. Comprehensive examinations 14. Freedom of Movement 15. Resident Labor 16. Communication and visits.

Consumers who are in programs funded by Michigan Rehabilitation Services are also covered by their "Client Assistance Program" rights protection mechanisms. ADAPT's Personnel Policies cover the ADAPT policies on several key rights related issues, including Recipient Rights, Abuse, Neglect, Mistreatment, Incident Reports, Staff/Consumer Relationships, and Confidentiality.

ABUSE OR NEGLECT POLICY

All suspected abuse and or neglect shall be reported orally and in writing to the supervisor, administrator or Director immediately.

- ◇ As an entity under contract with a Mental Health Agency, if you have reasonable cause to suspect the abuse or neglect of a consumer or consumer, you shall immediately make or cause to be made, by telephone or otherwise, an oral report of the suspected abuse or neglect to Children's or Adult Protective Services at the Family Independence Agency, the law enforcement agency of the county, or city, in which the abuse or neglect is suspected to have occurred or to the State Police, and to the County Mental Health's Office of Consumer Rights and their CEO.. The report of abuse or neglect is not required if the employee has reported the incident to their supervisor and has knowledge that the suspected abuse or neglect has been reported to the appropriate agency.
- ◇ Within 48 hours a written report shall be filed with the appropriate agencies and/or the licensee.
- ◇ A person who makes the report of abuse or neglect will not be dismissed or otherwise penalized for making the report unless he or she is the cause of the abuse or neglect. The report of abuse or neglect shall be confidential and subject to disclosure only with the consent of that person or by judicial process.
- ◇ The following abuse that is required to be reported are: assault, assault and battery, sexual intercourse under the pretext of medical treatment, murder, manslaughter, criminal sexual conduct including sexual penetration, criminal sexual contact, assault with intent to commit sexual conduct including penetration.
- ◇ The following constitutes neglect and is required to be reported. Harm or threatened harm to an individual's health or welfare that occurs through either of the following: negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care. Placing an individual at unreasonable risk to their health or welfare by failure to intervene to eliminate that risk when that person is able to do so and has or should have knowledge of the risk.

The procedure for reporting abuse to the appropriate law enforcement agency does not include an assault or assault and battery which is committed by a consumer against another consumer. This type of incident must still be reported to the licensee, administrator, supervisor or director.

All the above must be reported by the licensee to Adult Foster Care Licensing, Consumer Rights, and other appropriate governmental agencies.

Community Mental Health's Office of Consumer Rights will investigate the abuse or neglect charges and ADAPT will take appropriate action to protect consumers including reassigning or removing suspected staff during the investigation.

It is ADAPT's intention to strictly adhere to all current and future policies and procedures pertaining to consumer's rights as approved by the Department of Mental Health and/or Community Mental Health.

MISTREATMENT

Employees shall not mistreat a consumer. Mistreatment is defined to include any action or omission that exposes a consumer to a serious risk of physical or emotional harm or the infliction of pain by any means.

Staff shall not:

- ◇ Use any form of physical force other than approved physical management.
- ◇ Restrain a consumer's movement by binding or tying or through the use of medication, paraphernalia contraptions, materials, or equipment for the purpose of immobilizing a consumer.
- ◇ Confine a consumer in an area, such as a room where egress is prevented, in a closet or in a bed, box, or chair or restrict a consumer in a similar manner.
- ◇ Withhold food, water, clothing, rest or toilet use.
- ◇ Subject a consumer to any of the following: Mental or emotional cruelty, verbal abuse, and derogatory remarks about the consumer or members of his or her family, threats.
- ◇ Refuse the consumer entrance to a home for Developmentally Disabled.
- ◇ Isolate a consumer by complete and unattended separation from staff and other consumers.
- ◇ Use of any electrical shock device.

INCIDENT REPORTS

The purpose is to assure timely review, and consistency in reporting unusual incidents involving a consumer that disrupts the normal routine, home management or administration of the home or day program. All unusual incidents shall be reported, reviewed and, when appropriate, investigated, so that appropriate follow up care and/or remedial action is taken to assure the safe and humane treatment of the consumer, and proactive intervention to reduce future risk, when possible.

The following types of unusual incidents must be reported: Behavioral Incidents, Unauthorized Leave of Absence, Abuse, Neglect, Exploitation, Physical Injury, Medication Errors, Unusual or Serious Medical Events, Illness Requiring Hospitalization, Death, Sexual Abuse/Contact, Assault, or a Criminal Offense involving a consumer.

Employees shall immediately report all unusual incidents on the "Incident Report" form. Reports should be complete, detailed, clear and concise. (See the form for which items must be recorded.) If two or more employees witness an unusual incident and they do not concur each shall fill out a separate report.

Staff should protect, comfort, and assure treatment of the consumer as needed.

Submit all incident reports to the Director of DD Services or the Director of DD/MI Services Reports will be routed from this point to the necessary persons, as directed by the Office of Consumer Rights for the County.

If the incident involves suspected Abuse, Neglect, Serious Physical Injury, Illness Requiring Hospitalization, Death, Sexual Abuse/Contact, Assault, or a Criminal Offense involving a consumer all the previous steps should be taken as well as the following additional steps:

- Notify the Home Supervisor, Program Supervisor, or administrative staff IMMEDIATELY and be prepared to give the incident report to the Supervisor or administrative staff prior to the end of the shift.
- The guardian should be notified in a timely manner.
- The Supervisor or administrative staff will notify Office of Consumer Rights of all allegations of Abuse, Neglect, or other Rights Violations.
- The Supervisor or administrative staff will report Allegations of Criminal Offenses against a consumer to the prosecutor or appropriate police agency by the Supervisor or higher administrative staff.
- The Supervisor or administrative staff will report violations of Adult Foster Care Licensing Rules to the Licensing Consultant. (The responsibility of the supervisor to report these incidents does not limit the right of any interested party to file complaints with the Office of Consumer Rights, AFC Licensing or appropriate police agency.)

Staff are trained in procedures for Incident Reporting as part of their Consumer Rights training within thirty days of hire.

Incident reports and shall be reviewed, analyzed for facts, causes, and trends, and data aggregated at least quarterly. The reviews will be conducted by the Director of DD Services or the Director of DD/MI Services, or their designee. Actions which can be taken to reduce risk will be identified as they occur and at the time of the review, and summarized in the review. A record of such actions, including their implementation, will be included with the review. These quarterly reviews will be submitted to the Safety Committee.

IV. BENEFITS

(unless otherwise stated, employees working under Family Support Services Division are not eligible for benefits except Health Insurance IF they work 30 hours or more per week.

INSURANCE

ADAPT provides professional liability insurance for employees.

Health insurance coverage will be available to all eligible employees. Employees must be enrolled within 30 days from the date of hire into a regular position consisting of 60 hours or more per pay period. Employees are to contact the office as soon as they accept a position consisting of 60 hours or more, per pay period. All staff that elects to have health insurance coverage within thirty (30) days of when they become eligible will be accepted into the health care program. Coverage will begin on the first day of the month following 60 calendar days from when they became eligible. An employee who waits until after 30 days of becoming eligible must wait until the annual open enrollment period to enroll. This provision applies not only to the employee but also to their dependents. The specifics of the health plan will be distributed to employees when they receive their ID card and are available at anytime in the office. The plan documents will spell out more specifically what the benefits of the health program are, and the employer/employee rights under the plan. It is the intent of ADAPT to offer the health plan to all eligible employees based on the board adopted co-payment schedule. ADAPT will fully comply with the law but the employee will be responsible for 100% any cost above and beyond coverage for employee, spouse and/or children under the age 19 (through the end of the calendar year they turn 19) as per the schedule listed below. ADAPT reserves the right to cancel or amend its health insurance benefit at it's sole discretion.

CO-PAYMENT SCHEDULE FOR HEALTH INSURANCE

Hourly (min. 60 hrs per pay period)
ADAPT will pay:
80% of an individual plan

*All employees, regardless of hire date, will adhere to the above schedule when adding initial coverage or when changing plans.

The annual open enrollment period is generally a two-week period sometime in May or June.

For less than full time staff, the following schedule shall apply:

60 - 69.9 scheduled hours per pay period = 80% of full-time schedule

Less than 60 scheduled hours per pay period = 0 benefits

ABSENCE WITH PAY

The following leaves, with pay, may be permitted:

- ◇ Pre-induction physicals
- ◇ Illness caused by required immunizations and medical tests
- ◇ Jury Duty

LEAVE OF ABSENCE WITHOUT PAY

- ◇ An absence without pay may be granted by the Executive Director (or designee) for not more than one (1) year after the careful consideration of the reasons provided in the written request for such leave.
- ◇ A Leave of Absence Authorization form shall be completed for all leaves.
- ◇ Leave of Absence approval by the Executive Director will specify the duration of the leave, and effects on seniority, and other benefits will be detailed.
- ◇ Extension of the leave shall be requested in writing.
- ◇ A return to work earlier than the scheduled termination of leave date may be arranged by the Executive Director or designee and the employee, if a suitable position is available.
- ◇ An employee on leave without pay will be restored to their former position or to a similar position upon expiration of the leave if an opening is available. The employee should notify their supervisor of their intended return date as soon as possible so that suitable arrangements can be made.

HOLIDAY PAY

For positions that ADAPT is responsible to provide and ensure staffing, double pay will be paid for the following holidays (a holiday is considered to be from midnight to midnight). Christmas Eve (noon to midnight), Christmas day, New Years Eve (noon to midnight), New Years day, Easter Sunday, Memorial Day, Fourth of July, Labor Day, Thanksgiving day. The holiday must be worked for double time to be paid. Positions that are hired and managed directly by the family/guardian are not eligible for double pay on holidays.

MILITARY LEAVE

If you are inducted or enlist in the armed forces of the United States, you are to notify your supervisor so that arrangements can be made to authorize a leave. The leave shall be for a maximum period of four (4) years, except when the employee's period of military service may be involuntarily extended due to an act of war or a declared state of national emergency. In that event the period of military leave shall be extended, in accordance with federal law, until the end of the involuntary extension of the employee's military service. You must also apply for a reinstatement within ninety (90) days of your date of discharge or lose your seniority and forfeit your right to return. Members of the Armed Forces Reserve or National Guard Units who are required to participate in two (2) weeks of annual training will be granted a leave of absence provided proper documentation is provided. The employee may lost time without penalty or disciplinary action.

LOST TIME

The use of lost time to cover shifts not worked is unacceptable and ground for dismissal. Employees are expected to work the shifts they are assigned or have been granted an approved leave of absence. A Request for Time Off form shall be completed and approved for planned absences

PAY PERIOD/PAYDAY

Payroll will be issued bi-weekly. (except for Barry County In-Home which will be monthly)

The workweek shall be defined as 7 consecutive 24-hour periods beginning Sunday and ending Saturday.

The pay period shall be defined as 2 consecutive workweeks.

ADAPT issues payroll two ways, Direct Deposit or Payroll Debit Cards. Each employee will be given written details outlining policy at hire.

If you discover a discrepancy in your pay you must notify the office of the mistake. If the office is notified by noon of the Monday following payday and the mistake is a clerical error, then a new payment will be issued within two business days. If the error is due to the employee's failure to sign in correctly or if the error is not discovered until after noon on the Monday following payday, then the adjustment will be made on the next pay period.

OVERTIME AND COMPENSATORY TIME

Staff members who must work in excess of forty (40) hours will be compensated on a time and one half basis. Our work period for hourly employees overtime calculations are based upon a 7-day work period beginning Sunday and ending Saturday. Overtime hours are based on actual time worked.

WORKERS COMPENSATION

All employees are protected while on the job by Worker's Compensation Insurance. This insurance will provide coverage for you if you are injured, suffer an occupational illness at work, or have an absence in excess of 8 calendar days due to such an injury or illness. Payments for medical expenses and lost time at work are determined by state law. This insurance also provides death benefits to your dependents (if any) in case of death caused by work. ADAPT pays the full cost of this protection. Failure to promptly report an injury may result in loss of benefits.

WORK SCHEDULES

- ◇ Work will be scheduled as necessary to assure staffing of regularly scheduled agency programs.
- ◇ Staff are expected to perform emergency services. Emergency services are those defined to be services that are immediately necessary for the good of the consumer, such as crisis intervention.

It may become necessary on occasion that an employee will work beyond their normal weekly hours. This request will be made by the supervisor or the Executive Director and is to be used only to perform those functions which were unable to be carried out during the normal working period. Additional work time must be approved by the supervisor or the Executive Director. This time will be compensated for as described under Overtime and Compensatory Time.

MATERNITY LEAVE

- ◇ Not all Maternity Leaves meet the requirements of the Family Medical Leave Act.
- ◇ If Family Medical Leave is applicable see ADAPT'S Family Medical Leave Policy.
- ◇ If Family Medical Leave is not applicable ADAPT will grant 6 weeks Maternity Leave. Any leave not covered by personal time will be unpaid leave.
- ◇ If applicable Maternity Leave and Family Medical Leave will run at the same time.
- ◇ Maternity Leave is applicable to mother, but not father, or adoptive parents.
- ◇ Upon returning, employees will be reinstated to a similar position.

INSURANCE

Health insurance coverage is not provided.

FAMILY MEDICAL LEAVE ACT

Employees are generally eligible for family medical leave of up to 12 weeks if they:

- have been employed by us for at least 12 months; and
- have been employed for at least 1,250 hours of service during the 12 month period immediately preceding the commencement of the leave.

If you are a bona fide executive, administrative or professional employee and you have worked for us for at least 12 months, we will presume that you have worked 1,250 hours during the previous 12 months. The determination of whether you are eligible for the Family and Medical Leave Act is to be made at the time that your request for leave to begin.

The Family and Medical Leave Act requires us to grant leave to an eligible employee:

1. for birth of a son or daughter and to care for newborn child;
2. for the placement with the employee of a son or daughter by adoption or foster care;
3. to care for the employee's spouse, son, daughter or parent with a serious health condition; and
4. because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

ADAPT has chosen a "rolling" 12 month period measured backward from the date an employee uses any FMLA leave to determine when the 12 month period shall begin and end. A "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. Family Medical Leave will be tracked in ¼ hour intervals.

For the birth of a son or daughter of an employee and to care for the newborn child, or because of the placement of the son or daughter with employee for adoption or foster care, the employee's entitlement to family medical leave expires at the end of the twelve week period beginning on the date of the birth or placement.

Upon return from family medical leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

Key employees may not be entitled to restoration rights. By definition, a key employee is among the highest paid 10% of all the employees employed by us within 75 miles of the employee work site.

The denial of restoration rights is allowed where substantial and grievous economic injury to the operations of the employer may result. The determination of whether you are a key employee will be made at the time you request family medical leave.

Once you make a request for family medical leave, we will provide specific notice including the following:

1. That the leave will be counted against your annual family medical leave entitlement;
2. Any requirements for the employee to furnish medical certification of a serious health condition and the consequence of failing to do so;
3. The employee's right to substitute paid leave and whether the employer will require the substitution of paid leave, and the conditions related to any substitution;
4. Any requirement for the employee to make up any premium payments to maintain health benefits and the arrangements for making such payments;
5. Any requirements for the employee to present a fitness for duty certificate to be restored to employment.
6. The status as a key employee and potential consequences that restoration may be denied following family medical leave;
7. The employee's right to restoration to the same or an equivalent job on the return from leave;
8. The employee's potential liability for payment of health insurance premiums paid by the employer during the employee's unpaid family medical leave if employee fails to return to work after taking Family Medical Leave; and
9. The notice may include other information such as whether the employer will require periodic reports of the employee's status of intent to return to work.

Again, it is our intent to fully comply with the Family and Medical Leave Act. Should you have questions or concerns, please do not hesitate to contact the Payroll/Benefits Office or your supervisor. The poster "Your Rights Under The Family and Medical Leave Act of 1993" has been posted in all our homes and programs.

TITLES AND HEADINGS:

Title and Headings to sections or paragraphs are inserted for convenience of reference only and are not intended to affect the interpretation or construction of this document.

Revised: 9/13