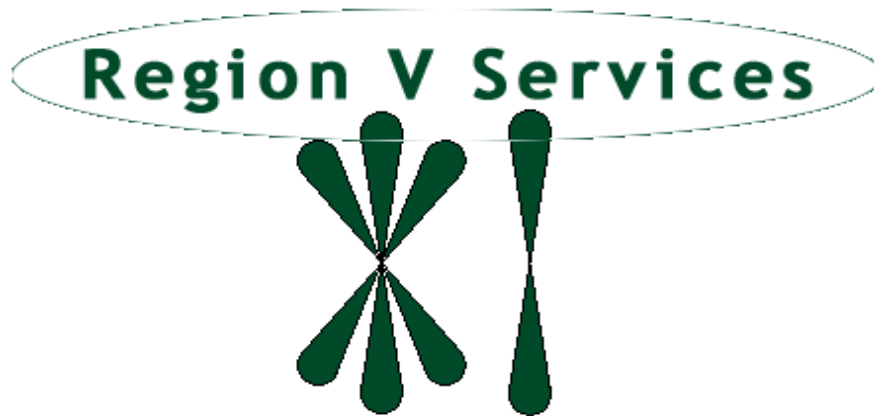


# Personnel Policies



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## PERSONNEL POLICIES OF REGION V SERVICES

This manual is neither a contract of employment nor does it express or imply terms of employment. Rather, it is a compilation of rules, regulations, policies, procedures and guidelines assembled to orient and assist new employees at Region V Services (RVS) with information that affects their daily working relationship and to reacquaint current employees with the same information.

This information is not to be construed as an expressed or implied term of employment, or a practice, procedure, or benefit of any kind that is guaranteed an employee of Region V Services.

The employer/employee relationship at Region V Services is an employment-at-will relationship. Employees may leave at any time and/or may be terminated at any time with or without cause.

This manual is a summary and does not intend to cover everything. From time to time changes are necessary and Region V Services reserves the right to make such changes.

### EQUAL OPPORTUNITY POLICY STATEMENT

Region V Services recruits and hires without discrimination due to race, color, religion, sex, disability, national origin, age (over 40 or as set by law or other regulations), or marital status. RVS will give equal pay for equal work and will provide opportunities for employees to move to higher positions. This may include transfers from position to position or class to class in RVS personnel system. RVS assures all employees equal access to positions, without aforementioned restrictions. RVS guarantees that employees have equal rights to benefits, due process and conditions of employment.

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## 1. DEFINITIONS

These words and phrases, when used in these policies, have the following meaning, unless clearly indicated in the context.

**ADMINISTRATIVE DIRECTOR:** Area Director or Department Director.

**AGENCY:** Local program areas or Central Office.

**ANNIVERSARY DATE:** Date upon which an employee is eligible to move up on the salary scale.

**AREA DIRECTOR:** An appointed official serving at the pleasure of the Region V Services Executive Director to administer an area program.

**COMMUNITY SUPPORT PROFESSIONAL (CSP):** Position title for employees providing direct supports.

**CONFIDENTIAL INFORMATION:** Communication received in confidence about Region V Services employees, and about the disability, finances, medical, and personal history of the person receiving supports and their families. All data in files are confidential and restricted to professional use for professional purposes.

**COORDINATOR:** Direct supervisor position, officially titled "Community Support Coordinator."

**DATE OF EMPLOYMENT:** Date which an employee begins employment with Region V Services. If an individual is re-employed, only the date of their current employment will serve as the official date of employment for all personnel transactions, except as otherwise provided in these policies. This does not affect those employees who received credit for interrupted service before the adoption of these policies, nor those who otherwise qualify under the section relating to layoff.

**DEMOTION:** Change from a position in one pay grade to a position in a lower pay grade.

**DEPARTMENT:** Division within an agency or Central Office.

**DISMISSAL:** Termination of employment at the discretion of Region V Services.

**DEPARTMENT DIRECTOR:** An appointed official serving at the pleasure of the Region V Services Executive Director to administer the department of finance or organizational support.

**ELIGIBLE:** Qualified for employment according to these policies.

**EMERGENCY EMPLOYEE:** An employee appointed on an emergency basis recognized by the personnel office, whose appointment is not to exceed thirty (30) working days during any twelve (12) month period.

**EXECUTIVE DIRECTOR (REGIONAL DIRECTOR):** An appointed official serving at the pleasure of the Regional Board to administer the Region V Services program.

**EXEMPT EMPLOYEE:** An employee for whom the employer is not required to pay overtime pay under current provisions under the Fair Labor Standards Act.

**FULL-TIME EMPLOYEE:** An employee who works at least 40 hours per week, except full time overnight CSP's who must work at least 64 hours per week.

**GOVERNING BOARD:** The Region V Services Community Human Services Governing Board.

**HIRING OFFICIAL:** Person responsible for the hiring of employees.

**IMMEDIATE FAMILY:** Spouse or children, step-children, mother, father, stepmother, stepfather, mother-in-law, father-in-law, daughter-in-law, son-in-law, brothers, sisters, grandparents, step-grandparents, grandchildren, and step grandchildren of employee or spouse. It also includes relatives who reside in the household of the employee.

**JOB:** A collection of tasks, duties and responsibilities grouped into a unit which make up the established assignment for an employee.

**NON-EXEMPT EMPLOYEE:** An employee for whom the employer is required to pay overtime pay under current provisions of the Fair Labor Standards Act.

**ORIENTATION PERIOD:** The first six months of service following appointment or promotion to any position or examination period during which the employee can be removed by the appointed official without right to appeal under the Region V Services Grievance Procedure.

**PART-TIME EMPLOYEE:** An employee who has regularly scheduled, but less than full time hours.

**PAY STATUS:** The eligibility of employees to receive their regular rate of pay as stated in these policies.

**PERSONNEL OFFICE:** Central Office or area administrative offices where official personnel files are kept.

**PERSONNEL OFFICER:** A Region V Services employee with authority to make personnel decisions.

**POLITICAL PRESSURE:** The application of force through a governmental agency or personalities.

**POSITION:** The job performed by a particular employee.

**PROMOTION:** A change from a position in one pay grade to a position in a higher pay grade.



**REGION V SERVICES ADMINISTRATION:** Region V Services Governing Board, Region V Services Executive Director or appropriate appointing authority.

**REGULAR EMPLOYEE:** An employee whose retention has been approved at the completion of the orientation period.

**RESIGNATION:** The termination of employment at the discretion of the employee.

**SEASONAL POSITIONS:** Although temporary in duration, a seasonal position coincides with a particular season or seasons of the year and may recur regularly from year to year. A seasonal employee is one appointed to such a seasonal position by emergency provision or an appointment.

**SECONDARY FAMILY:** Sister-in-law, brother-in-law, great grandchildren, great grandparents, aunt, uncle, nephew, niece or first cousin of the employee or spouse.

**SHIFT EMPLOYEE:** An employee whose regularly scheduled hours are other than 8:00am - 4:30pm, Monday through Friday. This may include CSP's, substitutes, job coaches, worksite supervisors.

**SUBSTITUTE EMPLOYEE:** One who works on an irregular or occasional basis and does not have regularly scheduled hours.

**SUSPENSION:** A forced leave of absence for disciplinary purposes or pending investigation of charges against an employee.

**TEMPORARY POSITION:** Position created for a defined period, not to exceed four (4) months and not renewable.

**TRANSFER:** Movement of an employee from one position to another having the same pay grade whether in the same job or another job. Transfer may also refer to the movement of an employee from one area program to another area program and is recorded on the Personnel Status Change Form in the "Transfer" section.

**WORK WEEK:** A fixed and regularly recurring period of 168 hours that will be computed from 3:30 p.m. Friday to 3:30 p.m. the following Friday for Overnight Community Support Professionals and from 5:00 p.m. Friday to 5:00 p.m. the following Friday for all other staff.

**ALL REFERENCES** to employees in these policies refer to both sexes. When male or female gender is used, it applies to both male and female employees unless, according to the context, it clearly refers to men or women.

**THE CORRECT TITLE** for the program is Region V Services. This handbook also refers to the agency as The Region, or RVS.

## REGION V SERVICES PURPOSE

In May of 1973, the Nebraska Legislature passed Legislative Bill (L.B.) 311 that created six developmental disability regions. Region V Services currently consists of sixteen counties in southeast Nebraska: Butler, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Polk, Richardson, Saline, Saunders, Seward, Thayer and York.

### **MISSION STATEMENT**

The mission of Region V Services is to provide desired training and supports that promote interdependence and relationships within community and lessen reliance upon agency services.

## 2. HIRING

### **A. Notices of Position Vacancies**

The personnel office may give public notice of position vacancies when they occur and will make every reasonable effort to attract qualified persons to apply. When the demand for applicants is high, the personnel office may establish a recruitment program that will be both positive and continuous. The personnel office will post notice of vacancies within the organization and may select public media best suited to disseminate the information to qualified applicants. The public notices will specify: position title, minimum qualifications required, closing date, and any other pertinent information and requirements. The public notice will include the statement "An Affirmative Action/Equal Opportunity Employer."

### **B. Minimum Qualifications for Filing Applications**

The Personnel Office sets standards or requirements for each position. Anyone who meets the standards in training, experience, age, physical condition, and other factors relating to ability to do the job may apply.

### **C. Filing Applications**

The applicant must complete the RVS application form and/or resume and file it with the personnel office on or before the closing date specified in the announcement. If a resume is submitted, then an application must be completed upon hire. Such applications may require information concerning education, experience, references and other pertinent information. All applicants must sign their application forms. The signature certifies the truth of the information. Applicants must meet the minimum qualifications specified in announcements as to training and expertise.

### **D. Disqualification of Applicants**

The Hiring Official may refuse to interview an applicant, or after interviewing, may disqualify the applicant, or may remove the person already hired for any of the following reasons:

1. The person does not meet the preliminary requirements established for the job.
2. The person has made an intentionally false statement in the application process.
3. The person has used or attempted to use political pressure to secure an advantage in employment.
4. The person has failed to submit an acceptable application/resume within the prescribed time limits.
5. The person has previously been dismissed from a position in Region V Services or has resigned while charges for dismissal were pending.
6. The person has been convicted of a felony.
7. The person has otherwise willfully violated the provisions of these policies.
8. When the employment of the individual is considered detrimental to the best interest of Region V Services.
9. The person does not meet employment requirements as specified in Region V Services contract to provide state funded services.

## **E. Training and Experience of Applicants**

The hiring official may evaluate the training and experience qualifications of the applicants.

If references or other sources reveal information affecting the history of training and experience, the hiring official may take this into consideration.

## **F. Records**

The personnel office is responsible for the maintenance of all records pertinent to job applications.

The hiring official may immediately remove from consideration the applications of applicants who fail to appear for interviews.

## **G. Vacancies**

When a vacancy occurs in any RVS position, or new positions are established and new employees are needed, the following actions may be taken:

1. The opening may be listed in-house should any eligible RVS employee be interested in seeking a new position;
2. The personnel office may provide the hiring official with names on a re-employment list, if any are available;
3. The personnel office may provide the hiring official with all applications obtained from newspaper advertisements, Nebraska Work Force Development, employment agencies, affirmative action plan sources and any other sources of applicants whose education, training and experience meet the requirements of the position.

## **H. Interview of Applicants**

Applicants who have passed the initial screening may have an interview with the person who will be their immediate supervisor if they are hired. Besides the immediate supervisor, an Area/Executive Director or others may participate in the interview.

## **I. Selection of Applicants**

The applicant will be selected from recommendations of the immediate supervisor and Administrative Director. However, RVS will not offer the applicant the job if:

1. Applicant declines the job or requests that they not be considered for the job;
2. Applicant fails to reply within a reasonable period of time to the notification of the supervisor that they have been selected for the job;
3. Applicant accepts the job but fails to report for duty at the agreed upon time and place, unless reasons for the delay are satisfactory to the supervisor.

## **J. Orientation Appointment**

The hiring of a new employee to a position will be an orientation appointment.

## **K. Emergency Appointment**

The appointment of an employee without regard to the other requirements of these policies is an emergency appointment for thirty (30) working days. The personnel office requires the information for payroll. If necessary, the Executive Director may extend the appointment for an additional thirty (30) days.

## **L. Temporary Appointment**

Appointments for short term or seasonal employment may occur as necessary to carry out RVS business. The personnel officer may authorize the temporary appointment of any qualified individual as designated by the hiring official. A temporary appointment will not exceed four (4) months in any one year. In certain cases, such as special projects, the Executive Director may extend a temporary appointment to a maximum of one year. Temporary employees of a seasonal nature may have their names on a re-employment list for the following season. If a temporary employee becomes a regular employee, the appointment will be retroactive to the date of their appointment on a temporary basis. Pay increases, vacation and sick leave will be based on the date of employee's first appointment, if service has been continuous.

## **M. Re-employment**

An employee who has been laid off, through no fault of their own, may ask to have their name on a re-employment list for a similar position, according to policy. Eligibility to remain on the re-employment list may be continuous one (1) year from the effective date of the layoff or separation. The appointment of a person from the list is re-employment. A person re-employed in a different position must successfully complete the orientation period, according to applicable policies.

A re-employed employee will have their service time computed back to the original date of employment minus time not employed.

## **N. Reinstatement**

An employee who has resigned in good standing may be rehired within one (1) year from the effective date of separation, provided the candidate meets the current qualifications for the job. If an employee has already satisfactorily completed the orientation period, they will not need to do so again.

A reinstated employee will have their service computed back to the original date of employment minus the time not employed.

### 3. ORIENTATION PERIOD

#### **A. Nature, Duration and Purpose**

Normally, the first six (6) months of service in a position is the initial orientation period. The Area Director may, with the approval of the Executive Director, extend the period up to an additional six (6) months.

The employee receives orientation credit for temporary services of less than six months (without a break in employment) for the job immediately before appointment to any position.

The orientation period is an examination process. Employees whose performance or conduct does not meet acceptable standards are dismissed.

#### **B. Conditions Preliminary to Becoming a Regular Employee**

The immediate supervisor will evaluate employees at the end of six (6) months. The supervisor will complete a performance appraisal and write a statement as to the effectiveness of the employee during the orientation period. The supervisor will recommend whether the employee should become a regular employee. The personnel office will receive a copy of the evaluation form and the statement for the employee's personnel record. The employee will also receive a copy of each. An employee may be separated from their position during the initial orientation period without the right of appeal under the Region V Services Grievance Procedure.

#### **C. Second Orientation Period**

An additional orientation period is necessary whenever an employee receives a promotion or transfer from one position to another if there is a qualitative change in the minimum requirements of the new position. The supervisor may remove the employee without the right to an appeal or hearing under the Region V Services Grievance Procedure.

When an employee has received a promotion, but fails to successfully complete the orientation period, the employee may revert to their former position. In the event it is not practical to return to the former position, the immediate supervisor may offer any available position for which the employee qualifies.

#### **D. Criminal History**

Employment is contingent upon receipt of acceptable reports from the Central Registry, sex offender registry, state and federal criminal history records and E-Verify checks.

## 4. PAYROLL ADMINISTRATION

### **A. Pay Scales**

Employee pay will be based on the salary scale prescribed for each job by the Regional Board. Copies of the most current pay scale and administration of the compensation plan are available at each agency's administrative office.

### **B. Pay Periods**

RVS employees are paid by direct deposit to personal accounts on the last working day of the month that the Central Office is open. The pay period for salaried employees is from the first day of the month to the last. The pay period for hourly-rated employees will be according to a schedule prepared by the RVS Central Office, with the pay day being the same as for salaried employees.

Employees who lose their Form W-2 will be charged \$5.00 for a replacement. Employees who lose their check stub will be charged \$5.00 per replacement stub.

### **C. Deductions**

RVS payroll will automatically process all deductions including garnishment, as required by law.

RVS payroll may process any of the following deductions as authorized by the employee: employee contributions to Group Health and Life Insurance, Credit Union, Region V Foundation, Flexible Benefit Plan, voluntary life insurance, dental insurance and contributions to a tax-sheltered annuity or other amounts authorized by the payroll office.

### **D. Advance in Pay**

RVS will not advance pay to employees.

### **E. Questions About Payroll**

If an employee has a question about the calculation of their pay, the employee may ask the appropriate supervisor or the payroll office. If RVS has made an error, The Region will make the correction as soon as possible or, with the employee's permission, on the next payday. If the error is due to an oversight by the employee, The Region will make the corrections on the next payday.

### **F. Compensation Plan**

Procedures for completing payroll are contained in the RVS Compensation Plan. This plan is on file at each agency office and is available for review by any RVS employee.

### **G. Personnel Status Change Form**

The Personnel Status Change Form, commonly called the PSC Form, is used to inform the payroll department of new employees, separations, changes in address, job title, rate of pay, scheduled

work hours and transfers. When written notice of an action is necessary, usually the Personnel Status Change Form will be sufficient.

A change in the salary scale for all employees by the Governing Board will not require a Personnel Status Change Form for each employee.

#### **H. Leave Request Form**

The Leave Request Form is used to inform the personnel department of the type of leave the employee may be taking.

#### **I. Time Cards**

All nonexempt (hourly) RVS employees must keep a time card. The supervisor shows each new employee how to complete the time card. Each agency will be responsible for giving time cards to the payroll department following designated cut-off dates for hourly employees. Each employee is responsible for submitting completed time cards to their supervisor according to established timelines.

#### **J. Personnel File**

RVS will maintain a personnel file on all employees. The file will include application/resume with job qualifications, registry and background checks, hire date, job training, certifications or licensures, work records and personnel actions. Personnel files are confidential. Employees may access their own files upon request.



## 5. OVERTIME COMPENSATION

### **A. Overtime Administration**

RVS administrative staff, at the Coordinator level and above, may approve reasonable periods of overtime work to meet operating needs. Overtime will be approved for nonexempt employees before they do the work. The payroll office will keep records of overtime.

### **B. Overtime Compensation**

All nonexempt employees who physically work more than forty (40) hours in a given work week will be paid at the rate of one and one-half (1½) times their regular hourly rate for all hours worked beyond the fortieth hour. Paid leave (vacation, sick leave, holidays, etc.) will not contribute to overtime.

Exempt employees will not receive pay for overtime. Their work cannot be standardized in relation to a given time period. Overtime is incidental to the job.

## 6. STAFF BENEFITS

### **A. Social Security**

Under the Federal Insurance Contributions Act (F.I.C.A.), an amount is withheld from an employee's pay that is established by law. RVS also pays the required amount under the act.

### **B. Group Health Insurance**

RVS provides a group health insurance plan. Eligibility for this insurance begins after a full-time employee completes thirty (30) days of continuous service with RVS. For a complete description of benefits, consult your copy of the policy. RVS pays the full cost of health insurance for the employee up to the amount of the single coverage rate.

### **C. Group Life Insurance**

RVS provides a group term life insurance plan. Eligibility for this insurance begins after a full-time employee has completed thirty (30) days of continuous service with RVS. RVS pays the cost of \$10,000 term coverage on each employee. The employee may designate their beneficiary and change the designation at any time. If the employee with single coverage elects to cover their spouse and/or dependents with group term life insurance, the employee pays the full cost per month.

### **D. Voluntary Life Insurance**

RVS offers an additional plan that provides employees the opportunity to purchase extra life insurance for themselves, spouse, and dependents.

### **E. Dental Insurance**

Region V Services offers a voluntary dental insurance plan that provides employees and their families with dental coverage. Detailed information is provided to employees at their local agency administrative offices.

### **F. Vision Insurance**

Region V Services offers a voluntary vision insurance plan that provides employees and their families with dental coverage. Detailed information is provided to employees at their local agency administrative offices.

### **G. Flexible Benefit Plan**

RVS offers a flexible benefit plan to its full-time employees allowing them to voluntarily pay for certain expenses on a pre-tax basis. Currently there are two expense accounts offered: Medical Premium, which the employee is eligible for immediately; and, Unreimbursed Medical Expense for which the employee is eligible after having completed at least 12 months of at least half-time employment prior to signing up for the account.

### **H. Annuity Program**

RVS provides a tax-sheltered annuity program. Eligibility for annuity contributions begins after the employee has completed two (2) years of continuous employment with a minimum of scheduled half-time or more hours per year. RVS contributes three (3) percent of the employee's gross salary to the plan. The employee designates their beneficiary and may change it at any time. An

employee who is scheduled to work half-time or more may contribute to the plan, through a payroll deduction, without restrictions of length of continuous employment. Federal laws limit the amount the employee can contribute.

### **I. Credit Union**

RVS offers a variety of credit union benefits and services through First Nebraska Credit Union, located in both Lincoln and Omaha, NE. The services include loans, savings and checking accounts, IRA's and U.S. Savings Bonds. Any employee may join the credit union, but only those working half-time or more may participate in these services through a payroll deduction. More information is available at each agency's office.

### **J. Tuition Reimbursement**

When attending an accredited college, partial tuition reimbursement may be approved up to semester and yearly amounts established by RVS management. Prior approval and successful completion of the class are required before any payment is made. The class does not have to be directly related to the employee's job.

### **K. Employee Assistance Program**

RVS offers an employee assistance program for all employees and their families. This program is designed to provide short-term counseling services for a variety of problems, including, but not limited to, grief over the loss of a loved one, marital, financial and legal difficulties, drug or alcohol dependence, stress, depression, or other life challenges that you and your family may face. The program offers support and information for personal problems as well as job-related problems. All appointments are private and confidential unless otherwise specified by the employee. Information on accessing the program is available at each agency's office. Supervisors may refer or require employees to attend.

## 7. ATTENDANCE

Region V Services provides services and supports 24 hours per day, seven days per week. RVS office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m. The Area or Department Director may change the hours of local programs, with the approval of the Executive Director.

Area/Department Directors may need to keep daily attendance records of their employees. Repeated tardiness, leaving work early or excessive absenteeism may result in disciplinary action.

## 8. HOLIDAYS AND LEAVES

### **A. Compensation for Absence on Holidays**

To earn the benefit of paid holidays, employees must work at least half time.

All eligible employees, except those who must work on a shift basis, will receive their regular compensation for the following legal holidays or any other day proclaimed by the Regional Board as a holiday:

New Year's Day, Memorial Day, Fourth of July, Labor Day, Veterans' Day (to be observed the day following Thanksgiving Day) Thanksgiving Day, Christmas Day.

Employees will also receive four (4) floating holidays each year, instead of taking off Martin Luther King's Birthday, Presidents' Day, Arbor Day (observed the last Friday of April) and Columbus Day. Holidays in place of named holidays will not be taken before the holiday. The employee may take these holidays as approved by their supervisor, according to operating requirements. The employee must use these holidays within sixty (60) calendar days following the holiday date. The employee may not spread the hours over more than two occasions during the allotted time.

The Area Director will decide whether an agency will use a holiday as a "floating holiday" or close the Day Services Center.

### **B. Compensation for Holiday Falling on a Regularly Scheduled Day Off**

Except for employees regularly scheduled to work on a shift basis, when a holiday observed by RVS falls on a Saturday, the preceding Friday will be observed as the legal holiday. When the legal holiday falls on Sunday, the following Monday will be observed as the legal holiday.

### **C. Qualification for Holiday Pay**

To qualify for holiday pay, an employee must be in a pay status on a regular work day immediately before and immediately after the observed holiday. A shift employee who must work on the holiday is considered in a pay status.

### **D. Compensation for Work Performed on Holidays**

An employee who is eligible for holiday pay and must work on a RVS holiday will receive compensation: eight (8) hours X the regular hourly rate or sixteen (16) hours X the regular hourly rate for overnight CSPs. Holiday pay is prorated for part-time employees working half time or more.

If an employee works on a holiday and does not normally earn any benefits, they will be paid for only hours worked at straight time rates. Shift employees may receive pay for the regular/floating holidays if they are not able to take equivalent time off during the allotted time. If employees wish to take time off, they must use the accrued holiday first. Employees must have the supervisor's approval before they can do this.

The use of non-discretionary time away from work (such as, funeral leave, jury duty, etc.) will not affect the use of holiday leave, except for illness on a non-floating holiday. (See separate section titled "Sick on Holiday").

## **E. Sick on Holiday**

1. Employees earning benefits who are scheduled to work a regular shift on a regular holiday and do not work because of illness will receive their regular monthly check without any extra holiday pay and without receiving any time off later. The date would count as a holiday in their attendance records and they would not be charged with a sick day.
2. Floating Holidays: If the agency is not closed on the actual floating holiday, an employee who is sick on the actual holiday may use sick leave and thus save the holiday to use within the 60-day limit. However, if the agency closes on the actual holiday the employee must use their holiday even if the employee is sick.

## **F. Request and Approval of Leave**

An employee must request and receive approval before taking a leave of absence, whenever possible. The Leave Request Form should be used for all leave requests.

## **G. Vacation Leave**

To earn the benefit of vacation leave, the employee must work at least half-time. Part-time employees working half time or more will receive vacation in proportion to the regularly scheduled time worked. Full-time employees earn vacation leave according to the following schedule:

1. Through four (4) years of continuous employment of earning benefits, 96 working hours per year; or 153.60 hours per year for overnight CSPs.
2. From five (5) through nine (9) years of continuous employment of earning benefits, 111.96 hours per year; or 179.16 hours per year for overnight CSPs.
3. From ten (10) through fourteen (14) years of continuous employment of earning benefits, 135.96 hours per year; or 217.58 hours per year for overnight CSPs.
4. Beginning with fifteen (15) years of continuous employment of earning benefits, 176.04 hours per year; or 281.64 hours per year for overnight CSPs.

Employees may use vacation leave upon accrual. Employees cannot use more vacation time than they have accrued. Accrual starts at the beginning of the orientation period when eligible for benefits.

Employees must use vacation leave available before using Leave Without Pay.

The employee must request and receive advance approval for vacation leave, except in circumstances beyond the employee's control. If an employee becomes sick while using vacation leave, the vacation leave cannot be changed to reflect sick time during that vacation period.

Accumulation of vacation leave credit for all full time and part time employees working half time or more earning benefits cannot exceed 240 hours, 384 for overnight CSPs at one time. Unused vacation accrual will be paid only upon termination of employment.

Each supervisor will schedule employee vacation leave to correspond with operating requirements and, as far as possible, to coincide with the request of the employee. Vacation leave must be reported on the Leave Request Form.

A department head may deny use of vacation leave time during such time an employee is put on either an extended or disciplinary probation.

Upon termination of employment, employees will be paid for accrued vacation leave.

## **H. Employee Donation of Vacation**

With the approval of the Agency and Executive Director, employees may donate accrued vacation time to an employee in need of such time for medical emergencies. Donations must be in full days and will be confidential. Additional information is located in the Donated Time Procedures, on file with each agency office.

## **I. Paid Sick Leave**

To earn paid sick leave, the employee must work at least half time. Part-time employees (half time or more) earn paid sick leave benefits in proportion to the regularly scheduled time worked.

Full-time employees earn paid sick leave according to the following schedule:

1. Through first year of continuous employment of earning benefits, 4 hours per month. (6.4 hours for overnight CSPs.)
2. During second year of continuous employment of earning benefits, 6 hours per month. (9.6 hours for overnight CSPs.)
3. During third year and thereafter of continuous employment of earning benefits, 8 hours per month. (12.8 hours for overnight CSPs.)

Accrual starts at the beginning of the orientation period. Employees may use sick leave upon accrual.

Accumulation of paid sick leave cannot exceed 960 hours, 1,536 for overnight CSPs, at the end of each calendar month. Upon retirement at age 62 or more, or retirement at age 59 or more with at least 20 years of service, the employee will receive payment of one-fourth (1/4) the accrued sick leave. When an employee who had met eligibility requirements for retirement dies, the beneficiary will receive the one-fourth payment. Other than in the case of retirement, employees will not get paid for accumulated sick leave upon terminating employment.

When approved by the supervisor, an employee eligible for paid sick leave may use such leave for absences due to illness, injury, exposure to contagious disease, or illness in the employee's immediate family that **requires** the employee's personal attendance. A doctor's statement may be required. Leave for any purpose other than the employee's own illness or injury is limited to their regular work week per cause, per family member, per calendar year and will be prorated the first year.

An employee who is absent because of sickness must inform their immediate supervisor prior to the scheduled shift. If an employee fails to provide sufficient advance notice to the supervisor, they may not be paid for the time. The supervisor may require a doctor's certificate or other evidence of illness before approving sick leave with pay. Such certificates, with the report of sick leave, will be sent to the personnel office for the employee's record.

An employee must use available vacation rather than taking leave without pay after exhausting all sick leave for sickness.

Any employee who is laid off, granted leave of absence without pay, goes to substitute or less than half time status, or terminates employment under creditable circumstances and is later re-employed or reinstated within one year to a position earning benefits, will have the unused sick leave they accrued before leaving.

## **J. Personal Leave**

Employees may use personal leave according to the following schedule. (All personal leave hours are drawn from the sick leave hours accumulated by the employee).

1. Through four years of continuous employment of earning benefits: up to 24 hours per year, or 48 hours per year for overnight CSPs, not to exceed the rate of 8 hours per quarter, or 16 hours per quarter for overnight CSPs.
2. Five years through nine years of continuous employment of earning benefits: up to 32 hours per year, or 64 hours per year for overnight CSPs at the rate of 8 hours per quarter, or 16 hours per quarter for overnight CSPs.
3. Regular employees who earn benefits for 10 years or more of continuous employment may take up to 40 hours per year at the rate of 8 hours per quarter. The extra 8 hours may be split once between two quarters in the calendar year.

Overnight CSPs who are earning benefits for 10 years or more of continuous employment may take 80 hours per year, 16 hours per quarter. The extra 16 hours may be split between two quarters.

4. The limits on the use of the Personal Leave hours are few:
  - a. The employee must not be on probation due to disciplinary action.
  - b. There must be a pool of sick hours available to cover the request.
  - c. The employee must obtain prior approval with as much advance notice as possible.
  - d. The employee must complete a Leave Request Form.
  - e. Personal Leave hours will be figured on calendar quarters within a calendar year.
  - f. If an employee does not use any or all of the Personal Leave, to which they are entitled within a calendar quarter, the employee may not carry these hours over into succeeding quarters in the calendar year except as specified in Personal Leave, item #1 above.
  - g. An employee may not split their Personal Leave hours more than once per quarter.
  - h. If an employee becomes eligible for a higher limit on the use of the Personal Leave hours, they may take advantage of the higher limit in the month in which they are eligible; i.e., November 1, the employee begins their 10th year of continuous employment of earning benefits with RVS. This entitles the employee to 16 hours Personal Leave for the 4th quarter of the calendar year, or 32 hours for overnight CSPs. Beginning with the next calendar year, the employee may again use 40 hours of Personal Leave, or 80 hours for overnight CSPs.
  - i. Employees who work half time or more will be eligible to use Personal Leave in proportion to regularly scheduled hours worked, according to the above requirements.

## **K. Injury Leave & Worker's Compensation**

RVS carries Worker's Compensation insurance to cover injuries that occur on the job. Injured employees must immediately notify their supervisor of the injury. Worker's Compensation forms must be completed promptly to have the injury reported to Worker's Compensation and receive authorization to pay medical bills. An injured employee will receive pay for hours missed during the



initial day or shift in which the injury occurred. If additional time off is needed, the employee will then use sick leave, holiday, or vacation time for up to one week (7 calendar days) following the injury.

Worker's Compensation insurance will pay an employee two-thirds (2/3) of their gross weekly wages beginning the eighth (8th) calendar day following the injury. The state has set a maximum that a person can receive. After an employee has been off work for six (6) continuous weeks following the initial seven (7) calendar days, the employee will receive two-thirds (2/3) of their gross weekly wages for the initial seven (7) calendar days.

Any deduction(s) normally taken from an employee's check will be the financial responsibility of the employee should their check not have sufficient wages to cover the deduction(s). Single coverage health insurance will continue to be paid by Region V Services while an employee is on worker's compensation leave.

RVS may require an employee to return to work at a different position to meet any light duty or medical limitations until the employee can return to their original position.

#### **L. Leave for Jury Duty**

An employee on jury duty will receive their regular pay in addition to the compensation received for ten (10) working days of jury service if it interferes with employee's work hours. For jury service exceeding ten (10) working days during one jury term, employees will receive the difference between their regular pay and the compensation received for such jury service.

#### **M. Funeral Leave**

At the Administrative Director's discretion, an employee may be eligible for funeral leave with pay: 1) up to 40 hours (64 hours for overnight CSPs) for immediate family **per calendar year**; 2) up to 20 hours (32 hours for overnight CSPs) for secondary family **per calendar year**. The Executive Director may make exceptions. This does not reduce an employee's vacation or sick leave. Funerals that fall on holidays or regularly scheduled days off may not require additional funeral leave for the employee to attend the funeral.

Part-time employees working half-time or more may be eligible for funeral leave, according to the above and in proportion to the regularly scheduled time worked.

## **N. Family and Medical Leave (FMLA)**

### **Eligibility**

Employees may receive up to 12 weeks of Family and Medical Leave for certain family and medical reasons. Employees may also be eligible because of a qualifying event arising out of the fact that the spouse, son, daughter, parent, or next of kin of the employee is on active duty or has been notified of an impending call or order to active duty.

Employees are eligible for Family and Medical Leave if they have worked for RVS for at least 12 months and for 1,250 hours over the 12-month period immediately preceding the commencement of the leave. They may take FMLA leave for:

1. The birth and care of a newborn child.
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child.
3. To care for the employee's spouse, child, or parent with a serious health condition.
4. The employee's own serious health condition.
5. Notification of an employee's spouse, son, daughter, parent, or next of kin of an impending call or order to active duty in the military.

An employee may take a total of **up to** 12 weeks paid and/or unpaid leave in any "rolling" 12-month period measured backward from the date an employee uses any Family and Medical Leave for circumstances described above. It is the policy of RVS to use leave benefits (sick leave, holiday, vacation) concurrent with FMLA.

If an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the 12 weeks of Family and Medical Leave to which an employee is entitled.

Where an employee normally works a part-time schedule or variable hours, the amount of leave to which an employee is entitled is determined on a pro rata or proportional basis by comparing the employee's new schedule while on Family and Medical Leave with the employee's normal schedule. For example, if an employee who normally works 30 hours per week works only 20 hours a week under a reduced leave schedule, the employee's 10 hours of leave would constitute one-third of a week of Family and Medical Leave for each week the employee works the reduced leave schedule. If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks prior to the beginning of the leave period would be used for calculating the employee's normal work week.

RVS may require a medical certification by a health care provider where Family and Medical Leave is necessary due to the serious health condition of the employee, employee's spouse, child, or parent. If a medical certification is required, RVS will provide a form to be used by the health care provider in making a medical certification of a serious health condition on the employee's verbal or written notice indicating the need for Family and Medical Leave. A job description will be included to indicate the essential functions of the job. When a medical certificate is required, the employee has 15 days to return the certificate. The required medical certification will include the following information and any other information RVS is permitted to request under the Family and Medical Leave Act:

- Information about the serious health condition, including date of onset of the serious health condition and its probable duration.

- if the requested leave is to care for an employee's spouse, child or parent. A statement that the employee is needed to care for the person as a result of a serious health condition.
- When the leave is to be intermittent or taken on a reduced leave schedule, the dates and duration of planned medical treatment and/or the medical necessity for an intermittent or reduced leave schedule.

RVS reserves the right to obtain a second opinion and to obtain subsequent written medical recertifications at reasonable time intervals.

### **General Rules and Conditions**

1. Invitation to FMLA. The goal of RVS is for a supervisor to place an employee on FMLA leave within 7 calendar days of notification of a qualifying event. Some FMLA situations will not be apparent from the beginning of the use of leave. In those situations a supervisor will notify an employee and place that person on FMLA as soon as it is apparent that there is an event that qualifies the person for FMLA. It is not necessary for employees to specifically request FMLA leave. When the employer receives adequate information that the employee qualifies for FMLA, the employee will be notified and placed on FMLA.
2. Care for a newborn, newly adopted child, or newly placed foster child. Family and Medical Leave for the birth or care of a newborn child or for the placement of a child by adoption or foster care or to care for a child placed by adoption or foster care can only be taken within the 12-month period following the birth or placement of the child. Leave for birth or for placement of a child cannot be taken intermittently unless the mother or child has a serious health condition. FMLA may be taken by either parent. If both husband and wife are employed by RVS, that husband-wife team is entitled to ~~only~~ 12 weeks total of Family and Medical Leave during any 12-month period if leave is taken for the birth or care of a newborn child or for the placement or care of a child by adoption or foster care.

When approved for FMLA an employee taking Family and Medical Leave for the care of a newborn, newly adopted child or newly placed foster child must use, in order, holiday leave, accrued sick leave, and then all accumulated vacation leave. The remaining portion of Family and Medical Leave will be unpaid, though RVS will maintain contributions to the employee's health insurance at the same contribution rate as when the employee was on a non-Family and Medical Leave status. The employee will be expected to pay their share of any health insurance premium each month when it comes due. If the employee does not return to work following Family and Medical Leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to Family and Medical Leave; or (2) other circumstances beyond the employee's control, the employee will be required to reimburse RVS for health insurance premiums paid on the employee's behalf during unpaid Family and Medical Leave.

3. Care for an employee's spouse, parent, or child having a serious health condition.

For the care of an employee's spouse, parent or child having a serious health condition, An employee must use paid sick leave, holiday leave and all accumulated vacation leave. The remaining portion of the 12 weeks of Family and Medical Leave will be unpaid, although RVS will maintain contributions to the employee's health insurance at the same rate as when the employee was on a non-Family and Medical Leave status. If both husband and wife are employed by RVS, that husband-wife team is entitled to only 12 weeks total of Family and Medical Leave during any 12-month period if leave is taken to care for the serious health condition of an employee's parent.

4. Serious health condition of an employee. RVS may require a medical certification by an employee's health care provider regarding an employee's own serious health condition that prevents the employee from performing the functions of their position. If a medical certification is required, RVS will provide a form to be used by the health care provider on the employee's verbal or written notice indicating the need for Family and Medical Leave.

The employee paid sick, leave holiday and all accumulated vacation as described in the 'Paid Sick Leave' section of this handbook. The remaining portion of the 12 weeks of Family and Medical Leave will be unpaid, although RVS will maintain contributions to the employee's health insurance at the same rate as when the employee was on a non-Family and Medical Leave status.

Upon an employee's return from Family and Medical Leave for the employee's own serious health condition, RVS may exercise the right to request a written certification that the employee is able to return to work from the employee's health care provider.

### **Employee Notice to Region V Services Requesting Family and Medical Leave**

In the event of a foreseeable Family and Medical Leave, RVS must be provided with at least 30 days notice by the employee. Where the need for Family and Medical Leave is not foreseeable, the employee should give notice to RVS within no more than 1 or 2 working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. Otherwise, RVS standard procedure for leave will be followed. In the event of planned medical treatment, and subject to the approval of the health care provider, reasonable efforts will be made on the part of the employee to avoid disruption of RVS activities.

### **Service Member Family Leave**

Employees who qualify under this FMLA provision are eligible to receive up to 26 weeks of unpaid FMLA leave during a rolling 12 month period to care for a spouse, son, daughter, or parent, who has a serious injury or illness sustained while on active duty in the Armed Forces.

Employees may also receive up to 12 weeks of unpaid leave during the 12-month period for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty. Qualifying exigencies include the need to address issues arising from a short notice of deployment, military events and related activities, certain childcare and related activities, the need to update financial or legal arrangements, counseling, spending time with a family member on rest and recuperation leave, and attending to post-deployment activities.

### **Intermittent or Reduced Leave Schedule Family and Medical Leave**

In the case of a serious health condition of an employee or of an employee's spouse, son, daughter, or parent, Family and Medical Leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee who requests intermittent leave or leave on a reduced leave schedule may be required to transfer temporarily to an alternative position for which the employee is qualified, which has equivalent pay and benefits, and which accommodates the employee's recurring periods of leave better than the employee's regular position. As noted previously in this Family and Medical Leave policy, intermittent leave is not available for those employees taking Family and Medical Leave due to birth, placement, or care of a newborn or newly placed adopted or foster child.

### **Intermittent or Reduced Leave Schedule Family and Medical Leave**

In the case of a serious health condition of an employee or of an employee's spouse, son, daughter, or parent, Family and Medical Leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee who requests intermittent leave or leave on a reduced leave schedule may be required to transfer temporarily to an alternative position for which the employee is qualified, which has equivalent pay and benefits, and which accommodates the employee's recurring periods of leave better than the employee's regular position. As noted previously in this Family and Medical Leave policy, intermittent leave is not available for those employees taking Family and Medical Leave due to birth, placement, or care of a newborn or newly placed adopted or foster child.

### **Reinstatement**

At the end of Family and Medical Leave, the employee will be reinstated to their previous position or to an equivalent position. An employee is not entitled to the accrual of any seniority or employment benefits during the portion of the period the employee takes Family and Medical Leave without pay. In the event of a layoff or reduction in force in which the employee would have lost their job had they not been on Family and Medical Leave, the employee is not entitled to reinstatement under the Family and Medical Leave Act.

A fitness for duty certificate may be required to return to work. In the event that an employee does not return to work at the end of the 12 weeks of FMLA, the supervisor will determine the employment status of the employee.

### **O. Family Military Leave**

Under Nebraska's Family Military Leave Act, employees may receive unpaid family leave if a spouse or child of the employee is serving in the military under a state or federal deployment of 180 days or more.

1. Eligibility: To be eligible for family military leave, an employee must meet the following criteria:
  - a. The employee must have been employed by the Region for at least 12 months and have worked at least 1,250 hours during the 12 months immediately preceding the request for leave.
  - b. The employee must be the spouse or parent of a person called to military service lasting 180 days or more with the state or the United States under orders from the Governor of Nebraska or the President of the United States.

2. Length of Leave: Eligible employees may request up to 30 days of family military leave during the time that a deployment order is in effect.
3. Procedure for Requesting Leave:
  - a. If an eligible employee wants to use family military leave of more than five consecutive work days, the employee must give at least 14 days written notice of the date that the leave will commence and the anticipated length of the leave. The employee should consult with the employee's supervisor so that the leave is not unduly disruptive to The Region's operations.
  - b. If an employee wants to use family military leave of less than five consecutive days, the employee must give as much advanced written notice as is practical under the circumstances.
  - c. The Region may require the employee to obtain certification from the appropriate military authority to verify the employee's eligibility for the family military leave requested.
4. Effect on Other Employment Benefits: Eligible employees will be restored to the position held or a similar position with equivalent benefits, pay, seniority, and other terms and conditions of employment upon their return and will retain any benefits accrued at the time of the leave. The Region will continue employee benefits during an employee's family medical leave, which may be at the expense of the employee.

All full-time and part-time employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve or Coast Guard Reserve may have leave with pay on days in which they are in the active service of the State of Nebraska or the United States.

U.S. Wage and Hour Division Fact Sheet #28A states:

**Qualifying Exigency Leave:** A covered employer must grant an eligible employee up to a total of **12 workweeks** of **unpaid** leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

Qualifying exigencies include:

- Issue arising from a covered military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of **seven** days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternate childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child

in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;

- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to **five** days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
- Any other event that the employee and employer agree is a qualifying exigency.

Spouses employed by the same employer are limited to a **combined** total of 26 workweeks in a "single 12-month period" if the leave is to care for a covered service member with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

#### **P. Temporary Military Leave**

All full-time and part-time employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve or Coast Guard Reserve may have leave with pay on days in which they are in the active service of the State of Nebraska or the United States.

This leave may be for a period not to exceed 120 hours for a full-time 40 hour employee and 192 hours for a full-time 64 hour per week overnight CSP in a calendar. Hours will be prorated for part-time employees. Such leave of absence will be beyond the regular annual leave of the employee.

When the Governor of the State of Nebraska declares that a state of emergency exists, an additional leave of absence will be granted to all full-time or part-time employees who are ordered to active service and until such time they are released from active service. The employees will receive such portion of their pay or compensation as will equal the difference between their military base pay and their regular pay with RVS.

#### **Q. Special Leave**

Besides the leaves authorized above, a supervisor may authorize an employee to be absent without pay for personal reasons if the employee has already used all accumulated vacation leave.

The supervisor, with approval of the Executive Director, may authorize special leaves of absence without pay for any period or periods for the following purposes: attendance at college, university or business school in subjects related to the employee's job that will benefit the region; urgent personal business requiring the employee's attention for an extended period (settling estates,

liquidating a business, attending court as a witness); and providing technical assistance or professional consultation.

#### **R. Absence Without Leave**

Any employee who is absent from duty will report the reason to their supervisor immediately. Unauthorized and unreported absences will be considered absent without leave. In this case, the time will be deducted from the employee's pay and disciplinary action may follow.

#### **S. Weather Leave**

All hourly employees (excluding staff on duty) are never paid for a weather day whether the agency is closed or not. Also, "weather days" pertain to the agency, not the individual. If an individual cannot report to work because of weather, they must first use available holiday leave, then vacation leave or personal leave (if available), or receive no pay for the day. If a salaried employee had previously received permission to have leave, they would not be charged with leave if the agency closes because of weather conditions. If the agency closes due to bad weather, all salaried employees will be paid for the day.

#### **T. Leave When People Served are Absent**

Time on duty when persons supported are not present on a regularly scheduled working day:

1. Occasionally all persons supported are gone from a location at the same time on a regular working day. If this happens, the employee may exercise one of the following options:
  - a. Report to work and spend the time in related work activities (book work, general maintenance, work at another location or whatever work is established by the immediate supervisor). If the employee is offered work but declines, the employee may take leave without pay.
  - b. Request vacation leave for that time, if they have enough time accrued.
2. If it is a holiday and the persons supported are gone, the employee is required to take that day off as their own holiday also.
  - a. If persons supported served are gone for a period longer than the holiday itself, and the employee chooses to take the remaining time without pay, they will not lose their holiday time off with pay. Although the employee would not be in a pay status the day before and/or after the holiday, the region requires that the employee take the holiday then.
  - b. Any time all persons supported are gone from residence at the same time for a period extending past 40 hours (64 hours for overnight CSPs), and the employee requests this time off without pay, they will not be required to pay Region V Services share of the group insurance premium.



## 9. PROMOTION, TRANSFER AND DEMOTION

### **A. Promotion**

Vacancies will be filled by promotion whenever practical and in the best interest of the agency. Promotions will be based upon qualifications, according to procedures established in these policies.

In a promotion, an employee advances from a position with a lower pay grade to fill a vacancy. An employee who receives a promotion must serve the orientation period in that position. During the orientation period, the employee will retain their status in the lower position. In making promotions, the supervisor considers qualifications, performance, appraisals, conduct and seniority of the applicants.

Prior to promotion to the management team, the Area Director will submit the name of the employee proposed for promotion to the Executive Director for approval. A copy of the approval/disapproval will be forwarded to the personnel office for inclusion in the employee's file.

It is the intent of RVS to identify employees who have the interest and potential for advancement. Training opportunities will be provided to increase appropriate skills. Identification and training does not guarantee advancement within RVS.

### **B. Transfer**

A supervisor may transfer any employee from one job to another with the same pay grade within their area program, or an employee may request a transfer.

Two supervisors, from different area programs, may transfer the employee from one job to another with the same pay grade between their respective area programs. This transfer requires the approval of both Area Directors.

### **C. Demotions**

The movement of an employee to a position in a lower pay grade is a demotion.

An employee may be demoted for cause only after the employee receives written notification of the reason(s) for the demotion. The Executive Director must receive a copy of the supervisor's report and the employee's reply. An employee may appeal their demotion for cause, according to the appeal procedure.

If an employee requests in writing an assignment to a position in a lower pay grade, the supervisor may make such a decision. In such cases, the demotion is considered voluntary. Refer to the compensation plan for new pay rate.

Regular full-time or part-time employees changing to less than half time:

- a. Will no longer earn any benefits.
- b. Will be paid for vacation leave accrued.
- c. May not use any sick leave accrued.

## 10. RESIGNATION

An employee ending their job with the region will complete a Personal Status Change (PSC) form with the effective date of departure and reason for leaving. The PSC is forwarded promptly to the regional office.

Resignations are effective at the end of the shift on the final day the employee is working for the agency. In addition, the employee must be physically working their regular schedule during the preceding fourteen (14) calendar days, unless excused for illness. Vacation days may not be added to the effective day of the resignation. The Area Director may make exceptions if schedule, health and safety of persons supported is not affected.

The Area Director will forward a copy of the PSC to the Executive Director. Non-supervisory employees will submit resignations at least fourteen (14) calendar days before the final work day. Supervisory staff will submit their resignation at least thirty (30) calendar days before the final work day. The personnel officer will file a copy of the employee's resignation and payroll status in the employee's service record.

The supervisor may recommend reducing or waiving the period of notice when it is possible to get a replacement for the employee.

## 11. DISABILITY

An employee may be separated for disability if they possess or develop a physical/mental impairment that keeps them from doing the essential duties of the job and there is no reasonable accommodation. The personnel office or supervisor may require an employee to have an examination by a physician to determine the employee's ability to do the essential duties of their job. RVS will pay the cost if the personnel office or supervisor requests a physical examination. The personnel officer will consult with an employee separating from The Region due to disability to ensure the employee is aware of available services.

## 12. REDUCTION IN FORCE

### **A. Reduction in Force Policies and Procedures**

A supervisor or director may lay off an individual when necessary due to: a) shortage of funds or work, b) phasing out a position, c) situations where the work would be ineffective or non-productive, d) change in duties or organization, or e) changes in approved intervention hours. Regular full-time employees will receive notice of the lay off at least fourteen (14) days before the effective date. They will also receive written notice of the reasons for the reduction in force. Notification will be by registered mail to the employee's home address. Reductions in force lasting eighty (80) hours or less will not require a fourteen (14) day warning or written notification of the reasons. Community workers employed to complete contract work are exempt from the 14 days notice.

The RVS personnel office will use these guidelines for reduction in force. The employee's existing relationships with persons supported, performance, type of appointment, and seniority will be considered in determining layoffs. In determining the skill and job experience of employees being considered for layoff the agency will use, at minimum, the most recent employee evaluation. The agency may also review other information, which could include input from persons supported, families, Service Coordination, and others affected by services. No employee is to be laid off while there are temporary, emergency or orientation employees in the department or agency in the same job.

The supervisor and the personnel office will place the employee in another position, if one is available, for which the employee has the qualifications.

The Area Director will consider part-time employment in place of layoffs if part-time employment meets the needs of the agency.

### **B. Hiring Following Reduction in Force**

The Area Director will determine how many people to hire for each job. New employees will not be hired until employees who have been laid off receive notice of vacancies. The Area Director will notify the employee by sending a registered letter to the last address on area program records. An employee who refuses any but a similar job may continue the lay off without affecting seniority or ability to be rehired within a one (1) year period.

If an employee does not respond to agency notification within seven (7) days, they will be considered to have quit.

## 13. DISCIPLINARY ACTIONS

### **A. Forms of Disciplinary Action**

Disciplinary action will be reported to the Area Director in writing and may include:

- Verbal warnings
- Written Clarification of Expectations
- Written warning
- Failure to be recommended for the annual pay increase
- Suspension with or without pay
- Involuntary move to a job in a lower pay grade or another job in the same pay grade without a reduction in pay
- Reduction of compensation without change of pay grade, but not below the entrance rate for the job
- Placing the employee on probation for up to six months
- Dismissal

### **B. Probation Period**

At the discretion of the Executive Director, the immediate supervisor may notify and place an employee on probation for up to 6 months to correct unsatisfactory performance before considering dismissal. The employee has the right to appeal this decision if they have completed the orientation period.

If, during the designated probation period, it is determined that the services of the employee have been unsatisfactory, the employee may be dismissed. The employee has the right to appeal this decision. During the appeal process, the employee may need to vacate the position.

A department head may deny the use of accrued leave time during such time an employee is put on probation.

### **C. Dismissals, Demotions and Suspensions**

A supervisor may dismiss or suspend any regular employee at any time for any reason or for no reason. Within five (5) calendar days, the employee will receive written documentation regarding the dismissal or suspension. The employee will have five (5) calendar days to reply in writing.

Certain violations of RVS policies are cause for immediate dismissal. The employee retains the right to appeal under the provisions of this section, if they have successfully completed the orientation period.

Disciplinary action may be taken for, but not limited to, the following:

1. Conviction of a felony that makes the employee unfit to perform the duties of the position.;
2. Physical intervention to a person in services, unless the act was done in self-defense, to protect the lives of others, or to prevent the flight of a person within services.;
3. Action that reflects on RVS adversely.

4. Being under the influence of alcohol or unlawfully under the influence of a controlled substance while on duty.
5. Insubordination to or failure to obey a direction from the supervisor.
6. Incompetence or ineffective performance, including being unable to work with persons with developmental disabilities or co-workers as assigned.
7. Carelessness or negligence with finances or property of Region V Services and persons supported.
8. Threats, use, or attempts to use personal or political influence to secure promotion, leave of absence, transfer, change of pay rate or character of work.
9. Inducing or attempts to induce an officer or employee of RVS to commit an unlawful act or to act in violation of any department, agency or RVS regulation or order.
10. Accepting a fee, gift or other valuable item when the gift is given with intent to receive favor or better treatment than that given other persons.
11. Engaging in outside business activities on RVS time or using RVS property for the activity.
12. Failure to maintain a satisfactory attendance record.
13. Falsifying official records, including, but not limited to: employment application, time cards, individual expense records or records for other agencies such as Health & Human Services or the Social Security Administration.
14. Releasing confidential information without proper consent.
15. Failure to attend scheduled Employee Assistance Program session as directed by a supervisor.
16. Failure to attend required training as established by the supervisor.
17. A dishonest act, such as lying or stealing.
18. Failure to inform supervisor of any misdemeanor or felony charges and convictions. Notice will be made to the appropriate supervisor within 24 hours of charge or conviction;
19. Failure to notify supervisor if employee's name is placed on State Health and Human Services Central Registries.
20. Violation of the provisions of this Personnel Policy handbook or any other policies/procedures applicable to the employee.
21. Employees convicted of any charges specified in the Region V Services contract to provide state funded services will immediately cease providing any direct supports to individuals served by Region V Services. This may result in immediate dismissal.
22. Refusal to submit to drug/alcohol testing for cause.

A regular employee may appeal actions under this section according to RVS policies.

**D. Separation During Initial Orientation Period**

During the initial orientation period, an employee may be separated without the right of appeal under the Region V Services Grievance Procedure.

**E. Reimbursing Finances of Persons Served**

When an employee is clearly responsible for the missing funds of a person served, or has caused finance charges to accrue due to negligence, the employee will be required to reimburse the person.

#### 14. COMPETENCY REVIEW

RVS conducts employee competency reviews so that the supervisor may ensure training is provided to help the employee assess their skills on the job.

At minimum, the immediate supervisor of an employee will complete a competency review at the end of the employee's orientation period and then on the employee's anniversary date. The employee will have the opportunity to assess their own skills. The employee will then have a review interview with the supervisor, and both must sign the Employee Review Form. The original form is placed in the employee's file and a copy is given to the employee.



## 15. EMPLOYEE RESPONSIBILITIES

### **A. Personnel Records and Changes of Information**

RVS keeps up-to-date records on employees and their jobs. Employees must report the following changes: name; marital status; address or telephone number. Current copy of driver's license and proof of auto insurance must be provided with respect to all employees who drive motor vehicles as a function of their job.

Any change in the income tax withholding form (W-4) or the account used for direct deposit of payroll must be submitted to RVS. When leaving employment, the employee should provide a forwarding address.

### **B. Agency or Department Procedures**

All agencies or departments are authorized to establish procedures that are appropriate for their areas of responsibility. Employees are expected to know and observe the procedures of their agencies/departments. Employees will receive a copy of appropriate procedures.

### **C. Protection and Care of RVS Property**

Employees must report maintenance and repair problems to their supervisors.

### **D. On-the-Job Illness**

Employees who become ill while on duty and cannot continue working must notify their supervisor at once. Their supervisor will determine the appropriate action to take. Any fees charged by a private physician are the employee's responsibility.

### **E. On-the-Job Injury or Accident**

Employees who are involved in an accident or injured at work, must notify their supervisor at once, and complete a written report no matter how minor the incident may seem. The supervisor will determine the appropriate action to take.

### **F. Loyalty**

Employee loyalty is extremely important to RVS efforts to provide service. RVS needs employee support to meet the needs of persons with disabilities in the community.

### **G. Cell Phones**

Cell phones belonging to RVS will be used only for RVS business unless other use is permitted by RVS management. Management reserves the right to develop specific policies and/or guidelines regarding the use of personal cell phones or other personal communication devices by employees while on duty. The use of cell phones for any communication, including texting, while in a paid status and driving is prohibited.

## **H. Telephone Calls and Interruptions**

Employees are expected to keep personal telephone calls and other interruptions to a minimum during working hours.

If an employee makes a personal long distance telephone call on an agency telephone, they must pay the charge within five days of being notified of the amount.

If the employee fails to pay the charge within five days, they will be prohibited from using the agency telephone for personal long distance calls until the past-due bill is paid.

## **I. Computers**

All information on RVS computers is the property of RVS. Agency management will be granted access at any time. All passwords related to RVS computers must be on secure file at each agency.

## **J. Digital Social Media**

RVS respects the right of employees to create and use social media or technology that include but are not limited to video or wiki postings, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters as a medium of self-expression on their personal time and with their personal equipment. Although the use of social media may be personal, some readers may nonetheless view employees as a spokesperson for the agency. If an employee chooses to identify themselves as a RVS employee or discuss matters related to RVS business on a form of social media, they must adhere to the following guidelines:

- It is made clear to readers that the views expressed are the employee's and that they do not reflect the views of RVS.
- No information is disclosed that is confidential or proprietary to the agency.
- Employees are personally responsible for their commentary and can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, not just RVS.
- Employees cannot use any form of social media to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with RVS.
- Employees cannot post on any form of social media the photographs of persons supported without written consent.
- At no time should employees conduct or be engaged in the use of social media for personal reasons while in a paid status.

RVS requests and strongly urges employees to report any violations or possible or perceived violations to their supervisors. RVS will investigate and respond to all reports of violation of this policy and other related policies.

RVS reserves the right to monitor comments or discussions about RVS or its employees posted by anyone, including employees and non-employees through social media. RVS administrators may access profiles on social networking sites and may use the information in its informal or formal investigations.

#### **K. Mail**

Employees must have personal mail sent to their home, not to RVS.

#### **L. Confidential Information**

Employees are entrusted with confidential information (verbal, electronic and written) concerning persons in services and their families and will be expected to protect the right of privacy of all persons supported. Confidential information can only be provided on a “need to know” basis or with proper release.

Confidential information will not be given to newspapers, magazines, TV or radio reporters or photographers on the telephone, e-mail or in person. Such inquiries should be directed to the Area/Executive Director. If an employee releases confidential information without proper consent, they are subject to dismissal.

#### **M. Solicitations**

Employees may distribute materials at RVS facilities, if it is not disruptive. People who are not employees are prohibited from distributing materials. Bulletin boards maintained by RVS at its various locations are reserved for use by the employer. The administrator of each facility will set guidelines for placing posters or notices of sales, organizational activities, or solicitations on the bulletin board or other distribution methods.

#### **N. Tips and Gifts**

The Region prohibits employees from accepting money from persons supported. The Region also discourages employees from accepting gifts from persons in services or from others with whom RVS has contact. The employee should refer anyone wishing to make a donation or gift to RVS to the fiscal office. Solicitation of personal gifts or donations from persons served or their families is prohibited.

#### **O. Suggestions**

Employees are in the best position to know and understand the details of their work. They may discover new or improved ways of doing their work or have suggestions about working relationships. Employees are urged to make suggestions to their supervisor.

## **P. Inventions or Patent Agreements**

All discoveries, inventions, patents, inventor's rights, ideas, formulas, processes, or any apparatus conceived, developed or improved by employees with the use of The Region's time, equipment or tools will be the sole and exclusive property of RVS.

## **Q. Subpoena/Expert Witness**

Employees who receive a subpoena as a witness to appear in court, on behalf of RVS, will be paid for the time spent in court. Employees must notify their supervisor immediately upon receipt of such subpoena.

If an employee needs to be in court for other than RVS, the employee will not be paid for time away from work unless using vacation or personal leave.

## **R. Service on Committees**

Employees may from time to time be asked to serve on various committees in which RVS has an interest. It is the employee's responsibility to prevent these committee assignments from interfering with normal duties. The employee should spend no more time than necessary to accomplish committee objectives. With a committee outside the region, employees should remember that other agencies/individuals may form lasting impressions of RVS from the employee's performance. When the committee works on issues affecting RVS, employees should remember that the committee is not a policy making body but functions primarily to give expert advice, guidance, comments and recommendations to the RVS Administration and/or Governing Board.

## **S. Policy on Consulting**

### When representing Region V Services

Employees may be requested by Region V Services to provide their services to other businesses, organizations, including civic groups, or agencies as representatives of RVS. Such arrangements are permissible and are considered a legitimate job function subject to two qualifications:

- 1) It is the employee's responsibility to exert every effort to prevent these arrangements from interfering with normal duties.
- 2) Any fee, honorarium, or other form of payment, if offered, is contributed to RVS. This does not include reimbursement for actual expenses incurred in providing the consultation.

### When not representing Region V Services

Employees may be requested to provide their services to other businesses, organizations, or agencies. Such arrangements are permissible under RVS policies subject to three qualifications:

- 1) It is the employee's responsibility to exert every effort to prevent these arrangements from interfering with normal duties.
- 2) The employee must be in a leave status for the time involved. Leaves may include non-paid time off, vacation leave or personal leave.
- 3) Time off must be approved by the immediate supervisor.

**T. Service on Elections**

Employees should give at least 30 days notice that they intend to work at the election. Employees serving on elections will have their pay reduced for each hour of work missed (up to eight hours) by an amount equal to the hourly compensation paid for election service. Employees must provide a letter from the Election Office to RVS as proof of hours worked and the rate of pay for each hour.

**U. Smoking Policy**

Smoking is prohibited in RVS owned or operated buildings and vehicles and private vehicles when paid staff are transporting persons supported.

## 16. GRIEVANCE PROCEDURE

### **A. For all Eligible Employees Except Those Directly Supervised by the Executive Director**

Grievances among employees should be resolved between themselves, if possible. If the situation remains unresolved, Step 1 of the Grievance Procedures should be implemented. It is the employee's responsibility to initiate this process.

Step 1 - Immediate Supervisor (Informal): The grievant has five (5) working days after the occurrence which caused the grievance to talk to their immediate supervisor.

The grievant and the supervisor have three (3) working days to attempt to arrive at a solution to the grievance.

Step 2 - Immediate Supervisor (Formal): The grievant has five (5) working days to present the grievance in writing to the supervisor using the Grievance Form if a satisfactory solution cannot be arrived at in Step 1.

The supervisor has three (3) working days to respond on the Grievance Form and return a copy of the form to the grievant and the original to the Area Director.

Step 3 - Area Director: If a satisfactory solution is not achieved, the grievant may appeal to the appropriate Area Director within three (3) working days after receiving the supervisor's written response. The Area Director may request the grieving party and their supervisor to discuss the grievance at an informal conference with the area director.

The Area Director will have five (5) working days after receiving the grievance or the informal conference, if one takes place, to submit a final decision in writing to the grieving party.

Step 4 - Executive Director: If a satisfactory solution cannot be achieved at Step 3, the grievant has five (5) working days to appeal the decision to the Executive Director. The Executive Director has ten (10) working days to state a decision on the Grievance form and to return a copy to the grievant. The decision of the regional Executive Director is final.

### **B. For Employees Directly Supervised by the Executive Director**

Step 1 - Executive Director (Informal): The grievant will have five (5) working days from the occurrence which caused the grievance to talk to the Executive Director. The grievant and the Executive Director has three (3) working days to attempt to informally arrive at a solution.

Step 2 - Executive Director (Formal): If a satisfactory solution to the grievance cannot be achieved at Step 1, the grievant has five (5) working days to present the grievance to the Executive Director, on the Grievance form. The Executive Director has three (3) working days to respond on the Grievance form and return a copy to the grievant.

Step 3 - Executive Committee of the Regional Board: If a satisfactory solution to the grievance cannot be achieved at Step 2, the grievant has three (3) working days after receiving the Executive Director's written response to request that the Executive Director convene a meeting of the Executive Committee of the Region V Services Governing Board. The executive committee consists of the chairman, vice chairman, secretary, and treasurer. The meeting must be held within ten (10) working days of the request. The executive committee will determine the time and place for hearing the grievance. Upon hearing the grievance, the Executive Committee will put its decision in writing on the Grievance Form and will forward copies to the grievant as well as the Executive Director.

All decisions of the Executive Committee are final.

## 17. TRAVEL AND EXPENSE POLICIES AND PROCEDURES

### **A. General Information**

The region will reimburse traveling expenses for transacting RVS business. The Region strictly forbids reimbursing traveling expenses for any other purpose. Allowable expenses are: personal vehicle use, car rental, travel by train, bus or aircraft, ground transportation to and from terminals, meals (including tips), lodging, parking, tolls, baggage handling, taxi (including tips), telephone and postage. All expenses claimed must reflect only those amounts actually spent.

The region will not advance funds to employees for travel expenses. Agencies may prepay travel expenses for employees.

All documentation should be itemized so that the nature, purpose and necessity are apparent for expenditures. Expense claims should be presented according to area agency guidelines. Random checks may verify authenticity of receipts. All items claimed for reimbursement for a trip should be on the same expense claim. Department heads may make special provisions for extended travel reimbursements.

Employees must attach receipts to expense claims in support of the following expenses: (1) airline, train or bus tickets; (2) lodging; (3) postage in excess of one (\$1) dollar; (4) tolls and parking exceeding one (\$1) dollar; (5) registration or conference fees; (6) personally rented automobiles; (7) meals (including tips).

No reimbursement will be made for alcoholic beverages or other personal expenses.

Personal telephone calls at RVS expense are not allowable. When conducting RVS business, employees may use long distance calls, but unwarranted or unnecessary telephone calls will be charged to the employee making them.

The region will not pay expenses during the time an employee has vacation, military leave, excused absence without pay or sick leave. The region will pay expenses only for RVS employees, board members and members of officially appointed committees. In cases in which the spouse of a RVS employee accompanies the employee on official business, only the expenses of the employee will be paid. In such cases, lodging and other receipts must indicate the appropriate single-person charge.

If an employee, as part of their duties, attends a function at which a conference or registration fee is charged (which includes a meal) the entire amount is reimbursable. Such charges may also be paid by direct voucher.

Employees falsifying expenses on Individual Expense Records or on direct billings to RVS will be dismissed.

### **B. Travel - Lodging/Meals**

Employees must report only actual expenses paid for lodging. Employees should always request the lowest rate, including the government rate for lodging in Nebraska.

The usual maximum allowance for meals per day will not exceed \$35. When circumstances merit, an Area Director may approve claims for higher meal allowances.



The employee cannot claim meals unless on an overnight trip. To receive reimbursement for a noon meal, the employee must: 1) leave before 11:00 a.m. on the day of departure; 2) get back after 2:00 p.m. on the day of return. Exceptions to this rule may be made by a Director.

If an employee must leave home/headquarters on an overnight trip before 7:00 a.m., breakfast is reimbursable. If an employee can not return to home/headquarters by 6:30 p.m., dinner is reimbursable.

No meal expenses are allowable within twenty (20) miles of either headquarters or residence city.

### **C. Travel - Mode of Travel**

An employee should use the most economical method of transportation when traveling within the state. Area Directors may approve more costly methods under exceptional circumstances.

The RVS mileage reimbursement is set up to a rate allowed by the Internal Revenue Service. All requests for travel reimbursement must include: purpose, points of departure and arrival, and actual cost.

### **D. RVS Vehicle: Use and Operation of**

Vehicles: When RVS vehicles are available, the supervisor may assign a vehicle to an employee for use on RVS business. The region prohibits using any RVS vehicle for personal errands. It is the responsibility of the employee to see that the car is used for business only. Unauthorized travel is travel that the region would not pay for if a private car were used.

Operator: An Employee who drives a RVS vehicle must have a valid driver's license while driving. An operator of a RVS vehicle who has failed to get a valid license may be disciplined. All traffic/parking violations are the personal responsibility of the operator.

### **E. Privately-Owned Vehicles Use and Reimbursement**

All employees will use a RVS vehicle when available. When two (2) or more persons travel in the same vehicle, only the owner of the vehicle may collect mileage for each trip up to the rate allowed by the Internal Revenue Service.

When submitting a claim for reimbursement, the employee will record: the destination, odometer readings, (standard mileage may be used), the purpose, and the rate per mile. Reimbursement will be for business only. No consideration will be given for personal errands.

### **F. Vehicle Insurance**

RVS has insurance in the minimum amounts of \$300,000 for bodily injury liability, property damage liability; \$15,000/\$30,000 for uninsured motorists and comprehensive (\$250 deductible) and collision (\$500 deductible) insurance. This insurance coverage applies to third parties other than employees. Worker's compensation covers medical expenses for employees.

Individuals using their privately-owned automobiles on agency business must have coverage through their personal automobile policy. It is the individual's responsibility to contact their private insurance company to make sure their automobile policy provides the proper coverage. A written request to the insurance company should answer questions or misunderstandings that could arise after an accident.

It is important to remember that the primary purpose of RVS insurance is to protect RVS. If an employee's privately owned vehicle is damaged while it is being used on agency business, there is no coverage to the vehicle under RVS insurance.

## 18. OTHER POLICIES

### **A. Outside Employment**

A position of profit referred to in the Conflict of Interests Act, 49-1101 to 49-1117 and in Section 810108, R.R.S., 1943, means a position in which the person might profit from conflict of interest.

Employees of RVS may take occasional or part-time jobs if there is: (1) no conflict in working hours (2) no detrimental effects to the employee's efficiency in their work and (3) no conflict or suspicion of conflict with the interests of the program. The Executive Director must be notified and approve all outside employment for Director and Coordinator positions.

Employees of RVS may not engage in outside business activities while on duty. They also may not use RVS property for personal business. A supervisor must approve the use of any property for community functions.

### **B. Employment of Relatives**

No employee will supervise or be supervised by a member of their immediate family. The region will not hire, promote or transfer an employee when it would mean that they would supervise or be supervised by an immediate family member.

### **C. Petty Cash Fund**

RVS offices may keep minimum petty cash funds to purchase small items (stamps, office and cleaning supplies, etc.). These petty cash funds are for the convenience of RVS office operations, and not for the convenience of employees. Employees may not borrow money from petty cash.

### **D. Automobile and Valid Driver's License**

Employees must have a valid driver's license, or must agree to provide for their own transportation needs to fulfill the requirements of the job.

### **E. Confidentiality of Employee Records**

Except as otherwise provided in these rules and, by law, all employee records of the Personnel Office will be considered confidential.

Employees may inspect their official personnel folders during regular office hours. Others may see the file only when they have the written authorization of the employee. Written authorization may be received at any time. Direct line supervisory staff, personnel administration staff and auditors of RVS are exempt from this restriction.

Employees needing to have information released from their file (i.e., change of jobs, insurance or home mortgage applications, etc.) should file a consent form.

Underwriting information required for any employee benefit plans will be kept strictly confidential and between the Personnel Office and representative insurance entities.

Employees have the right to request restrictions on certain uses and disclosures of their confidential information. Employees also have the right to inspect, amend and copy their protected health information.

## **F. Harassment**

Region V Services will maintain a work environment that is free of discrimination and will not tolerate harassment of employees or persons served by anyone, including any supervisor, co-worker, vendor, or customer.

Harassment consists of unwelcome verbal, physical or visual conduct based on a person's sex, color, race, ancestry, religion, national origin, age, disability, medical condition, marital status, veteran status, citizenship, sexual orientation, or other protected group status. RVS will not tolerate harassing conduct that: (1) affects tangible job benefits, (2) interferes unreasonably with an individual's work performance, or (3) creates an intimidating, hostile, or offensive working environment.

An employee who sexually harasses another employee or person in services is violating RVS policies. Any supervisor who knowingly permits sexual harassment of any employee or person receiving services is also violating policies. In this policy, "sexual harassment" means unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature, when:

- 1) Submission is made either explicitly or implicitly a term of an individual's employment or a condition to receiving services.
- 2) Submission or rejection is used as the basis for employment or agency decisions affecting an employee or a person in services.
- 3) The conduct interferes with an employee's work performance; creates an intimidating, hostile or offensive environment; or interferes with the services the person is supposed to receive.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body.

All RVS employees are responsible for helping to assure that harassment is avoided. An employee who feels they have experienced or witnessed harassment, should notify immediately any Coordinator or Director, including the Executive Director. RVS forbids retaliation against anyone who has reported harassment.

RVS will investigate all such complaints thoroughly and promptly. As much as possible, RVS will keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, RVS will take immediate disciplinary and/or corrective action, including termination.

Employees may also contact the Nebraska Equal Opportunity Commission (402-471-2024 or 1-800-402-642-6112), for assistance in reporting complaints of sexual harassment.

## **G. Infectious Disease Guidelines**

Definition: Infectious diseases are conditions that are communicable and can produce serious illness in another person. These may include, but are not limited to, Hepatitis A & B, tuberculosis, Human Immunodeficiency Virus (HIV), staphylococcal skin infection, rubella, and rubeola.

## 1. Employment of persons who have an infectious disease

An employee with an infectious disease that may be transmitted in the work force should inform their supervisor of the disease at least one (1) calendar day before the next scheduled work shift.

An employee with an infectious disease may use sick leave or vacation time, or may be placed on a leave of absence without pay pending a physician's diagnosis and statement specifying:

- a. The potential of infecting other employees or persons served at the work place or while doing job duties.
- b. The necessity of, and timing for, periodic medical evaluation regarding their condition, prognosis, and ability to return to work.
- c. Any special precautionary measures, beyond universal precautions (e.g., gloves, masks), which would permit the employee to continue working without infecting other people.
- d. Necessity or ability to transfer to another job within the agency.

Region V Services may require that a medical professional, chosen by The Region, review the employee's records and determine their ability to return to work.

If the employee can work, The Region may request periodic medical evaluations, at the employee's expense, to determine the employee's ability to continue working.

RVS will decide the extent to which co-workers need to know about the disease.

Refer to Family and Medical Leave Act if employee is unable to work.

## 2. Employee interaction with a co-worker who has an infectious disease.

All people, including those with an infectious disease, will be treated with courtesy and respect. An employee assigned to an area in which another employee or a person in services has an infectious disease will perform the normal work duties.

All RVS employees will take precautions to prevent the spread of infectious disease, including thorough hand washing and disposal of personal wastes. As all body fluids are potentially contaminated, employees should take precautions before and after contact with blood and body fluids. Employees will receive Hepatitis B information and a copy of the universal precautions for dealing with body fluids, developed by the Center for Disease Control.

If an employee declines to do their duties due to an unwarranted fear of infection, and the medical community has said there is no recognized risk of infection, the employee will be instructed to continue their job responsibilities. If an employee fails to do the assigned duties, the supervisor may take disciplinary action, following procedures outlined in this handbook. All documentation to support any disciplinary action will be placed in the employee's personnel file.

Employees with health problems who work with anyone who has an infectious disease are responsible for discussing the issue with their supervisor. The employee will provide a medical history or other information the supervisor requests.

3. Interactions with a person receiving supports who has an infectious disease

In the event a person supported has an infectious disease, the person's physician will determine what precautions employees should follow to prevent the spread of the disease. The team will develop a plan to comply with the physician's recommendations.

RVS does not intend to exclude individuals from service who have an infectious disease. The agency will take measures to protect the health and safety of employees and people in services.

4. Significant exposure to blood or body fluids

A significant exposure is a situation in which the body fluids (blood, saliva, urine, feces, etc.) of a person may have entered another person's body either through: (1) a body opening (the mouth or nose), mucous membrane (the eye), or a break in the skin (a cut or abrasion); (2) a prick by a contaminated needle; (3) intimate respiratory contact (CPR without a barrier) or (4) any other manner.

Employees must immediately notify their supervisor of any significant exposure that they or a person supported has experienced. A RVS Blood Borne Pathogen program is on file in every agency office. This program will be followed for any instance of significant exposure.

5. Employee training on Infectious Disease Control Guidelines

Upon hire, all employees will receive training and a copy of the "Infectious Disease Control Guidelines" during orientation. Employees are to follow universal precautions to prevent exposure to all body fluids. They will sign a statement saying that they have received information from RVS on universal precautions for all infectious diseases. All employees who have the possibility of occupational exposure to blood borne pathogens will be offered immunization for Hepatitis B at RVS expense.

6. Confidentiality

All information regarding employees or persons in services who have an infectious disease is confidential and will be handled like all other confidential information.

## **H. Drug Free Work Place Policy**

Employees involved in the use, manufacture, distribution, or possession of illegal drugs or unauthorized controlled substances while in a RVS facility or while conducting regional business will be subject to disciplinary action. They could be dismissed for the first offense.

Employees must report to work in condition for duty. Being under the influence of alcohol or drugs is cause for disciplinary action, including dismissal for the first offense.

Any employee convicted of violating a criminal drug statute in a RVS facility or while conducting RVS business must inform RVS within 24 hours of the conviction (including pleas of guilty and nolo contendere). If an employee fails to inform RVS, the supervisor will take disciplinary action. The employee may be dismissed for the first offense. RVS will notify federal granting agencies within ten days after receiving notice of an employee's drug statute conviction.

RVS recognizes chemical dependency as an illness and a major health and safety problem. Therefore, RVS may provide information and referral for appropriate assistance. However, it is the employee's responsibility to seek and accept help. Conscientious efforts to seek help will not jeopardize an employee's job if the employee accepts help, becomes rehabilitated, and can fulfill expectations on the job.

All RVS employees and all new employees will receive a copy of RVS Drug Free Workplace Policy. Each employee's personnel record will include a signed, dated statement that the employee has received, understands, and will abide by RVS Drug Free Workplace Policy. All new employees will receive drug abuse awareness training in the first six months from date of hire.

### **I. Drug/Alcohol (for Cause) Testing**

Employees of Region V Services will be required to submit to testing when reasonable suspicion exists that they are under the influence of drugs and/or alcohol. Reasonable suspicion may be a result of physical action, speech or appearance. Performance issues regarding supports to persons served, accidents involving damage to property, or injury to persons may all be cause for this procedure to be implemented.

### **J. Medicaid False Claims Act Policy**

#### **Purpose**

The purpose of this policy is to educate Governing Board, employees and subcontractors of RVS regarding the Federal False Claims Act (FCA) and to provide general information regarding RVS's efforts to detect and prevent fraud, waste and abuse with respect to its business activities.

#### **False Claims Laws**

##### **A. The Federal False Claims Act**

The Federal False Claims Act is a law that bars a person or entity, such as RVS, from "knowingly" presenting or causing to be presented a false or fraudulent claim, record, statement to acquire payment or approval from the federal government. The Act also prohibits a person or entity from conspiring to defraud the government by getting a false or fraudulent claim allowed or paid. These prohibitions extend to claims submitted to federal health care programs, such as Medicare or Medicaid.

The Federal False Claims Act broadly defines the terms "knowing" and "knowingly." Specifically, knowledge will have been proven for purposes of the FCA if the person or entity:

1. Has actual knowledge of the information;
2. Acts in deliberate ignorance of the truth or falsity of the information; or
3. Acts in reckless disregard of the truth or falsity of the information.

The law provides that a specific intent to defraud is not required in order to prove that the law has been violated. Examples of potential false claims include knowingly billing Medicare for services that were not provided, billing for services that were provided but not medically necessary, submitting inaccurate or misleading claims for actual services provided, or making false statements to obtain payment for products or services.

A person or entity found guilty of violating this law is obligated to repay all of the falsely obtained payment or reimbursement and will be liable for a civil penalty of up to \$10,000, plus three times the amount of actual damages sustained by the government as a result of each violation of the Act. In addition to being liable for damages and civil penalties, violating the FCA can subject a person or entity to exclusion from participation in federal health care programs, such as Medicare and Medicaid.

B. Nebraska False Medicaid Claims Act

Nebraska Statute: **68-936. Presentation of false Medicaid claim; civil liability; civil penalty; costs and attorney's fees.**

1. A person presents a false Medicaid claim and is subject to civil liability if such person:
  - a. Knowingly presents, or causes to be presented, to an officer or employee of the state, a false or fraudulent claim for payment or approval;
  - b. Knowingly makes or uses, or causes to be made or used, a false record or statement to obtain payment or approval by the state;
  - c. Conspires to defraud the state by obtaining payment or approval by the state;
  - d. Has possession, custody, or control of property or money used, or that will be used, by the state and, intending to defraud the state or willfully conceal the property, delivers, or causes to be delivered, less property than the amount for which such person receives a certificate or receipt;
  - e. Buys, or receives as a pledge of an obligation or debt, public property from any officer or employee of the state knowing that such officer or employee may not lawfully sell or pledge such property; or
  - f. Knowingly makes, uses, or causes to be made or used, a false record or statement with the intent to conceal, avoid, or decrease an obligation to pay or transmit money or property to the state.
2. A person who presents a false Medicaid claim under subsection (1) of this section is subject to, in addition to any other remedies that may be prescribed by law, a civil penalty of not more than ten thousand dollars. In addition to any civil penalty, a person who presents a false Medicaid claim under subsection (1) of this section may be subject to damages in the amount of three times the amount of the false claim submitted to the state due to the act of such person.
3. If the state is the prevailing party in an action under the False Medicaid Claims Act, the defendant, in addition to penalties and damages, shall pay the state's costs and attorney's fees for the civil action brought to recover penalties or damages under the act.



### C. Whistleblower Protections

Private persons are permitted to bring civil actions for violations of the Federal False Claims Act on behalf of the United States and are entitled to receive percentages of monies obtained through settlements, penalties and/or fines collected. Persons bringing these claims (also known as “relators” or “whistleblowers”) are granted protection under the law. Specifically, any whistleblower who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against by his or her employer because of reporting violations of the Federal False Claims Act will be entitled to reinstatement with seniority, double back pay, interest, special damages sustained as a result of discriminatory treatment, and attorney’s fees and costs.

### **Policy and Procedure**

1. RVS strives to provide detailed information and education to all of its Governing Board, employees and subcontractors regarding the False Claims Act, including, the penalties and remedies for violations of these laws and the applicable whistleblower provisions and protections.
2. RVS requires all of its Governing Board, employees and subcontractors to comply with all federal and state laws and regulations governing the administration and operation of health care entities.
3. RVS prohibits its Governing Board, employees (or contractors or agents acting on its behalf) and subcontractors from knowingly submitting to any federally or state funded program a claim for payment approval or reimbursement that includes false or fraudulent information or is based on false or fraudulent documentation.
4. Any person having knowledge or information regarding suspected fraud, waste, or abuse by RVS or any of its Governing Board, employees or subcontractors, should promptly contact your immediate supervisor or one of the following individuals: Executive Director, Fiscal Director or Area Director.
5. In accordance with this policy, RVS will investigate all allegations of suspected fraud, waste or abuse and will take prompt and effective remedial action where appropriate.
6. RVS will make every effort to detect and prevent fraud, waste and abuse before it occurs through education, training, and compliance audits. These efforts will include:
  - a. Distribution of this policy to all of the Agency’s Board members, employees and subcontractors;
  - b. Training that aides in the ability to detect, investigate and report suspected fraud, waste, and abuse; and
  - c. Conducting internal audits and reviews of billing and coding policies and procedures, as determined necessary to ensure compliance.

7. RVS strictly prohibits retaliation in any form against an individual who:
  - a. Makes a good faith report of suspected fraud, waste or abuse;
  - b. Files a complaint under the various false claims acts; or
  - c. Participates in an investigation or litigation under the various false claims acts.Any retaliatory action is subject to appropriate disciplinary action, up to and including termination of employment or termination of the business relationship with RVS.

## 19. REGION V SERVICES ADMINISTRATION'S RIGHTS AND RESPONSIBILITIES

RVS Administration has exclusive rights of management. These include, but are not limited to:

1. Manage and control the premises and equipment.
2. Select, hire, promote, suspend, dismiss, assign, supervise and discipline employees.
3. Change starting times, quitting times and shifts.
4. Transfer employees within departments and to other departments and other jobs.
5. Determine size, composition, and qualifications of work forces.
6. Establish, change and abolish policies, practices, rules and regulations.
7. Modify job descriptions, job classifications and job evaluations.
8. Change methods of providing services, including cooperating with other agencies to serve people with developmental disabilities.
9. Assign duties to employees according to the needs and requirements of RVS.
10. Carry out usual functions of management.
11. Use facilities and/or services of an outside agency, or provide services for another agency.

In all administrative decisions, RVS will carefully consider the needs of persons supported and their relatives/advocates, employees, other agencies and the community.

## 20. POLICY CHANGE

The policies in this handbook are subject to change at any time. Employees will receive a written notice when these policies are revised or new policies developed. If any section of these policies or any part of a section is declared invalid or unconstitutional, this will not affect the other sections.

## 21. EXCEPTIONS

The policies and supplements in this handbook will govern the operations of RVS. However, The Region cannot foresee all situations. Special circumstances may merit special consideration by the Executive Director or the Region V Services Governing Board.