



The Alternative Living Group, Inc.

Employee Handbook

© The Alternative Living Group, Inc.
Rev Date: October 1, 2009

TABLE OF CONTENTS

1. WELCOME TO ALTERNATIVE LIVING GROUP	6
2. STAFFING	7
2.1 History and Mission	7
2.2 Purpose of Employee Handbook	9
2.3 Employee Handbook Revisions	10
2.4 Recruitment	10
2.5 Applying for Employment	11
2.6 Hiring	11
2.7 Equal Employment Opportunity	11
2.8 The Americans with Disabilities Act & ADAAA	12
2.9 Pre-Employment Medical Examination	16
2.10 Fingerprinting Law	16
2.11 New Employee Orientation	17
2.12 Employment at Will	17
2.13 Introductory Period	17
2.14 Performance Appraisals	18
2.15 Transfers and Promotions	18
2.16 Transfer and Reassignment	18
2.17 Change of Information	19
2.18 Personnel Files and Records	19
2.19 Resignation and Termination	20
3. COMPENSATION	21
3.1 Job Classifications and Descriptions	21
3.2 Pay Program	21
3.3 Employment Classifications and Definitions	22
3.4 Hours of Work and Overtime	22

3.5	Meals and Breaks	25
3.6	Provisions for Staff Transportation and Meals	26
3.7	Travel Reimbursement	26
4.	ATTENDANCE AND LEAVE	28
4.1	Paid Time Off (PTO)	28
4.2	Family Medical Leave (FMLA)	30
4.3	Holidays	32
4.4	Birthdays	33
4.5	Late Arrivals	33
4.6	Call-In for Absences	34
4.7	Personal Leave Of Absence	35
4.8	Jury, Bereavement, and Military Leave	36
4.9	Leave for Spouse of Member of the Armed Forces	37
4.10	Blood and Bone Marrow Donation Leave	37
4.11	Right of Nursing Mothers to Express Breast Milk	38
5.	TRAINING	39
5.1	Conferences and Seminars	39
5.2	Training Requirements	39
6.	GRIEVANCE AND DISCIPLINE	41
6.1	Disciplinary Procedure	41
6.2	Grievance Procedure	41
7.	MEDICAL AND DISABILITY BENEFITS	42
7.1	Benefits Summary	42
7.2	Health and Dental Coverage	42
7.3	COBRA	44
7.4	New York State Disability	44
7.5	Workers' Compensation	45

7.6	Profit-Sharing Plan	46
7.7	Life Insurance	47
7.8	Health Reimbursement Account	47
7.10	Employee Assistance Program (EAP)	47
8.	MANAGEMENT PRACTICES	49
8.1	Confidential Information	49
8.2	HIPAA	49
8.3	Consumer Rights	50
8.4	Consumer Abuse	51
8.5	Consumer Visits by Former Employees	53
8.6	Medication Errors	54
8.7	Corporate Compliance Program	55
8.8	Corporate Compliance Audit Procedures	58
8.9	Corporate Compliance Audit Oversight	59
8.10	Employee Compliance Responsibilities	60
8.11	Employee and Contractor Exclusion Screening	61
8.12	False Claims Act and Whistleblower Provisions	62
8.13	Overview of Other Relevant Laws	64
8.14	Compliance Training	66
8.15	Record Retention/Disposal Policy	67
9.	OFFICE POLICIES	68
9.1	Sexual Harassment and Other Forms of Harassment	68
9.2	Alcohol and Drug Use	69
9.3	Smoking	70
9.4	Personal Telephone Calls /Cell Phones/PDA Usage	71
9.5	Visitors	71
9.6	Dress Code	71

9.7	Gifts from Consumers or Their Families	72
9.8	Internet Usage Policy	72

**10. ACKNOWLEDGEMENT AND RECEIPT OF THE EMPLOYEE
HANDBOOK 78**

1. Welcome to Alternative Living Group

Welcome new employee!

On behalf of our consumers and their families, your colleagues and the Board of Directors, I welcome you to The Alternative Living Group, Inc., and wish you every success here. We believe that each employee contributes directly to the organization's growth and success, and we hope you will take pride in being a member of our team.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible. It will answer many questions about employment with this organization.

We place great emphasis on making sure that the services that we provide to persons with varying abilities are what they want and need. Most importantly, we want our families to know that we are partners in everything that we do on their behalf.

All team members are expected to uphold and support our mission and values by demonstrating them to those they come in contact with. This is most important to us!

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Maxine George
Executive Director

2. Staffing

2.1 History and Mission

The Alternative Living Group Inc. (ALG) is a nonprofit community organization founded in 1988 whose mission is:

“To enhance the quality of life for persons with Mental Retardation & Developmental Disabilities (MR/DD) in the community by providing supportive services to them and their families.

To develop mechanisms to reach out to those persons with Mental Retardation & Developmental Disabilities who need such services, with a special emphasis on reaching those who have traditionally not accessed services.

To empower persons with Mental Retardation & Developmental Disabilities to become fully participating members in integrated community living.

To be a catalyst, fostering individual growth for persons with Mental Retardation & Developmental Disabilities through the provision of individual and family support services.”

Although there are hundreds of agencies throughout New York State with similar missions, ALG is one of only eleven agencies whose focus is to address the needs of MR/DD persons from minority groups who traditionally have not accessed services available through New York’s Office of Mental Retardation and Developmental Disabilities (OMRDD).

The History of the Alternative Living Group, Inc.

- In early 1988, a group of professionals from the Capital District gathered to discuss options for addressing the growing needs of lower-income families with mentally retarded and developmentally disabled members.
- These discussions led to the formation of the Alternative Living Group, Incorporated in 1988 as a non-profit community based organization.
- In August 1988, ALG received an award of \$25,000 from OMRDD to participate in its Minority Professional Development Institute. ALG’s Executive Director, Maxine George, was trained at various OMRDD facilities and sites, in all aspects of OMRDD fiscal and operational procedures.
- In September 1989, ALG was granted approval by OMRDD to open its first community residence.

- In September 1989, ALG began operation of an after-school respite program in Schenectady for MR/DD children between the ages of 5 and 13. This program became well known for its “Teens as Peers” concept which invited non-disabled children to be volunteers. Because it promotes a better understanding between children who have disabilities and those who do not, it was a recipient of J.C. Penny’s 1989 Outstanding Volunteers of the Year award.
- In September 1990, the Town Board of the Town of Colonie approved ALG’s selection for its first community residence in Colonie (1085 Watervliet Shaker Road).
- In October 1990, ALG was granted approval by OMRDD to open its second community residence. This residence opened in September 1992.
- From 1994 to present day, additional small group residences (Individual Residential Alternatives) have been developed in various locations throughout the region.
- The Agency offers programs and services in Albany, Schenectady, and Rensselaer Counties.

The Critical Role of ALG in the Capital District

Community residences provide an effective means for integrating persons who are mentally retarded or developmentally disabled into the norm of society. Unlike institutions, community residences allow the disabled person to get to know his or her community and allow the community to get to know them. This removes the traditional barriers between these two groups which have fostered many misconceptions.

Within a supervised community residence, disabled persons learn to develop those skills necessary to ultimately live on their own, under less supervision. This contributes significantly to their overall self-esteem and promotes a sense of confidence necessary to become an independent, contributing member of the community.

There are a number of disabled persons in the Capital District awaiting placement in a community residence, not only from families who are aware of services available through OMRDD but also from among those who have traditionally not sought services because of cultural differences, or a lack of knowledge of what services are available.

The majority of individuals not accessing services tend to be from lower income groups and disadvantaged neighborhoods. For various socioeconomic reasons, this group is most vulnerable to those factors which contribute to mental retardation and developmental disabilities (alcoholism, drug abuse, improper pre-natal care, etc.). Through aggressive outreach into these communities over the last two years, ALG has linked numerous families with “first-time” services for their family members.

More work needs to be done. A significant number of families in the Capital District continue to be unserved. Outreach must continue, and must be expanded to include the media, local churches, community groups, and organizations. The availability of sufficient residential space is also a critical ongoing need.

Mission Statement

The Alternative Living Group, Inc. is committed to individuals with mental retardation and developmental disabilities. In particular, this Agency seeks to serve such individuals who are also from ethnically and/or culturally diverse backgrounds.

The Alternative Living Group, Inc. shall consistently strive to:

- Provide services at the highest level of care, skill, and dignity with available human resources and equipment;
- Provide a consumer-based approach to services and work with other organizations in that regard;
- Provide accessible services that meet the needs and expectations of the people whom we serve;
- Provide for continuous quality improvement to maximize care, services, and productivity;
- Provide continuous monitoring and evaluation of the quality of services and care provided by ALG;
- Maintain financial stability through effective use of available resources and effective management of operations to ensure the uninterrupted availability of services to our consumers and their families;
- Provide facilities and equipment that enable staff to fulfill their duties to our consumers and their families within the community;
- Enhance the quality of life for employees by continuously evaluating compensation and benefits and improving them as Agency finances permit.

2.2 Purpose of Employee Handbook

The purpose of this employee handbook is to communicate ALG's personnel policies to employees. The employee handbook provides an overview of the organization's policies that relate to rules, regulations, procedures, practices, compensation, and benefits that affect employment and guide daily operations. The employee handbook provides general guidelines regarding ALG's policies. It is not meant to include the specific details of every policy.

Previous Employee Handbook - Unless otherwise stated, this employee handbook supersedes and replaces any employee handbook previously issued by the organization.

Questions - Any questions regarding any provision in this employee handbook should be directed to the Human Resources Manager.

2.3 Employee Handbook Revisions

Summary - ALG continually strives to improve and update its policies. New policies may therefore be added or current policies may be modified or revoked at any time with or without cause or notice, with the exception of the employment-at-will policy. The Agency also reserves the right to interpret all information presented in this employee handbook and to make exceptions to these policies at its sole discretion.

Policy Updates - An employee is responsible for updating the employee's handbook with any policy additions or revisions that are disseminated by the ALG.

Government Regulations - In the event that a federal, state, or local regulation conflicts with any provision contained in this employee handbook, the regulation shall prevail and the provision deemed amended to the extent necessary to comply with said regulation.

2.4 Recruitment

No manager or supervisor in the Agency, other than the Executive Director, is authorized to enter into an employment contract (written or oral) with any employee.

The Agency's primary goal in recruitment is to secure the most qualified available job applicants. In pursuing this goal, the Agency will adhere to the principles of equal employment opportunity. This means that qualified applicants will be given consideration for employment regardless of their race, color, religion, sex, national origin, age, handicap, sexual orientation or veteran status.

Applicants must inform the Company of criminal convictions as a pre-condition of employment. Unfair discriminatory practices against applicants or employees previously convicted of one or more criminal offenses are prohibited. The Company cannot deny employment or act adversely in relation to employment regarding such individuals, unless: a.) There is a direct relationship between a criminal offense and the position to be held by the applicant or currently held by the employee; or b.) Granting employment or other employment-related opportunity would involve unreasonable risk to Company property or the safety or well-being of employees or the general public.

When filling a vacancy and whenever possible, the Agency will promote a qualified employee to the position before considering outside applicants.

Employees are encouraged to refer qualified individuals for consideration as possible candidates for existing job vacancies. Employee referrals should be made to the Personnel Department. Individuals referred by employees will receive the same employment consideration as applicants from other sources.

Persons working together within the Agency who are related to each other by blood, prior relationships, and marriage or through previous acquaintances will be given different assignments. The Executive Director may make exceptions in the best interest of the Agency.

2.5 Applying for Employment

Employees should complete an Application for Employment as a part of the hiring process. Statements and all information provided on the application must be true. An untrue answer to any question in the application process is grounds for immediate dismissal.

2.6 Hiring

In its selection process, the Agency seeks to place the best qualified applicant in a vacant position and, in doing so, to ensure all applicants equal opportunity and consideration for employment. Each step in the process will be free from discrimination based on an individual's race, color, religion, sex, national origin, age, handicap, sexual orientation or veteran status.

All new hires will receive notification of their rate of pay and regular pay day. For non-exempt, overtime-eligible employees, the notice will include the regular hourly rate as well as the overtime rate. New hires must sign an acknowledgment of the required notice.

2.7 Equal Employment Opportunity

Employees and job applicants are guaranteed equality of employment opportunity. This means that the Agency will not discriminate against an employee or applicant on the basis of race, color, religion, sex, age, national origin, handicap, veteran status or sexual orientation.

Recruitment, selection, placement, training, and layoff decisions will be based solely on job-related qualifications, abilities of candidates and seniority, if appropriate.

Employees who apply for a promotion or transfer will be given equal consideration. That is, their qualifications for promotion or transfer will be assessed solely on the basis of their ability, merit (as demonstrated by their performance record) and seniority, where applicable.

All other personnel policies and practices of the organization, including compensation, benefits, discipline, and safety and health programs, as well as social and recreational

activities, will be administered and conducted without regard to any individual's race, color, religion, sex, age, national origin, handicap, veteran status or sexual orientation.

The Agency will take necessary steps to ensure that each employee's work environment is free of unlawful discrimination or harassment based on race, color, religion, sex, age, national origin, handicap, veteran status or sexual orientation.

The Agency will review its personnel practices and procedures continually to ensure their consistency with equal employment opportunity principles.

Employees who have equal employment opportunity-related questions, problems, or complaints should first communicate their concerns to their immediate supervisor. If they are dissatisfied with the supervisor's handling of the matter, they may pursue their complaint by contacting the Human Resources Department.

2.8 The Americans with Disabilities Act & ADA

It is the policy of the ALG to provide reasonable accommodations to persons regarded as disabled and who are otherwise qualified for the positions for which they are applying or in which they are employed. This policy is based on both federal legislation and state mandates including the Americans with Disabilities Act, Section 504 of the Federal Rehabilitation Act of 1973 as amended, the NYS Human Rights Law, Executive Order 6, Executive Chamber Policy Memo 87:14 and ADA Amendments Act of 2009.

The policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, examination, and testing, hiring, training, disciplinary actions, rate of pay or other compensation, advancement, reclassification, relocation, promotion, demotion, and benefits.

The provisions of the ADA's reasonable accommodation assist the Agency as an employer to:

- overcome otherwise exclusionary employment practices, policies, and consequences;
- provide equal opportunities for participation in education and training programs;
- enhance the upward mobility of qualified employees with disabilities; and
- assure the accessibility of procedures for swift and judicious resolution of complaints of discrimination consistent with this policy and existing District Developmental Services Office (DDSO) policies and directives.

The purpose of this policy and procedure is to bring the Agency into compliance with all relevant federal and state non-discrimination administrative directives governing the provision of reasonable accommodations to persons with disabilities who are otherwise qualified for positions within the Agency. Further, the policy and procedure has been

developed to provide the Agency with a structured approach for reviewing and rendering decisions in matters where either a prospective or existing employee is requesting a reasonable accommodation.

Confidentiality

- The Agency protects and maintains the privacy and confidentiality of employees and prospective employees with disabilities at all times.
- The Agency will take the following steps to insure confidentiality in these matters:
 - ✓ Information regarding requests for reasonable accommodations and/or individuals' disabilities is kept confidential by Agency personnel receiving the information. A statement to this effect is written on all forms involving requests for accommodations.
 - ✓ Information pertaining to requests for reasonable accommodations, individuals' disabilities or medical documentation, if appropriate is filed in the employee medical files which are kept completely separate from personnel files.

Definitions:

- Reasonable Accommodation: The Americans with Disabilities Act and regulations promulgated by federal agencies pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, require employers to make reasonable accommodations to the known physical or mental limitations of otherwise qualified applicants or employees with disabilities, unless the provision of such accommodations imposes an undue hardship on the employer. Reasonable accommodation refers to making necessary adaptations to enable a qualified person with disabilities to work. It includes making facilities accessible to employees with disabilities, instituting part-time or modified work schedules and restructuring jobs. It could also mean acquiring or modifying equipment, or providing readers or interpreters. Reasonable accommodation must be considered in all employment decisions.
- Person with a Disability: The Americans with Disabilities Act and the Rehabilitation Act defines an individual with a disability as anyone who has a physical or mental limitation which substantially limits one or more of the person's major life activities, has a record of such impairment, or is regarded as having such impairment.
- "Major life activities" is defined as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- "Has a record of such impairment" refers to a mental or physical impairment (even though the individual may be fully recovered) that may result in an individual experiencing difficulty in securing, retaining, or advancing in employment.

- “Is regarded as having an impairment” refers to individuals who are presumed to have a disability, whether the impairment exists or not, but who, because of attitudes or any other reason, are regarded as disabled and who, as a result, experience difficulty in securing, retaining, or advancing in employment.
- “Substantially limits” means that the impairment imposes a substantial barrier in the performance of a major life activity.
- Qualified Person with a Disability: An individual who, with or without a reasonable accommodation, can perform the essential functions of a particular job.
- Undue Hardship: In determining whether an accommodation would impose an undue hardship on the employer, the following factors can be considered:
 - ✓ Overall size of the program, number and type of facilities, and size of the budget;
 - ✓ Type of operation, including the composition and structure of the work force; and
 - ✓ Nature and cost of the accommodation.

Who May Request Accommodations:

- Employees or prospective employees with disabilities may request reasonable accommodations regardless of title, pay rate or employment status (full-time, part-time or relief).
- The need for an accommodation may be brought to the attention of the Agency in the following situations:
 - ✓ New or prospective employees who identify themselves as having a disability may request an accommodation to perform the job;
 - ✓ A current employee with a disability whose medical condition has changed may request an accommodation for the first time or a change in accommodation;
 - ✓ Any employee with a disability may request an accommodation at any time.

Current Employee Procedures:

- The employee (hereinafter referred to as “petitioner”) requests accommodation by submitting a written request for reasonable accommodation to their supervisor.
- The supervisor forwards the request with his/her recommendation to the Director of Program Services.
- After consulting with the Directors of Personnel and Finance, the Director of Program Services renders a decision and notifies the supervisor and the petitioner of the

decision. In instances where the Director of Program Services is unable to render a decision, the request will be referred to the Executive Director for review and determination.

- In order to reach a determination, the Executive Director may need to obtain additional information from the petitioner, supervisor or other sources and/or medical information.
- If the accommodation is approved, the Executive Director will advise the Director of Program Services to implement the reasonable accommodation.
- If the accommodation is denied, the Executive Director will advise the petitioner of various options. These may include:
 - ✓ Accept the Agency's decision and end the process.
 - ✓ File a discrimination complaint with the Agency's Board of Directors.
 - ✓ File a complaint with a variety of external discrimination complaint review agencies.

Prospective Employee Procedures:

- Prospective employees may seek a reasonable accommodation directly from the Agency's Executive Director by submitting a written request to the Director of Personnel.
- The procedures to be followed will be the same as those outlined above.

On Sept. 25, 2008, the Americans with Disabilities Act Amendments Act (ADAAA). The ADAAA significantly amends the Americans with Disabilities Act (ADA) and will affect how employers analyze ADA coverage and requests for reasonable accommodation. The ADAAA becomes effective Jan. 1, 2009.

The ADAAA and its legislative record specifically address the effects of narrow judicial interpretations of the ADA and purport to restore the law's original intent. Some of the major amendments made by the ADAAA to the components of the term "disability" are as follows.

- "Major Life Activities" specifically include "working." The ADAAA also includes as major life activities: reading, concentrating, thinking, communicating, bending and lifting, among others. It also includes the "operation of major bodily functions," such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
- "Regarded As" disabled includes an individual who can establish that he/she has been discriminated against because of an actual or perceived physical or mental impairment "whether or not the impairment limits or is perceived to limit a major life activity". This does not apply to minor impairments or those that are "transitory" - those

expected to last less than six months. However, employers will not be required to provide a reasonable accommodation to individuals who are regarded as disabled.

- “Substantially Limits” is now qualified as follows: “[a]n impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability”. The amendment further specifies that “[a]n impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active”.
- “Ameliorative Effects of Mitigating Measures” In determining whether an individual has a disability, no consideration shall be given to mitigating measures, with the exception of ordinary eyeglasses and contact lenses.

2.9 Pre-Employment Medical Examination

New direct care staff and direct care supervisory employees may be required to satisfactorily complete a pre-employment medical examination. The purpose is to help ensure the health and safety of Agency consumers and employees.

Employees whose duties place them in contact with consumers will be required to take a tuberculosis test (Mantoux Tuberculin PPD) at the time of hiring and before beginning any work assignment, and annually thereafter.

Costs of the test and/or examination (the latter by a physician designated by the Agency) will be paid for by the Agency.

An employee who falsifies information regarding her/his medical condition will be subject to immediate discharge.

2.10 Fingerprinting Law

ALG will request and receive Criminal History Record Information from the Division of Criminal Justice Services, per Executive Law 845-B, relating to fingerprint records for each prospective employee, volunteer or intern. The Alternative Living Group, Inc. will comply with all provisions of this law.

A background check will be performed, and must be considered acceptable, prior to an offer of employment or assignment being made. Conviction of a crime, while employed by ALG, may result in termination.

ALG will rely upon the written Request for Criminal History Check form that is part of the Application Packet for prospective employees for a background check to be performed.

Background checks will be performed in compliance with all Federal and State laws. Arrests will not, in and of themselves, affect an applicant’s employment opportunities. Should an applicant, volunteer or intern voluntarily disclose on an application or should

the Agency obtain knowledge of a criminal conviction following a background check, that applicant, even if cleared for employment by OMRDD, volunteer or intern can only be hired with the approval of the Executive Director.

As stated, offers of employment will not be made prior to receipt of acceptable results of the background check and under no circumstances will a prospective employee, volunteer or intern be placed in a situation in which they are alone with a consumer.

2.11 New Employee Orientation

New employee orientations are intended to ease entry into the Agency and to provide new employees with the basic information they will need to succeed in their jobs.

On-the-Job Orientation: The new employee's assigned supervisor will conduct an on-the-job orientation within the first two days of employment covering such items as hours of work, emergency and fire safety procedures, consumer introductions, job responsibilities and house rules.

2.12 Employment at Will

ALG follows the practice of employment-at-will. This employee handbook neither creates a contract, implied or express, nor offers a warranty of benefits. The Agency does not promise or guarantee employment for any specified period of time. Either an employee or the Agency may end the employment relationship at any time for any reason with or without cause or notice.

A Manager does not have the authority to enter into a verbal or written employment contract with an applicant or employee. An employment contract must be in writing and signed by both the Executive Director and the employee. No other oral or written statements or representations can limit the Agency's right to terminate employment-at-will.

2.13 Introductory Period

Appointments (other than contractual appointments) to full-time or regularly scheduled part-time positions, whether by hire of new employees, promotion of existing employees or re-hire of former employees, are subject to satisfactory completion of a three (3) calendar-month introductory period.

The introductory period is a time during which the employee is given opportunity to demonstrate that he/she has the qualities and characteristics which are necessary for satisfactory performance in the position.

After the completion of a 90 day introductory period, full-time employees become eligible for health, dental and life insurance and for paid leave benefits. Employees immediately

receive benefits such as Social Security, Workers Compensation, and New York State Disability.

Introductory employees may be removed from their position at any time during the introductory period due to unsatisfactory performance, with approval by the Executive Director or Director of Program Services. Promoted employees will retain right of return to their former position during their introductory period.

The Director of Program Services may authorize extension of the introductory period for up to an additional period, in instances where the Director of Program Services determines that the employee should be allowed additional time to learn skills.

An introductory period is not guarantee for continued employment and does not limit the Agency's "At Will" status.

2.14 Performance Appraisals

Employee job performance will be evaluated periodically as a means for ensuring that employees are aware of the extent to which they are (or are not) meeting their job responsibilities. Performance appraisals may be used as factors in pay increase decisions, performance-improvement counseling efforts, and determinations of training needs.

Ordinarily, formal performance appraisals are conducted annually in January with the entire process completed by March 1. Supervisors should observe and, where indicated, provide informal feedback to employees concerning their job performance. Supervisors may discuss documented information or incidents that would be helpful in conducting the annual formal appraisals.

All performance appraisal documents, including any employee statements, will be subject to review by the Director of Program Services and will be retained in the employee's official personnel file.

2.15 Transfers and Promotions

It is the Policy of this Agency to require that professional / management staff remains in the position for which they were hired for a minimum of one year before they will be considered for either transfer to a new position or for promotion. The Executive Director retains the right to consider exceptions to this Policy.

2.16 Transfer and Reassignment

Employees wishing a permanent transfer should notify their supervisor and prepare and submit a written request to the Director of Program Services. The transfer request should identify the employee's preferences as to the type of work assignment and location to which transfer is desired.

Permanent transfers will be affected on the basis of availability and coordinated through the Director of Human Resources.

Temporary transfers, where an employee agrees to a temporary exchange of shifts or assignments with another employee in a similar position may be arranged directly through the Director of Program Services. Such transfers are intended to address situations or circumstances wherein employees become desirous of a change or respite, but do not necessarily want or need to make a permanent change.

The Agency reserves the right to reassign or demote an employee with a facility or from one facility to another. Because consumers' needs differ among facilities, it may be impossible to match the employee's prior work schedule. Factors such as failure to meet essential requirements of the position, mismanagement/inadequate oversight of the program, failure to meet program deadlines, insubordination and incompetence may make it necessary for the Agency to demote an employee.

2.17 Change of Information

Changes in the following information are to be reported promptly by completing a Change of Information Form and submitting it to the Main Office.

- Name
- Address
- Telephone Number (required / changes must be reported immediately.)
- Marital status
- Number of dependents
- Driver's license status
- Fringe benefits coverage
- Degree completion or additional education courses
- Whom to notify, including telephone number, in an emergency

2.18 Personnel Files and Records

Necessary job-related and personal information about each employee will be retained in an official personnel file maintained by the Agency at its main office. The Agency strives to

adhere to all federal and state laws regarding the confidentiality and safeguarding of Social Security numbers.

The contents of these files will include basic identifying information (such as the employee's name, address, and job title), completed employment applications and other hiring-related documents, notices of pay changes and benefit coverage information, performance evaluations and information on other employment-related actions (such as promotions, training course participation, and disciplinary actions), notices of significant community achievements, and other relevant job-related information or documents deemed essential by management. Essential records of current and former workers will be kept indefinitely.

Employees and former workers have the right to inspect and copy the information contained in their files or records. Individuals will be given access to their files only in the presence of the Director of Human Resources or a designee and at a mutually convenient time and place. An employee may request copies of documents contained within the employee's personnel files.

2.19 Resignation and Termination

Employees who intend to resign their employment with the Agency should submit a letter of resignation to their immediate supervisor. The letter should state the effective date of resignation. The supervisor shall forward the letter to the Director of Program Services within 24 hours of receipt.

A minimum of two (2) weeks' notice is required for resigning hourly employees to retain their right to payment for accrued paid leave upon separation. (This requirement may be waived at the discretion of the Executive Director.) For salaried managerial employees, four (4) weeks' notice is required.

Employees who are terminated from their position or who resign with less than 2 weeks notice will not be paid for any paid leave that they have accumulated.

In compliance with applicable laws, involuntarily terminated employees will receive payment for all wages due them on the next scheduled payday following termination of employment.

Where applicable, the Human Resources Department will provide separating employees with information on continuation of medical and dental benefits.

3. Compensation

3.1 Job Classifications and Descriptions

A job description will be prepared and kept on file for each title in the Agency. This description will be a written record summarizing the position's principal duties and responsibilities, as well as skill, training, and educational requirements.

Employees who think that their job description contains inaccurate or out-of-date information should express such concerns to their supervisor who will arrange for any necessary revisions. Employees are entitled to receive a copy of their job description once it has received final approval.

NOTE: Employees should keep in mind that job descriptions do not necessarily cover every task or responsibility they might be assigned, and do not limit management's right to assign additional duties as needed.

3.2 Pay Program

The Agency's pay plan is intended to attract and retain a competent workforce. The plan is designed to ensure that the Agency's pay policies and practices comply with applicable federal and state laws and regulations and that employee pay rates reflect their job performance and the difficulty-level of their job duties and responsibilities.

Pay rates are based on several factors, including an evaluation of duties and responsibilities listed in job descriptions, and the performance and productivity levels of individual employees. The Agency will seek to keep its pay rates equitable and competitive and to administer its pay program in a fair and consistent manner.

Hiring rates above the entry-level rates in the Agency's pay plan will be authorized by the Executive Director in specific circumstances (e.g. when necessitated by recruitment difficulties or in order to attract individuals with considerable education, training and/or expertise).

Wage increases for all employees are guided by annual revenue trend factors established for the Agency by the NYS Office of Mental Retardation and Developmental Disabilities (OMRDD). Any increases that are passed along to the employees are included in the 1st payroll of June annually. While remaining within the limits of the budget approved by the board of directors, the Executive Director has the discretionary power to change an employee's pay scale at, above, or below the annual revenue trend, contingent upon the increases in non-wage items. The Agency reserves the right to reduce the amount and/or timing of scheduled pay increases.

3.3 Employment Classifications and Definitions

In this section are described the various employee and job classifications in the Agency, based upon definitions contained in the Fair Labor Standards Act (FLSA).

There are two classifications of employees in the Agency; exempt and non-exempt employees. Hourly or salary based wages are used when applicable within the specific classification.

- Non-exempt employees (e.g. Direct Care Professional) who perform duties of a manual or direct-care nature or employees who perform duties of a clerical nature, are paid at an hourly rate of pay, and are covered by the weekly overtime provisions of the FLSA. Therefore, they are overtime-eligible employees, as defined in Section on Hours of Work and Overtime. Pay may be computed on either an hourly or biweekly salary basis at the convenience of the employer.
- Exempt employees (e.g. Residence Manager) are exempt from the weekly overtime provisions of the FLSA and, therefore, ineligible for payment for overtime worked. Exempt employees are paid on a salary-basis. In order to be classified as exempt, employees must meet the FLSA tests for an executive, administrative or professional exemption.

The following definitions have been established in order to standardize terminology and provide common understanding in the references to employees:

- Employee: A person who receives wages or salaries in exchange for duties performed.
- Full-time Employees: Employees who work a minimum of thirty-five (35) hours weekly and who maintain continuous full-time employment status in a position designed to be and funded as a full time position.
- Part-time Employees: Employees who regularly work fewer than 35 hours weekly and who maintain continuous part-time employee status in a position designed and funded as part time.
- Temporary or “Per Diem” Employees: Employees whose services are intended to be of limited duration (i.e. filling in for illness, vacations, summer months, projects, etc.).

3.4 Hours of Work and Overtime

Basic Workweek: To ensure adequate coverage in an array of program settings, the Agency will maintain a variety of work schedules with hours ranging from thirty-five (35) to forty (40) per week.

- The Agency pays for overnight hours (that is, between 11:00 p.m. and 7:00 a.m.) where a shift requires an “awake” overnight employee.
- The workweek will begin at 12:00 a.m. Sunday and end at 11:59 p.m. Saturday. Business, economic, or other conditions may warrant greater or lesser numbers of hours or days beyond a regularly scheduled shift. This policy is not to be construed as a guarantee of hours or days.

Recording Time Worked: Non-exempt employees are required to maintain accurate and complete records of time worked. Exempt employees are required to maintain accurate and complete records of their use of paid time off.

- Using time records provided by the Agency, non-exempt employees will record the actual times they commenced and stopped working each day.
- Non-exempt employees may not record the time of another employee, nor may an employee permit or request another employee (except his/her supervisor) to record the employee’s time.
- The direct supervisor must approve all time records. Changes made to a time record after the supervisor has signed it will be initialed by the supervisor, department head, or the Personnel Director.
- Non-exempt employees are not permitted to start working before their regularly scheduled starting time or continue working beyond their regularly scheduled quitting time unless prior approval to work overtime has been approved by the immediate supervisor or on-call person.
- Employees will be informed of their regularly scheduled workdays at the time they are hired. Employees will be informed of changes to their work schedules as soon as practical, and in advance of the change in schedule.
- Assignment/shift: Because of the facility’s unique needs, employees must understand that, as condition of employment, their work hours are dependent on the needs of the facility and not of a given shift or assignment. Therefore, employees will be expected to:
 - ✓ Be available for various shift assignments, on a temporary or indefinite basis.
 - ✓ Accept re-assignment (i.e. shift, specific work site, or function at the discretion of management).

Work Schedules:

- Each residential program will post a schedule of its regular shifts at the work site. The Agency’s residential facilities require twenty-four (24) hour supervision. Shifts vary according to the needs of consumers.

- The normal workweek for administrative and managerial staff is 35 hours, Monday through Friday, between the hours of 7:00 a.m. and 5:00 p.m. The hours of each workday are determined by the needs of the Agency and require approval by the supervisor. Once established, a change in the schedule requires supervisory approval.
- The normal workweek for Medicaid Service Coordinators is 35 hours. Although the usual workday is 9:00 a.m. to 5:00 p.m., the nature of the position requires flexibility in order to meet the needs of consumers and families. Any regular schedule that deviates from the normal schedule requires supervisory approval. Once established, a change in the schedule requires supervisory approval.
- The normal workweek for the Family Support Services (FSS) Coordinator and other full time FSS staff is 35 hours. Flexibility is required in order to meet the needs of the consumers and their families.
- In the Agency's Respite Program, hours are typically between 2:30 p.m. and 6:00 p.m., Monday through Friday.
- In the Individual Support Services (ISS) Program, assigned hours are dependent upon each consumer's specific service plan.
- In the Home and Community Based Services (HCBS) Program, scheduled hours are according to each individual family's needs.

It is understood that the schedules of all Agency staff are subject to change and adjustment based upon the needs of consumers and families.

Overtime Calculations:

- Non-exempt employees are paid at the rate of time and one half for all time actually worked in excess of forty (40) hours per week.
- Absences covered by paid leave are not considered as time actually worked for purposes of computing overtime compensation.
- Overtime should only be assigned in those situations where the supervisor in charge is convinced that the work is essential in order to meet established schedules or deadlines, or where the quality of client care would be adversely affected.
- Advance notice of overtime will be given to employees whenever possible. Employees should be aware that emergencies arise that do not permit advance notification. In an emergency situation, the supervisor in charge will make every effort to notify the employees who are scheduled for overtime work as soon as possible.

- The Agency will usually attempt to meet overtime needs with staff volunteers but, in the absence of volunteers, the supervisor may need to require employees to work overtime. The final decision will be at the discretion of the on-call administrator.
- It is an Agency responsibility to provide 24 hour awake supervision. In order to fulfill this obligation, it may be necessary at times to require staff to remain on duty until coverage can be secured. The following policy is designed to ensure coverage:
 - ✓ If an employee calls in an unscheduled absence, the Assistant Manager or Direct Care Professional is to notify the on-call administrator.
 - ✓ The on-call administrator will attempt to obtain overtime staff consistent with Section on Hours of Work and Overtime, documenting all staff contacts and responses.
 - ✓ The Assistant Manager or Direct Care Professional will remain on duty until overtime coverage has been obtained and the person providing coverage reports for duty.
- Employees, who have been assigned to work overtime whether voluntary or mandatory, shall be expected to report to work as scheduled. Except in special circumstances (i.e. family emergency), failure to report will subject an employee to disciplinary action.
- While the use of overtime is necessary on many occasions, it is the policy of this Agency that no one is to work more than 16 hours without at least the equivalent of one shift (8 hours) off before returning to work. After 16 hours, the staff member must leave the premises and not return for at least 8 hours.
- It is the Policy of this Agency to limit the amount of overtime that any individual staff may work for ALG in any one week to 20 hours. Stated differently, there is a maximum of 60 hours total, regular and overtime, for any one week and a maximum of 120 hours, regular and overtime, for any 2-week pay period. There is no question that in order to do our jobs properly staff must be reasonably rested. Since the care and safety of our consumers is our primary concern, we believe that any work in excess of these parameters can result in staff being too tired to perform their jobs in a satisfactory manner and, therefore, can place our consumers in jeopardy.

3.5 Meals and Breaks

Meal Periods: Staff is expected to eat meals in the residence with the consumers at the designated meal times. Food is available and provided by the Agency. Food may not be brought into the residence from outside.

Exempt staff must take a minimum of 30 minutes for lunch. Meal periods are excluded from overtime calculations for non-exempt staff. Meals and snacks are available at no cost to direct care workers in the community residence programs during their work hours.

The Agency may choose to accommodate employees for short periods of rest during their working hours, consistent with workload and consumer requirements. All breaks should be authorized in advance by the employee's Manager so that appropriate coverage can be arranged. Breaks are not allowed if coverage cannot be arranged. Breaks are paid and should not exceed 10 minutes in length and consumers can never be left alone. Breaks, of extended unauthorized lengths, or abuse of the break period policy, are not acceptable. Employees who smoke are not entitled to additional breaks or time off to smoke, beyond that of other staff.

3.6 Provisions for Staff Transportation and Meals

Meals are available to residential employees when on duty at no charge.

Agency vehicles should be used solely to transport residents or for other work-related purposes. Employees are not allowed to utilize Agency vehicles for personal reasons without prior approval of the Executive Director or the Director of Program Services. In the case of personal use of an Agency vehicle by the Executive Director, the Board of Directors shall give approval.

- All requests and approvals must be in writing. Personal use without written approval is grounds for disciplinary action.
- Employees will be charged at the current rate per mile for authorized vehicle usage.

In such cases where employees are required to use their own vehicles for travel other than to and from their assigned work stations, the Agency will reimburse the employee at the current rate per mile. Employees must maintain adequate insurance coverage on their vehicle and must provide a copy of their insurance card to the Director of Human Resources for inclusion in their personnel file.

Agency gasoline credit cards may not be used for personal vehicles under any circumstances. Employees who violate this policy will be subject to termination of employment.

Agency vehicles may not be driven under any circumstances by employees whose driver's licenses are suspended, revoked, or restricted. Failure to adhere to this rule will result in termination of employment.

3.7 Travel Reimbursement

When employees are required to travel in connection with a work assignment or training, they will be paid for time spent traveling from the point-of-departure to the training site,

provided the point-of-departure is not the employee's residence. Payment of wages during this period will be made according to the following:

Example	Counted as work time
Employee travels from home to training site	No
Employee travels from training site to work site	Yes
Employee travels from work site to training site	Yes
Employee travels from training site to home	No

Non-exempt employees will be paid for all hours spent in training. If training hours plus working hours exceed 40 hours per week, the employee will be reimbursed at time and one-half for all hours over 40.

If a non-exempt employee travels away from the employee's community to attend a conference or other job related site, the employee will be paid for each day as if it were the employee's work day.

If an employee normally works a 9 hour shift, the employee will be paid for 9 hours work while attending training or conference whether or not it is a normally scheduled work day.

Non-exempt employees who normally work Sunday through Wednesday and who attend a conference on Thursday and Friday will earn overtime for hours spent at the conference in excess of forty (40) hours.

4. Attendance and Leave

4.1 Paid Time Off (PTO)

We believe that employees should have opportunities to enjoy time away from work to help balance their lives. Excellent deliver of services to our consumers is demanding and proper rest increases our employees ability to deliver services consistently. The Agency recognizes that employees have diverse needs for time off from work. The Agency has established this paid time off (PTO) policy to meet those needs.

Full time employees other than contractual persons and the Executive Director will be credited 6.67 hours per pay period for the first two pay periods of each month for a maximum of 160 hours (20 days) per calendar year. For the months with three pay periods, you will not receive paid time off accruals for the third pay period. This calculates as follows:

$$6.67 \text{ hrs} \times 24 \text{ pay periods} = 160 \text{ hours (20 days)}$$

Any carry-over from the previous year, plus any longevity leave will be credited to your accrual account on the first payroll of January each year.

Employees may not use Paid Leave that has not yet been earned/accrued. Recognizing, however, that extenuating circumstances may occur, the Executive Director has the discretion, upon staff request, to make individual exceptions to this Policy for employees who have completed 2 years of continuous service with the Agency and who are considered to be in good standing with the Agency. The Agency defines “good standing” as:

- ✓ Having no violations of its code of conduct, and
- ✓ Having an acceptable attendance record.

Employees with four or more years of service will earn additional Paid Leave, as follows:

Full-time employees will be credited with eight (8) hours (1 day) of paid leave on January 1 of the year following completion of four years of service, and an additional eight (8) hours (1 day) for each succeeding year up to a maximum of 40 hours (5 days).

An employee with four years of service will have 168 hours (21 days) of paid leave for 2002; with five years, 176 hours (22 days); with six years, 184 hours (23 days); with seven years, 192 hours (24 days); and with eight years, 200 hours (25 days).

Paid leave may be used to cover absences for any reason. Typical uses include, but are not limited to: vacation, personal business, holidays, serious illness or death in the family, and child emergency care.

All employees may carry-over (save) 5 days (40 hours) of paid leave from one year to the next to a maximum additional accumulation of 10 days (80 hours).

All full-time, direct-care professionals may elect to receive payment for (rather than use or carry over to the next year) a minimum of 20 hours and a maximum of 40 hours of unused leave. It is necessary to have a minimum balance of 20 hours after the proposed buy-back. This benefit is only available to full-time, direct care professionals. Employees wishing to participate must elect to do so by the preceding July 1.

Except in unforeseen circumstances (emergency or sudden illness), the use of paid leave is subject to advance approval by the employee's supervisor and the limitations contained in the Agency's Call-In Policy for Absences. Employees wishing to use paid leave should submit a written request in advance (preferably at least one week before the intended absence) to the appropriate supervisor, using Form P-15, Request for Time Off. Where employees ask for the same time period off, approval will be granted on the basis of seniority.

At the Agency's discretion, advance payment may be made for Paid Leave which will be used as vacation. Such payment will be made no earlier than the payday immediately preceding the vacation period.

Upon separation from employment, eligible employees will receive a pro-rata payment for each month worked in the fiscal year (minus any Paid Leave used) and payment for any "carry-over" balance accumulated provided the requirements are met (See Section on Resignation and Termination).

Except as noted below (See "Exceptions"), full-time employees with three (3) or more years of service who have exhausted their Paid Leave credits may be entitled to additional Paid Leave of up to two weeks for illness requiring hospitalization. In order to qualify, the employee must be admitted as an in-patient and the hospitalization must be for a minimum of 48 consecutive hours (2 days).

For employees with a work-related disability or illness, coverage will be provided under Workers Compensation (See Section on Workers Compensation).

In the event an employee, after having used all of his/her Paid Leave, is faced with a personal or family medical crisis that would cause the employee to be out of work without pay, other employees may donate a portion of their unused Paid Leave to the employee in need. Donations may be made only between employees who are paid on the same pay basis; that is, hourly staff to hourly staff, or salaried staff to salaried staff. The employee receiving the donation will be paid at his/her usual rate of pay. The employee(s) making the donation will do so in writing and reduce their paid leave balance by the number of hours donated. It is understood that any Paid Leave hours that are donated will not be returned to the donor.

Employees who resign from their position with appropriate notice (minimum 2 weeks for direct care professionals and a minimum 4 weeks for exempt employees) will

receive payment for any Paid Leave that they have accumulated. Employees who are terminated from their position or who resign with less than 2 weeks notice will **not** be paid for any Paid Leave that they have accumulated.

4.2 Family Medical Leave (FMLA)

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

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

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as is practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.

Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

4.3 Holidays

Holidays:

The following days (10) are observed as holidays by the Agency:

- New Year's Day
- Martin Luther King Day
- Founder's Day (3rd Monday of April)
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day and the day after
- Christmas Eve
- Christmas Day

Residential program employees and non-exempt employees, who are required to work on any of the holidays specified above will be paid at a rate of time and one-half for hours actually worked that day. Residential program employees and non-exempt employees, who are required to work on any holiday specified above, but requests and obtains the day off, may do so as an unpaid day. In this instance, PTO may be used for the time to be paid.

If an exempt employee is scheduled to work any of the above holidays, an additional day will be credited to the employee's paid leave accruals. Similarly, if a holiday falls within an exempt employee's approved paid leave period, the employee will be entitled to an additional day off.

4.4 Birthdays

Full time employees are given their birthday off and are encouraged to take the time off on the day of their actual birth date. They may take the entire shift off regardless of the number of hours that the shift covers.

If the employee is not scheduled to work on his/her birthday, or if the employee wants to take a different day than his/her actual birthday, then he/she may take another workday, with the approval of the program supervisor, within 30 days of the birthday. If the staff fails to take the time in the 30-day period, he/she will give up the right to use the time.

If a non-exempt employee chooses to take off a day other than his/her birthday, the number of hours available will be the number of hours contained in the shortest weekly work shift.

Some examples:

If employee A's birthday falls on August 27 and she is scheduled to work 12 hours that day, she gets 12 hours of time off duty if she takes the day off.

If employee B's birthday falls on August 27 and he is not scheduled to work on that day, and he typically works three 12 hours shifts, then he will get 12 hours off duty on another day of his choosing, with supervisory approval, and that day must be taken within 30 days of the actual date of his birthday.

However, if employee B is typically scheduled to work a four day work week, with one or more of the shifts in that week of 8 or fewer hours, he will be able to take off a day of his choosing, with supervisory approval and within 30 days of the actual birth date, but only up to 8 hours may be used as personal holiday birthday time.

4.5 Late Arrivals

An employee who arrives late will be given a 15 minute grace period from the start of the shift. If the employee arrives after the grace period, the tardiness will be treated as an unauthorized absence and reported to the residence manager or, if unavailable, the administrator-on-call.

IMPORTANT: If consumers are present, no one is ever to leave a program without first being relieved by other staff (unless they have received permission to do so from a supervisor). The employees on-duty must wait for the on-coming shift to arrive.

4.6 Call-In for Absences

Employees who are unable to report for their scheduled shift due to illness, injury, or other emergencies are required to inform supervisory staff in advance of their absence. Employees should give as much advance notice as possible so that adequate coverage can be arranged.

- Employees who are unable to report to their scheduled residential shift due to illness, injury, or other emergencies are required to inform supervisory staff at least eight (8) hours in advance of their shift to allow adequate time for alternative coverage to be arranged.
- The employee calling out for their shift should first attempt to contact their residential manager or designee. If the manager or designee is unavailable, or it is outside of regular business hours (Monday through Friday from 9am- 5pm), the employee should contact the administrator-on-call.
- The employee should not leave messages on answering machines, since arrangements need to be made for coverage of the employee's shift.
- Failure to call in at least eight (8) hours in advance of a scheduled shift will result in an unauthorized absence for which the Agency reserves the right to request supporting documentation. Additionally, employees will not be able to utilize their accruals for any unauthorized absence.
- Employees must personally call in to report their absence. Except in extreme emergencies, calls from an employee's friends, relatives, etc. will not be accepted, and this call-in will be classified as unauthorized.

Failure to call in and failure to report for duty may result in disciplinary action, including termination, for an unauthorized absence. The Director of Program Services and/or the Executive Director have the authority to initiate such action.

Unauthorized absences are not covered by paid leave. An employee failing to report for duty without calling in as required will not be allowed to use paid leave for the absence. Unscheduled absences on weekends may not be chargeable to paid leave credits without acceptable documentation.

Frequent unscheduled absences, particularly on weekends, will result in severe disciplinary action, even termination of employment.

Excessive absenteeism and tardiness are matters of concern and depending upon their frequency and severity will subject an employee to disciplinary action.

4.7 Personal Leave Of Absence

The Agency will allow an employee to take a personal leave of absence provided the reason for the leave is acceptable to management.

A personal leave of absence is defined as an officially approved temporary suspension of employment of up to six months, initiated at the employee's request. The employee's name remains on the payroll and their seniority remains intact, but they do not accrue any paid leave while on leave from their position.

In order to be eligible for a personal leave of absence, an employee must have completed at least two year's continuous service with the Agency.

An employee seeking a personal leave of absence must submit a written request, stating the purpose and beginning and ending dates of the leave. The request should be submitted through the employee's supervisor to the Director of Program Services.

An employee on a personal leave of absence will give the Agency at least 2 weeks notice of his/her intention to return to work and will comply with Agency policy regarding return to work.

An employee failing to report to work on the first working day following the expiration of the leave will be considered to have voluntarily resigned. If an employee does not return to work following a personal leave of absence, the termination date will be the last day worked.

During the first month of a personal leave of absence, an employee may continue participation in the Agency's health and dental coverage programs by paying his/her share of those programs which require an employee contribution. Following the first month of leave, the employee will be responsible for the full cost. Information and instructions on continuation of medical and dental benefits will be made available to the employee on or about the time the leave of absence begins.

Employees are ineligible for holiday pay while on a personal leave of absence.

If it is not realistic for the workload of the employee on leave to be absorbed by other employees, the Director of Program Services will determine this and notify the Personnel Director that, when a personal leave of absence is approved, a temporary or replacement employee will need to be placed in an "acting" role.

The normal salary review dates of employees on a personal leave will be adjusted by the amount of time on leave.

Only one personal leave of absence will be allowed each employee in any 3-year period beginning with the date of the leave.

4.8 Jury, Bereavement, and Military Leave

Jury Duty

- An employee who is summoned to perform jury duty is required to show his/her summons to the Personnel Department.
- The employee will be paid by the Agency for absence due to jury duty for each of the first three (3) days of service that occur on the employee's regularly scheduled workday.
- Beginning with the 4th day of jury duty, the court will pay the daily juror fee. Full-time employees with paid leave credits may charge their absence to paid leave, if available.

Bereavement Leave

- Employees will be granted up to 5 days of paid bereavement leave to attend to family affairs upon the death of members of their immediate family: a spouse, child, sibling or parent.
- Employees will also be granted 1 day of paid bereavement leave in the event of the death of a grandchild, grandparent, or in-laws.
- A valid "proof of death" may be requested from the employer.
- Proper notification should be given to the employee's supervisor as soon as possible so that the supervisor can ensure coverage while the employee is absent. No loss of paid leave will occur as a result of an employee's use of bereavement leave.

Military and Reserve Leave

Statement of Compliance - ALG recognizes the importance of military service and complies with all federal and state regulations relating to military leaves and reserve leaves of absence. The Agency shall grant an employee time off for active duty in the armed forces of the United States or to attend training duty in the National Guard or military reserves.

Notification - An employee must give the employee's Manager a minimum of 30 days advance notice of military reserve leave. Advance notice of military leave is also required and, where possible, a 30-day advance notice is requested. Employees are encouraged to provide a copy of the notice sent by the military unit.

Benefits during Military Leave - During a military leave of absence, an employee shall retain and accrue any Agency-sponsored benefits that are tied to seniority. The employee is also allowed to participate in the health insurance plan and other Agency-sponsored

benefits that are not determined by seniority to the same extent as an employee who is granted a leave of absence. The employee must meet the eligibility requirements of each benefit plan in order to participate in the benefit.

Return from Military Leave - In accordance with federal and state regulations, an employee may retain certain rights relating to reinstatement, seniority, status, length of service promotions, and compensation upon return from military duty. If an employee is separated from uniformed service with a dishonorable or bad conduct discharge, his or her rights to reemployment and other protections under federal regulation end. An employee returning from a leave of absence of greater than 30 days may be required to document re-employment eligibility.

Compensation for Exempt Employees - In accordance with federal regulations, an exempt employee who is on a military leave or reserve leave for any partial workweeks is paid the employee's regular salary for those workweeks. Any military pay received is deducted from the employee's salary. An exempt employee is not paid for any workweeks in which no work is performed for the Agency. An employee may request to use accumulated vacation leave during the absence.

Compensation for Non-Exempt Employees - Military leave and reserve leave is without pay for a non-exempt employee. An employee may request to use accumulated vacation leave during the absence.

4.9 Leave for Spouse of Member of the Armed Forces

An employee who is the spouse of a member of the armed forces of the United States, National Guard, or Reserves, must be allowed up to 10 days of unpaid leave when the employee's spouse who has been deployed during a period of military conflict to a combat theater or combat zone of operations is on leave from such combat service.

4.10 Blood and Bone Marrow Donation Leave

It is the Policy of The Alternative Living Group, Inc. to comply with New York State Labor Law regarding blood and bone marrow donations. An employer must, at its option, either:

- grant at least one leave of absence (up to 3 hours) in any calendar year to an employee who seeks to donate blood or bone marrow; or
- allow its employees without the use of accumulated time to donate blood during work hours at least two times per year at a convenient time and place set by the employer, including allowing an employee to participate in a blood drive at the employee's place of employment.

Leave granted to employees for off premises blood or bone marrow donation is not required to be paid leave. Leave taken by employees at an Agency-designated donation alternative (such as an employer sponsored drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated paid leave or other leave time.

Employees are required to give reasonable notice, i.e. 3 or more days, to their supervisor of their intent to take leave to donate blood or bone marrow.

4.11 Right of Nursing Mothers to Express Breast Milk

ALG complies with New York State Labor Law.

An employer shall provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to 3 years following the birth of her child. The employer shall make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy.

No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace. An employee wishing to avail herself of this benefit is required to give her employer advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the employer an opportunity to establish a location and schedule leave time among multiple employees, if needed. "Reasonable unpaid break time" to express breast milk shall be defined generally as no less than 20 minutes and no more than 30 minutes depending upon the designated location.

In most situations, employers are required to provide unpaid break time for the expressing of breast milk once every three (3) hours if requested by the employee. At the employee's option, the employer must allow her to work before or after her normal shift (during the employer normal work hours) to make up for the unpaid break time.

5. Training

5.1 Conferences and Seminars

Full-time employees may attend job-related conferences and seminars at Agency expense, and at regular pay, after completing one year of service, provided funds are available.

Employees should discuss the conference agenda and share seminar literature with their supervisor prior to making any attendance commitments.

The supervisor will determine, in conjunction with the Director of Program Services, the appropriateness of the course in relation to the employee's job and whether or not funds are available within the supervisor's approved spending plan.

Employees may be asked to provide in-service training on the topic of the conference or seminar.

5.2 Training Requirements

Direct care employees are required to attend staff training provided by the Agency. Certification in some courses is a necessary prerequisite to regular employment status. These mandatory courses include but are not limited to fire safety, first aid/cardio-pulmonary resuscitation (CPR), medication administration, daily living skills, goal planning, strategies for crisis intervention and prevention (SCIP), overview of mental retardation and developmental disabilities, and consumer rights, abuse prevention and incident reporting.

Consistent with its mission to serve individuals who are from ethnically and/or culturally diverse backgrounds, the Agency periodically conducts cultural diversity training for all of its employees.

Employees must notify the Director of Personnel and their regular supervisor immediately upon receipt of a notice of scheduled training, if they will be unable to attend. In some instances, alternative scheduling can be arranged with the Director of Personnel. Training attendance and satisfactory completion of training can be considered in performance appraisals and in salary increase and promotion decisions.

If a scheduled training session is missed, it will be the employee's responsibility to contact the Director of Personnel to reschedule. If the rescheduled course is at a time that is inconvenient for the employee, the employee will be expected to adjust his/her personal schedule to attend the training session.

Employees who are scheduled for training will be guaranteed their scheduled number of hours at their current rate of pay. That is, training scheduled during an employee's scheduled work hours will not result in any loss of income.

For non-exempt employees, training scheduled over and above their scheduled number of hours will be compensated at the State minimum wage rate. Exempt employees who are scheduled for training outside of their scheduled working hours will be granted compensatory time-off, to be taken during the same week as the training. An exception to requiring an employee to take time off during the same week as the training may be made by the Director of Program Services in order to meet workload requirements.

6. Grievance and Discipline

6.1 Disciplinary Procedure

In dealing with performance or misconduct problems, the Agency ordinarily will follow where applicable the disciplinary procedures outlined herein. However, the use of these procedures is not intended to constrain the Agency from invoking its “employment at will” policy which provides that any employee whose employment is not governed by the terms of a written contract may be terminated at anytime at the discretion of either the Agency or employee.

When an employee is charged with any criminal offense, the employee may be removed from his/her area and duties. Depending upon the nature of the charge, the employee may be subject to immediate suspension pending the outcome of the charges. Please be reminded that ALG is an “at will” employer. In addition, it is the responsibility of all staff to notify management, at their earliest possible convenience, if they are arrested for any reason. Failure to do so will result in immediate termination.

6.2 Grievance Procedure

A grievance is an employee’s allegation that there has been an arbitrary act, or failure to act, in accordance with Agency policies, rules, regulations, and procedures related to the terms and conditions of his/her employment.

When an employee objects to or questions the manner in which policies, rules, regulations, and procedures are implemented, the employee is encouraged to discuss the concern with his/her supervisor. When this discussion occurs it is considered to be an informal grievance. If such discussions fail to resolve the complaint, the employee shall be entitled to seek a formal review of the grievance in accordance with Agency policy and procedure. Please contact your Manager or the Director of Human Resources to proceed with formal grievance procedures.

7. Medical and Disability Benefits

7.1 Benefits Summary

ALG is pleased to offer employees a comprehensive benefits package. Eligibility for benefits is dependent upon several factors, including employment classification and length of service.

Benefits are administered according to applicable government regulation, insurance carrier master policy, plan document, or Agency policy. In the event of a discrepancy between the information presented in this employee handbook and the applicable plan document, the plan document takes precedent. In addition, the Agency has the authority to determine eligibility for benefits and to interpret the terms of each plan.

The Agency reserves the right to add, modify, or terminate benefits for all current, former, and retired employees at any time. Further, all Company contributions are subject to change.

The Executive Director serves as the Plan Administrator of the Agency's benefits plans. The Plan Administrator is responsible for all communications and disclosures concerning Agency benefits and is available to answer questions concerning the benefit plans. Enrollment forms and a description of each of the insurance plans may be obtained from the Plan Administrator or the Human Resources Department.

An employee must complete the appropriate insurance forms and payroll deduction authorizations in order to receive insurance benefits. An employee who is eligible to participate in an insurance plan but who declines coverage must sign a waiver declining such coverage.

If an employee's employment classification changes or the number of hours normally worked per week falls below eligibility requirements, the employee shall be notified of any additions, deletions, and/or changes in Agency benefits. This notification will include all legally mandated information regarding COBRA health insurance continuation and other insurance conversion options, if applicable.

The following is a brief description of the benefits available to eligible employees. This description is only an overview. The applicable plan document or government regulation provides a full description of the specific benefit.

7.2 Health and Dental Coverage

Health benefits coverage is provided to eligible employees through policies purchased from commercial providers and/or insurers. Employees are offered opportunity to choose

from up to three (3) plans, initially upon becoming eligible for coverage and annually during an open-enrollment period.

Full-time employees are eligible to apply for health insurance, upon completion of their 90-day probationary period. Health insurance coverage will begin the first of the following month, provided the appropriate application has been processed. The Human Resources Department will advise eligible employees concerning the application procedure.

Important: Employees who fail to complete and submit their application within 30 days of becoming eligible will lose their eligibility for coverage and may not apply again until the following open-enrollment period.

Where an employee's spouse is covered by health benefits, it is suggested that one plan, (the best plan) be chosen by the family to avoid the problems and costs associated with duplication of coverage.

Dental benefits are provided through a policy purchased from a commercial provider or insurer.

Full-time employees become eligible for dental insurance on the first of the month following completion of 90 days of service from their date of hire. Employees will receive their enrollment identification cards, if applicable, within 6 weeks after their enrollment.

Individual health and dental coverage is provided at a small cost to the employees. The Agency pays 95% of the lowest priced premium and the employee pays the remainder. For other HMO plans, the employee pays the difference between what the Agency pays for the lowest priced plan and the plan of their choice. For family and two-person coverage, the Agency subtracts the cost of the lowest priced individual plan from the cost of family or two-person plan, and the difference in price is then split 50/50 between the employee and the Agency. (This is subject to change by the Agency.)

Employees wishing to change coverage or change the name on the coverage due to marriage, separation, divorce, birth, adoption or death, must inform the Human Resources Department within thirty (30) days of the specific action or event. Otherwise, employees may add, cancel or make changes during the annual open enrollment period.

Employees who go on disability leave or family medical leave may elect to continue medical and dental coverage through the Agency group plan under the following conditions:

If electing to continue coverage, the employee will continue to pay his/her share of the premium, as follows:

- Disability leave: for up to twelve (12) weeks following exhaustion of paid leave or receipt of the last pay check.

- Family medical leave: for the duration of the family medical leave (up to 12 weeks annually).

Payment arrangements will need to be made with the Director of Finance.

Following completion of the initial twelve (12) weeks, if the employee is still on leave and wishes to continue coverage through the Agency group policy, the employee will need to pre-pay both the Agency and employee share (or 100%) of the monthly premium.

7.3 COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) allows employees, their spouses, and dependents, who would otherwise lose their health and/or dental insurance coverage, the right to continue existing coverage at group rates under certain qualifying conditions.

An individual is a “qualified beneficiary” and eligible for COBRA continuation if the individual is covered under a group health and/or dental insurance plan on the day before a qualifying event as either a covered employee, the spouse of a covered employee, or a dependent child of a covered employee. A child who is born to, or placed for adoption with, the covered employee during a period of COBRA coverage is also a qualified beneficiary.

A qualified beneficiary who elects COBRA is responsible for the entire cost of the insurance premiums. ALG also adds up to a 2% administrative fee.

7.4 New York State Disability

New York State Disability Benefits are temporary cash benefits payable to eligible wage earners when they are disabled by an off-the-job injury or illness.

Generally, individuals are eligible who are working for, or have recently worked for, an employer insured by the plan, regardless of their employment status.

Benefits:

- Cash benefits are 50% of an employee’s average weekly wage, up to the state limit. The calculation is based on the employee’s last 8 weeks of employment, not counting week of disability if its inclusion would lower the benefit rate.
- Benefits are payable for a maximum of 26 weeks of disability during 52 consecutive weeks.

- For employed workers, the first 7 days of an employee's disability are considered to be a waiting period for which no benefits are paid. Benefit rights begin on the employee's eighth consecutive day of disability.

Application procedures:

- It is the responsibility of the employee who becomes disabled to obtain a Disability Benefits Claim (Form DB-450) with the Human Resources Department. This form may also be obtained from the employee's personal physician or from any Worker's Compensation Board Office.
- Promptness in filing the form is imperative because delays may cause missed benefits. There is no cost to the employee for filing for disability benefits.

7.5 Workers' Compensation

In compliance with New York State law, the Agency is a participant in the New York State Worker's Compensation program which is administered by the Workers' Compensation Board.

Eligibility is extended to all employees, regardless of their employment status, who become disabled because of an injury or illness related to their job.

Benefits:

- **Medical Care:** The eligible worker is entitled to all required medical care as specified by the New York State Workers' Compensation Board.
- No cash benefits are paid by the NYS Workers' Compensation Board for the first 7 days of disability, unless the disability extends beyond 14 days. In that event, the employee will receive two-thirds of his/her average weekly wage up to a maximum benefit of \$350.00 per week.
- For a disability which does not extend beyond 14 days, cash benefits will be paid by the Agency. In such cases, the employee will receive full salary for the first 7 days and one-third of his/her average weekly wage for any days beyond 7.

NOTE: Employees will be paid for time spent obtaining medical treatment upon onset of illness or injury.

An employee who experiences a work-related injury or illness, regardless of how minor, during regular office hours should notify his/her supervisor immediately. If the injury or illness occurs after regular office hours and requires that the employee seek medical treatment beyond simple first aid, the employee should notify the on-call administrator.

The supervisor shall notify the Personnel Department by next business day to ensure that the appropriate Workers' Compensation forms are prepared and filed.

When receiving medical treatment for a work-related injury or illness, the employee should inform the medical treatment personnel that the injury or illness is work-related and will be the subject of a workers' compensation claim. The employee should advise the medical treatment personnel to contact the Main Office for Workers' Compensation insurance carrier information. Employees should not give out their personal medical group or identification number.

There is no cost to employees for medical treatment of injuries or illness covered under Workers' Compensation.

7.6 Profit-Sharing Plan

All employees, full or part-time, are eligible to participate in the Agency's pension plan. Eligibility begins on either January 1 or July 1 after you have completed one year of continuous service with ALG. Employees may also fund their own Roth IRA, regardless of their length of service. For information, contact the Accounting and Finance Office.

The Agency has a 403-B Pension Savings Plan in addition to the Profit-Sharing Plan. With the 403-B Plan, you can start almost immediately building wealth for your golden years.

Below is a table comparing and contrasting both plans we offer. You are able to have both plans working for you!

	<u>403-B</u>	<u>Pension Plan</u>
When am I eligible?	Upon completion of 90 day probationary period	You must have 1 year of service as of January 1 st or July 1 st of the plan year.
Does Agency contribute?	No	Yes- A tiered contribution based upon length of service
Penalties for withdrawal prematurely?	Yes – 10%	Yes – 10%
How are contributions classified?	Pre-Tax	Company contributions – Pre-Tax Employee contributions – After-Tax
Are there contribution limits?	IRS approved annual limit	IRS approved annual limit
A minimum to contribute each time?	No	No

7.7 Life Insurance

ALG provides life insurance coverage to employees who are regularly scheduled to work 20 or more hours per week. Coverage is provided in the amount of \$10,000 and at no cost to eligible employees. Employees may enroll upon hire or during an annual open-enrollment period. A 90-day waiting period applies before coverage begins. Enrollees may also elect to purchase additional coverage through payroll deduction for themselves, their spouse and/or dependent children.

7.8 Health Reimbursement Account

All regularly scheduled employees are allowed to submit their eligible out-of-pocket medical expenses up to a preset dollar limit through the Health Reimbursement Account. Staff must enroll in order to be eligible for reimbursement.

The following rules apply to the HRA funds:

- In order to be eligible, an employee **MUST** have a regularly scheduled job of at least one hour per week. Therefore, persons who are strictly relief are not eligible.
- If you are separated from employment either voluntarily or involuntarily, your access to reimbursements ends on your last workday. In other words, you must be employed on the date you file a claim, regardless of when it was incurred.
- If you reduce your hours below a regularly scheduled job of at least one hour per week, you forfeit any remaining balance in your account. So if you change to strictly as relief staff, you are not eligible to participate any longer. If and when you return to regularly scheduled employment, you will be treated as a new employee, and will be eligible for new funds on January 1 of the following year. However, you will not have the forfeited funds reinstated.
- You must be an employee on January 1 of the plan year to be able to participate. If hired after that date, you must wait until the subsequent year to be eligible.
- There is NO 'use it or lose it' factor. If you do not use the funds for a given year, they roll forward and are added to the next year's money. But remember, if you leave the Agency, you forfeit the balance at that time.

7.10 Employee Assistance Program (EAP)

An Employee Assistance Program is a service or set of benefits that are designed for employees with personal or family problems.

Employees who enter into a counseling program as a condition of retaining their employment with the Agency will be reimbursed up to \$30 weekly of actual, receipted, out-of-pocket expenses to a maximum annual reimbursement of \$300.

This reimbursement is offered as an employee assistance incentive to be made available to employees who are experiencing overwhelming personal problems that are affecting their work quality and productivity and which, if not resolved, may lead to loss of their job.

Arrangements for reimbursement will be made with the Human Resources Department and handled with the confidentiality according to medical matters. For employees with medical coverage, the reimbursement may be applied to reduction of any co-pay associated with the counseling services.

8. Management Practices

8.1 Confidential Information

Each consumer and their correspondent have the right to privacy and the right to confidentiality of records. Employees may not reveal information about the Agency's consumers to individuals not employed by the Agency, except when dealing with other agencies, medical personnel, etc., on matters relating to the consumer.

Documentation and minutes of incidents regarding consumers are maintained at the main office. No employee or other individual may have access to this documentation without confirmed approval from the Executive Director and/or the Director of Program Services.

All Agency business should be treated as confidential. Any inquiries from the news media should be referred to the Executive Director. Employees are not allowed to give comments to reporters.

An employee who violates the confidentiality of Agency consumers or speaks to the news media as a representative of the Agency will be subject to possible disciplinary action, even termination.

All consumer records will be secured in locked cabinets. Access to consumer records is limited to staff who are authorized to view them. Records and consumer specific information will not be left out where they can be viewed by unauthorized persons.

Computers and/or computer systems will be made secure so that unauthorized viewing of information will not occur. Computer disks will be kept secure.

Inactive files and records will be maintained as outlined in the Agency's Policy and Procedure Manual, under the heading Record Retention Policy. Each department or facility will store records that are not in use as active consumer files. Arrangements will be made by the Agency administration to have inactive files brought to the off-site storage facility on an annual basis.

8.2 HIPAA

This is a brief overview of staff requirements concerning protection of the privacy of Agency consumers' health information. These requirements are based on federal law and rule under provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). For reference and further information, consult the Agency's Privacy Policies and Procedures Manual, copies of which are maintained in the Main Office and at the consumer residences.

The federal Department of Health and Human Services has published comprehensive regulations that implement and enforce certain requirements of HIPAA with respect to the privacy of individually identifiable health information; these regulations are referred to as the HIPAA Privacy Regulations. These regulations complement, rather than replace, existing federal and state privacy laws affecting our consumers. Our implementing policies and procedures required under the regulations prescribe certain requirements that staff members must follow when using or disclosing consumers' individually identifiable health information. (The term "staff members" refers to Agency employees, its independent contractors, Board members and volunteers.)

The Alternative Living Group's Privacy Officer is Director of Quality Assurance. This person can be reached in the Main Office at 500 New Karner Road, Suite 3, Albany, NY or by calling (518) 374-0053 Ext 325.

8.3 Consumer Rights

Employees are responsible for encouraging and assisting consumers to exercise their rights. These rights are guaranteed by regulation and include:

- a safe and clean environment
- freedom from abuse
- freedom from corporal punishment
- freedom from unnecessary physical and/or chemical restraint
- freedom from exploitation
- confidentiality with respect to information in the record
- a written plan of service
- opportunity to participate in the plan's development
- opportunity to object to and/or appeal any aspect of the plan
- provision of meaningful and productive activities
- services from staff who are adequately trained
- appropriate and human health care
- freedom to express sexuality
- participation in religious activities
- the right to vote
- freedom from discrimination based upon HIV status
- use of personal money and property
- a balanced and nutritious diet
- an adequate and appropriate supply of clothing and hygiene supplies
- a reasonable degree of privacy
- storage space for belongings
- opportunity to request an alternative residential setting
- opportunity to make complaints/express grievances
- opportunity to have visitors and to communicate freely with others
- opportunity to execute a "do not resuscitate" order/health care proxy

*excerpted from State Office of Mental Retardation and Developmental Disabilities review guidelines.

8.4 Consumer Abuse

All allegations of consumer abuse are reportable to the NYS Office of Mental Retardation and Developmental Disabilities (OMRDD). Employees must report any and all suspected cases of consumer abuse to their immediate supervisor or administrative on-call person immediately so that appropriate action can be taken.

For the purpose of this policy consumer abuse will be defined herein in terms of physical, psychological, and sexual abuse. (Refer to OMRDD regulations for further definitions including seclusion, unauthorized or inappropriate use of restraint, etc.)

Consumer abuse is a serious reportable incident. Any employee who engages in or witnesses consumer abuse must report it immediately to their immediate supervisor or administration on-call person. Failure to report immediately suspected cases of consumer abuse will result in the employee's termination. Any employee who intentionally withholds pertinent information regarding the maltreatment of any consumer will be terminated.

Abuse Definitions:

- Abuse is generally defined as the maltreatment or mishandling of a consumer which would endanger the physical or emotional well-being of the consumer through the action or inaction on the part of any individual including an employee, volunteer, consultant, contractor, visitor, or other persons, whether or not the consumer is or appears to be injured or harmed.
 - ✓ The failure to exercise one's duty to intercede on behalf of a consumer also constitutes abuse.
 - ✓ An allegation of consumer abuse will be reported in specified format and subject to review by the DDSO. (See the ALG Policy and Procedures Manual for further information on the reporting, investigation and review of allegations of abuse.)
- Sexual abuse is generally defined as sexual activity between employees, consultants, contractors or volunteers and consumers. Any sexual activity between consumers and others or among consumers is considered sexual abuse, unless the involved consumers are consenting adults.
 - ✓ Sexual abuse includes any touching or fondling of a consumer directly or through clothing for the arousing or gratifying of sexual desires, including causing a consumer to touch another person for the purpose of arousing or

gratifying personal sexual desires. (For further information, see the ALG Policy and Procedures Manual: Human Sexuality Policy.)

- Psychological abuse is generally defined as the use of verbal or non-verbal expression in the presence of one or more consumers that subjects the consumer(s) to ridicule, humiliation, scorn, contempt or dehumanization, or is otherwise denigrating or socially stigmatizing. In addition to language and/or gestures, the tone of voice, such as that used in screaming or shouting at or in the presence of consumers, may in certain circumstances, constitute psychological abuse.
- Seclusion is generally defined as the placement of a consumer in a secured room or area from which he/she cannot leave at will is considered to be “seclusion,” not a time-out. Seclusion is considered to be a form of consumer abuse and is therefore prohibited.
- Unauthorized or inappropriate use of restraint is generally defined as the use of a device to restrain the consumer without the written, prior authorization of a physician.
 - ✓ The intentional use of medication to control a consumer’s behavior that has not been prescribed by a physician for that purpose is considered to be an unauthorized use of restraint. The Agency nurse must be informed when a psychotropic/controlled medication ordered by a physician on a “PRN” basis is administered.
 - ✓ Inappropriate use of restraint will include, but not be limited to, the use of device(s) or medication for the convenience of staff, as a substitute for programming, or for other disciplinary purposes.
- Neglect is generally defined as a condition of deprivation in which consumers receive insufficient, inconsistent or inappropriate services, treatment, or care to meet their needs; or failure to provide an appropriate and/or safe environment for consumers. Failure to provide appropriate services, treatment or care to a consumer by gross error in judgment, inattention, or ignoring may also be considered a form of “neglect.”
- Unauthorized/inappropriate use of aversive conditioning is generally defined as the use of a behavior modification when involving the use of stimuli or events considered being intrusive and extremely objectionable, unpleasant, uncomfortable, noxious or painful to the consumer.
 - ✓ Such techniques are considered unauthorized when not established through a program plan and approved by professional staff.
 - ✓ Inappropriate use of aversive conditioning also will include, but not be limited to, the use of the technique for the convenience of staff, as a substitute for programming, or for disciplinary purposes.

- Unauthorized/inappropriate use of time-out:
 - ✓ A time-out is generally defined as a period of time when the consumer is removed from or denied the opportunity to obtain positive reinforcement in accordance with acceptable behavior management techniques. When in time-out, a consumer will be under visual or auditory contact and supervision. If a time-out area is designated, normal egress from that area can be prevented only by the direct physical action of appropriately trained staff when such action is designated in a written plan.
 - ✓ Unauthorized use of a time-out is generally defined as the use of time-out without a written plan approved by the appropriate professional staff, including (but not limited to) the use of the technique for the convenience of staff, as a substitute for programming, or for disciplinary purposes.
 - ✓ The exceptions to the need for a plan are the isolated emergency situations in which the limited/infrequent use of a time-out area is necessary solely for the protection of a consumer or others.

- The violation of a consumer's civil rights is generally defined as an action or inaction which deprives a consumer of the ability to exercise his or her legal rights, as articulated in state or federal law.

- The mistreatment of a consumer is generally defined as the deliberate or willful determination on the part of a provider Agency's administration or staff to follow treatment practices which are contradicted by a consumer's individual program plan, which violates a consumer's human rights, or which do not follow accepted treatment practices and standards in the field of developmental disabilities.

8.5 Consumer Visits by Former Employees

Many employees, after terminating employment with the Agency, may wish to visit their former work location and continue a relationship with consumers. The experience of similar agencies suggests that such reunions are generally unsuccessful. The difficulty lies not in the positive experience that is shared during such a visit, but in the emotional conflict which many consumers experience when the visitor departs.

Former employees who have voluntarily resigned from their positions with the Agency, and who wish to continue consumer contact, must send a written request to the attention of the Executive Director and suspend all consumer contact until permission has been formally granted.

In reaching a decision on the request, the Executive Director will confer with the consumer (who will be given opportunity to accept or deny the visitation) and supervisory staff of the residence. Decisions will be transmitted to the former employee in writing.

Former employees who were terminated for cause may not continue consumer contact under any circumstance. Former employees are not permitted to visit work locations for the purpose of “visiting” with Agency employees. Agency employees are not allowed to spend work time “visiting” with former employees since this could impact on the quality of services to our consumers.

8.6 Medication Errors

Two types of medication errors are recognized.

a) Administration Errors

Medication Administration Errors – Any mistake involving an individual not getting his/her medications is a violation of the “5 rights” as instructed in the OMRDD Approved Medication Administration Course (right dose, person, drug, time, and route of administration). This Policy will be applicable to all medication administration errors, including those that do not fall under the category of Reportable or Serious Reportable Medication Errors (Part 624), but are reported as an ALG In-House Event on the Consumer Incident/Accident Report form.

b) Administration Procedural Errors

Procedural Errors – A procedural error will be defined as, but not limited to, the following: failure to sign the MAR, failure to sign the blister pack, failure to log in medications on the medication continuation form, failure to receive RN’s approval for administering a PRN medication, failure to count controls, failure to complete the medication verification sheet, failure to properly dispose of medications, pre-pouring medications, and dispensing medication outside of the designated medication area without following procedure outlined in this policy, (Guidelines for Administration of Medication Outside the Medication Cabinet Area).

Commission of either of these two types of errors can, at the discretion of nursing staff, result in either suspension or decertification from administering medications. Each is defined as follows:

- a) Suspension: The temporary discontinuation of an employee’s qualification to administer medications as directed by the Agency’s Health Coordinator RN. The period of suspension depends upon the employee’s ability to prove successful recertification as determined by the directing RN.
- b) Decertification: A permanent discontinuation of an employee’s qualification to administer medications directed by the Agency’s Health Coordinator RN. If directed by the Agency’s RN, an employee may seek recertification by successfully completing a retaking of the OMRDD-sanctioned medication course. In the event of decertification and the retaking of the OMRDD approved Medication Administration

Course, the hourly rate of pay of the decertified staff will be reduced to minimum wage until the staff is recertified by the nurse.

Policies and procedures may also be found in the Medication Administration Policy available at each residence.

8.7 Corporate Compliance Program

The federal government has increased funding to expand its investigation into detecting fraud and abuse in the Medicare and Medicaid programs. As a result, providers of Medicare and Medicaid funded/reimbursed services are coming under increasing scrutiny. Providers found to be not in compliance with Medicare and Medicaid rules and regulations (in effect, engaging in fraudulent or abusive practices, whether intentional or not) face substantial fines, temporary and permanent exclusion from these programs, and even criminal prosecution.

An effective Corporate Compliance Program can help a provider demonstrate that it is doing all that is reasonably possible to comply with rules and regulations, thereby minimizing the potential for misconduct and exposure to liability. For this reason and with the program described herein, The Alternative Living Group, Inc (ALG) has committed itself to implementing a corporate compliance program. With this program, ALG promotes ethical and legal conduct with respect to compliance with federal and state laws, rules and regulations and works to protect the Agency against fraudulent and abusive practices in the provision of services and claims and billings for reimbursement for these services.

Examples of such prohibited practices include:

- Duplicate billing, billing for services not actually rendered, and billing for unallowable costs;
- Insufficient documentation to evidence services actually performed or to support reimbursement;
- Falsified plans of service; and
- Forged physician and other health care providers' signatures.

(Source: Investigative audits, Office of Inspector General, US Department of Health and Human Services)

The Federal Office of Inspector General recognizes seven (7) elements that a comprehensive Corporate Compliance Program should include, but that can be tailored to fit the needs and financial realities of a particular organization. These elements are listed below accompanied by the steps ALG is taking toward implementing them. Each step has

been developed with an awareness of the need to rely upon existing resources as much as possible.

Designation of a compliance officer and other appropriate bodies:

- The ALG Board of Directors will exercise oversight of the Agency's corporate compliance program in consultation with the Agency's Executive Director and Corporate Compliance Officer.
- The Executive Director will be responsible for coordinating development and implementation of the compliance program, including providing for development of the written program description (Corporate Compliance Program described herein) and for conduct of spot audits and risk assessments.
- The Director of Personnel will serve as the Agency's Corporate Compliance Officer, accountable through the Executive Director to the Board of Directors.
- The Director of Personnel will be responsible for developing and conducting employee orientation and training on compliance and for compliance monitoring. The latter responsibility will involve maintaining confidential access and communication with employees on corporate compliance and participating with the Executive Director in investigations and recommendations for corrective actions, rewards and incentives, and/or discipline.

Development of written policies and procedure:

ALG has extensive, detailed written policies and procedures (continually revised and updated) that it uses to guide its provision of services and ensure compliance with regulatory and fiscal requirements and sound accounting practices.

- ALG will engage the services of a certified public accounting (CPA) firm to identify areas of potential compliance risk, determine whether or not these existing policies and procedures address the risks identified and, where they do not, develop policies, procedures and standards of conduct that effectively address the risks.
- A written Corporate Compliance Program description will be developed, incorporating the steps described herein and detailing the mission statement and implementing policies and procedures the Agency will adopt to guide managers and employees toward a corporate compliance ethic and successful implementation of the program in the Agency. The program description will be included in the Agency's Employee Handbook, a copy of which is provided to all employees.

Development and implementation of effective education and training:

- Orientation sessions for new employees and periodic refresher training sessions for all employees will be conducted to educate them on their compliance responsibilities.
- Ethical conduct and compliance with policies and procedures will be promoted and enforced by use of incentives and rewards and, when necessary, the disciplinary procedure.
- Attendance at the orientation and refresher training sessions will be made a condition of continued employment.
- Development and maintenance of effective lines of communication.
- An Agency telephone extension and voice mailbox will be set aside, and advertised, as a confidential “hotline” for report of observations/allegations of non-compliance. The number is currently **518-374-0053 Extension 316**
- To ensure confidentiality, the voice mailbox will be password-protected and accessible only by the Corporate Compliance Officer. Safeguards will be adopted to protect the anonymity of complainants and to protect “whistleblowers” from retaliation.

Enforcement of standards through well-publicized disciplinary guidelines:

- Management and employee accountabilities and responsibilities for complying with prescribed policies and procedures will be made part of employee performance appraisals.
- The benefits/consequences of compliance/non-compliance will be spelled out in the written Corporate Compliance Program description, referenced in the existing disciplinary procedures contained in the Agency’s Employee Handbook, and reinforced through performance appraisal, education and training activities.

Responding to detected offenses and initiating corrective action:

- Where non-compliance is found or suspected that involves a potentially fraudulent activity, the Corporate Compliance Officer and Executive Director will consult with ALG’s counsel to determine the course of action to be taken.
- Counsel will advise on the conduct of an investigation and what to do if fraudulent activity is uncovered, including reporting suspected criminal conduct to appropriate State and Federal authorities and determining the appropriate corrective action, and represent the Agency if it is under government investigation or the target of litigation.

- As necessary, depending on the nature of the non-compliance, outside auditors will be included in the investigation and in consultations on appropriate corrective action.

8.8 Corporate Compliance Audit Procedures

Outside auditors will be engaged on a regular, periodic basis to conduct spot audits and other reviews, as necessary, to ensure continuing compliance and provide for ongoing risk assessment. The Executive Director will present an annual report to the Board of Directors on the status, operation and effectiveness of the Corporate Compliance Program.

Other resources that will be used for corporate compliance monitoring include the regulatory audits the State Office of Mental Retardation and Developmental Disabilities conducts periodically of Agency services and practices, the annual CPA audit of Agency accounting and fiscal practices, and investigations resulting from employee allegations of non-compliance.

To ensure that programs operated by the Alternative Living Group meet regulatory standards, the Quality Assurance Department will conduct periodic audits of programs and documentation. The purpose of these audits is to identify any areas of non-compliance with regulations as well as to identify any other areas that might impact program quality.

Below you will find a table, listing programs and the frequency of auditing that will be performed by the Quality Assurance Department. Each audit will result in documented findings that will be reviewed with each program supervisor. A plan of correction will be developed with identified timelines for completion. Documentation of this plan of correction will be kept by the Quality Assurance Department with copies sent to the program supervisor, Director of Program Services and the executive director.

Audits may be conducted outside of this schedule at the discretion of the Quality Assurance Department, the Executive Director, or the President of The Board of Directors on behalf of the Board of Directors. The Alternative Living Group, Inc. will conduct a risk assessment for its program every two years or as needed.

Program	Type of Audit	Frequency	Notes
Residential	DQM prep audit	Annually 3 months prior to survey for each home.	Program and medical books reviewed. Environmental review. Fire drill logs reviewed.
Residential	Residential Billing review	Quarterly	Random sample of billing for one individual for each residence. Using the 10 point system from OMRDD.
HCBS	Documentation review	Quarterly	Review billing documentation as well as evaluate quality of goals. Random sample of 25% of participants in program.
After School Respite	On site review of program.	Once each semester for each site	
MSC	Review of records	Bi - Annually	10% random sample. Minimum one from each MSC.
Summer Respite	On site review of program	Each Session	Written report generated.

8.9 Corporate Compliance Audit Oversight

Each year, The Alternative Living Group's external auditors, perform two services that are related to and relevant to the overall corporate compliance program. They are as follows:

1. As part of our annual audit, the agency's external auditors perform an Organizational risk assessment for ALG. They assess a wide variety of risks and how they may affect ALG. They document that assessment in their audit work papers. During the process, the auditors will interview key ALG individuals to learn their understanding of the risks and the various processes in place to control or minimize those risks. If they determine that there are significant risks that are not being adequately addressed by ALG management, the information will be communicated to both the Executive Director and to the ALG Board of Directors.

2. In addition, ALG has authorized its external auditors to perform one surprise audit visit during each year that is not directly related to (and in addition to the regular corporate audit). ALG has given the auditors the discretion to select the area that will be tested and to perform this test on a surprise basis (by giving ALG personnel very short notice of what day they will do the test and the subject matter of the test). It is believed that this additional surprise testing by the CPA firm is a good control for ALG.

All reports generated by our external audit firm will be shared with the board of directors and key agency's staff.

8.10 Employee Compliance Responsibilities

Standards of Conduct

All employees share in the Agency's responsibility for ensuring that services are documented in compliance with applicable laws, rules and regulations. Substantiating documentation must be provided for all services rendered.

Services must be accurately recorded to ensure proper billing. Billing will be done on the basis that if the appropriate documentation has not been provided, then the service has not been rendered. Billing policies and procedures must be written, approved by management and periodically updated.

Employees who suspect that fraudulent or improper documentation or billing is occurring must immediately report their suspicion to the Compliance Officer. Supervisors and managers have responsibility for creating and fostering a work environment in which employees can do so without fear of retribution or retaliation.

Conflicts of Interest

Employees must avoid conflicts of interest and the appearance of conflicts of interest. The potential for a conflict of interest exists whenever an employee is faced with choices between his/her responsibilities to the Agency and an outside interest.

Common examples of such prohibited practices include:

- Conducting personal business on Agency time and/or premises;
- Placing business with a firm in which the employee doing so has a direct or indirect business interest;
- Soliciting or offering Agency services in exchange for a payment or other consideration.

Employees are responsible for disclosing and seeking resolution of any conflict of interest—actual or potential. A good rule to follow when in doubt as to whether a conflict of interest may exist is to assume that it does and seek resolution before taking any potentially improper steps.

Employees seeking resolution of a potential or actual conflict of interest, or who suspect that another employee is engaging in an activity that may involve a conflict of interest, should notify the Compliance Officer. The Compliance Officer will investigate the issue and seek a decision from the Executive Director who may consult with Agency counsel before rendering a decision.

Employees who suspect that another employee is involved in a conflict of interest need not be certain that a violation has occurred before notifying the Compliance Officer. Reasonable belief that a violation may have occurred is sufficient.

Reporting Violations:

Employees are responsible for reporting to the Compliance Officer any suspicions or actual knowledge they may have regarding improper conduct or conflict of interest.

Employees are responsible for cooperating in investigations of allegations of improper conduct or conflict of interest.

Employees who fail to report suspicions or actual knowledge of wrongdoing or who do not cooperate in investigations of allegations of wrongdoing risk disciplinary action and, depending upon the severity of the offense, even termination of their employment.

8.11 Employee and Contractor Exclusion Screening

ALG (sometimes referred to as “Agency” or “the Agency”) is committed to maintaining high quality care and service as well as integrity in its financial and business operations. In accordance with False Claims Act, Section 6032 of the Deficit Reduction Act, ALG will conduct appropriate screening of key providers, employees, independent contractors, and business vendors to ensure that they have not been sanctioned by a federal or state law enforcement, regulatory, or licensing agency.

It is the policy of ALG not to employ, contract with, or conduct business with an individual or entity excluded from participation in federally sponsored health care programs, such as Medicare and Medicaid.

ALG conducts exclusion (sanction) screening of all current and proposed employees and independent contractors.

ALG will verify that entities and businesses that provide and/or perform services for the Agency have not been the subject of adverse governmental actions and/or excluded from the federal healthcare programs.

8.12 False Claims Act and Whistleblower Provisions

ALG is committed to prompt, complete and accurate billing of all services provided to individuals. ALG and its employees, contractors and agents shall not make or submit any false or misleading entries on any claim forms. No employee, contractor or agent shall engage in any arrangement or participate in such arrangement at the direction of another person, including any supervisor or manager which results in the submission of a false or misleading entry on claims forms or documentation of services that result in the submission of a false claim.

It is the policy of ALG to detect and prevent fraud, waste and abuse in federal healthcare programs. This Policy explains the Federal False Claims Act (31 U.S.C. §§ 3729 – 3733), the Administrative Remedies for False Claims (31 USC Chapter 38 §§3801-3812), the New York State False Claims Act (State Finance Law §§187-194) and other New York State laws concerning false statements or claims and employee protections against retaliation. This policy also sets forth the procedures ALG has put into place to prevent any violations of federal or New York State laws regarding fraud or abuse in its health care programs.

This policy applies to all employees, including management, contractors and agents.

For purpose of this policy, a contractor or agent is defined as:

- Any contractor, subcontractor, agent, or other person which or who, on behalf of ALG, furnishes, or otherwise authorizes the furnishing of Medicaid health care items or services, performs billing or coding functions; or
- Is involved in the monitoring of health care provided by ALG.

The False Claims Act (31 U.S.C. §§ 3729-3733) - The False Claims Act is a federal law designed to prevent and detect fraud, waste and abuse in federal healthcare programs, including Medicaid and Medicare. Under the False Claims Act, anyone who “knowingly” submits false claims to the Government is liable for damages up to three times the amount of the erroneous payment plus mandatory penalties of \$5,000 to \$10,000 for each false claim submitted.

The law was revised in 1986 to expand the definition of “knowingly” to include a person who:

- Has actual knowledge of falsity of information in the claim;
- Acts in deliberate ignorance of the truth or falsity of the information in the claim; and
- Acts in reckless disregard of the truth or falsity of the information in a claim.

False Claims suits can be brought against individuals and entities. The False Claims Act does not require proof of a specific intent to defraud the Government. Providers can be prosecuted for a wide variety of conduct that leads to the submission of a false claim.

Some examples include:

- Knowingly making false statements;
- Falsifying records;
- Submitting claims for services never performed or items never furnished;
- Double-billing for items or services;
- Using false records or statements to avoid paying the Government;
- Falsifying time records used to bill Medicaid; or
- Otherwise causing a false claim to be submitted.

Whistleblower or “Qui Tam” Provisions - In order to encourage individuals to come forward and report misconduct involving false claims; the False Claims Act contains a “Qui Tam” or whistleblower provision.

The Government, or an individual citizen acting on behalf of the Government, can bring actions under the False Claims Act. An individual citizen, referred to as a whistleblower or “Relator,” who has actual knowledge of allegedly false claims may file a lawsuit on behalf of the U.S. Government. If the lawsuit is successful, and provided certain legal requirements are met, the whistleblower may receive an award ranging from 15% - 30% of the amount recovered.

Employee Protections - The False Claims Act prohibits discrimination by ALG against any employee for taking lawful actions under the False Claims Act. Any employee who is discharged, demoted, harassed, or otherwise discriminated against because of lawful acts by the employee in False Claims actions is entitled to all relief necessary to make the employee whole. Such relief may include reinstatement, double back pay, and compensation for any special damages, including litigation costs and reasonable attorney fees.

Administrative Remedies for False Claims (31 USC Chapter 38 §§3801-3812) - This federal statute allows for administrative recoveries by federal agencies including the Department of Health and Human Services, which operates the Medicare and Medicaid Programs. The law prohibits the submission of a claim or written statement that the person knows or has reason to know is false, contains false information or omits material information. ALG receiving the claim may impose a monetary penalty of up to \$5,500 per claim and damages of twice the amount of the original claim. Unlike the False Claims Act, a violation of this law occurs when a false claim is submitted, not when it is paid. Also unlike the False Claims Act, the determination of whether a claim is false, and imposition of fines and penalties is made by the administrative staff at ALG and not by prosecution in the federal court system.

8.13 Overview of Other Relevant Laws

New York State Laws:

New York State False Claims Act (State Finance Law §§187-194) - The New York State False Claims Act closely tracks the federal False Claims Act. It imposes fines on individuals and entities that file false or fraudulent claims for payment from any state or local government, including health care programs such as Medicaid. The penalty for filing a false claim is \$6,000 - \$12,000 per claim and the recoverable damages are between two and three times the value of the amount falsely received. In addition, the false claim filer may be responsible for the government's legal fees.

The Government, or an individual citizen acting on behalf of the Government (a "Relator"), can bring actions under the New York State False Claims Act. If the suit eventually concludes with payments back to the government, the party who initiated the case can recover 15% - 30% of the proceeds, depending upon whether the government participated in the suit. The New York State False Claims Act prohibits discrimination against an employee for taking lawful actions in furtherance of an action under the Act. Any employee who is discharged, demoted, harassed, or otherwise discriminated against because of lawful acts by the employee in furtherance of an action under the False Claims Act is entitled to all relief necessary to make the employee whole.

Social Service Law §145-b False Statements - It is a violation to knowingly obtain or attempt to obtain payment for items or services furnished under any Social Services program, including Medicaid, by use of a false statement, deliberate concealment or other fraudulent scheme or device. The State or the local Social Services district may recover up to three times the amount of the incorrectly paid claim. In the case of non-monetary false statements, the local Social Service district or State may recover three times the amount incorrectly paid. In addition, the Department of Health may impose a civil penalty of up to \$2,000 per violation. If repeat violations occur within five years, a penalty up to \$7,500 may be imposed if they involve more serious violations of the Medicaid rules, billing for services not rendered, or providing excessive services.

Social Service Law §145-c Sanctions - If any person applies for or receives public assistance, including Medicaid, by intentionally making a false or misleading statement, or intending to do so, the person's and the person's family needs are not taken into account for a period of six months to five years, depending upon the number of offenses.

Criminal Laws:

Social Service Law §145 Penalties - Any person who submits false statements or deliberately conceals material information in order to receive public assistance, including Medicaid, is guilty of a misdemeanor.

Social Service Law § 366-b, Penalties for Fraudulent Practices - Any person who, with intent to defraud, presents for payment any false or fraudulent claim for furnishing services

or merchandise, knowingly submits false information for the purpose of obtaining Medicaid compensation greater than that to which he/she is legally entitled to, or knowingly submits false information in order to obtain authorization to provide items or services shall be guilty of a Class A misdemeanor. Any person who obtains or attempts to obtain, for himself or others, medical assistance by means of a false statement, concealment of material facts, impersonation, or other fraudulent means is guilty of a Class A misdemeanor.

Penal Law Article 155, Larceny - The crime of larceny applies to a person who, with intent to deprive another of property, obtains, takes or withholds the property by means of a trick, embezzlement, false pretense, false promise, including a scheme to defraud, or other similar behavior. This law has been applied to Medicaid fraud cases.

Penal Law Article 175, Written False Statements - There are four crimes in this Article that relate to filing false information or claims. Actions include falsifying business records, entering false information, omitting material information, altering ALG business records, or providing a written instrument (including a claim for payment) knowing that it contains false information. Depending upon the action and the intent, a person may be guilty of a Class A misdemeanor or a Class E felony.

Penal Law Article 176, Insurance Fraud - This Article applies to claims for insurance payment, including Medicaid or other health insurance. The six crimes in this Article involve intentionally filing a false insurance claim. Under this article, a person may be guilty of a felony for false claims in excess of \$1,000.

Penal Law Article 177, Health Care Fraud - This Article establishes the crime of Health Care Fraud. A person commits such a crime when, with the intent to defraud Medicaid (or other health plans, including non-governmental plans), he/she knowingly provides false information or omits material information for the purpose of requesting payment for a health care item or service and, as a result of the false information or omission, receives such a payment in an amount to which he/she is not entitled. Health Care Fraud is punished with fines and jail time based on the amount of payment inappropriately received due to the commission of the crime.

New York Labor Law §740 - An employer may not take any retaliatory personnel action against an employee if the employee discloses information about the employer's policies, practices or activities to a regulatory, law enforcement or other similar ALG or public official.

This law offers protection to an employee who:

- discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer that is in violation of law, rule or regulation that presents a substantial and specific danger to the public health or safety, or which constitutes health care fraud (knowingly filing, with intent to defraud, a claim for payment that intentionally has false information or omissions);

- provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule or regulation by the employer; or
- objects to, or refuses to participate in any such activity, policy or practice in violation of a law, rule or regulation.

The employee's disclosure is protected under this law only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation. The law allows employees who are the subject of a retaliatory action to bring a suit in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys' fees. If the employer is a health care provider and the court finds that the employer's retaliatory action was in bad faith, it may impose a civil penalty of \$10,000 on the employer.

New York Labor Law §741 - Under this law, a health care employer may not take any retaliatory action against an employee if the employee discloses certain information about the employer's policies, practices or activities to a regulatory, law enforcement or other similar Alternative Living Group or public official. Protected disclosures are those that assert that, in good faith, the employee believes constitute improper quality of patient care.

The employee's disclosure is protected under this law only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation, unless the danger is imminent to the public or patient and the employee believes in good faith that reporting to a supervisor would not result in corrective action. If the employer takes a retaliatory action against the employee, the employee may sue in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys' fees. If the employer is a health care provider and the court finds that the employer's retaliatory action was in bad faith, it may impose a civil penalty of \$10,000 on the employer.

8.14 Compliance Training

ALG will provide training in this policy and procedure to all its employees, contractors and agents. This training will be provided to all new employees as part of the new employee orientation.

ALG will perform billing activities in a manner consistent with the regulations and requirements of third party payers, including Medicaid and Medicare.

ALG will conduct regular auditing and monitoring procedures as part of its efforts to assure compliance with applicable regulations.

Any employee, contractor or agent who has any reason to believe that anyone is engaging in false billing practices or false documentation of services is expected to report the

practice according to ALG's Reporting of Compliance Concerns and Non-Retaliation Policy and Procedure.

Any form of retaliation against any employee who reports a perceived problem or concern in good faith is strictly prohibited.

Any employee who commits or condones any form of retaliation will be subject to discipline up to, and including, termination.

8.15 Record Retention/Disposal Policy

ALG shall establish standards of best practice regarding the removal of case records, and/or any information and documents contained in the case record. A procedure as to the appropriate dispensation of the case records and/or documents contained within is outlined in this policy. This policy will utilize all applicable Federal and NYS laws and regulations as the minimum standard for retention and disposal to ensure confidentiality of documents.

ALG shall maintain the most current seven years of case records and/or documents. All case record documents older than seven years shall be appropriately destroyed in a manner that ensures confidentiality. This shall be accomplished by placing files needing to be destroyed in the secured recycling bin located on the first floor of the main office mailroom or by contacting the business office to arrange pick up of files to be destroyed by the recycling company.

Staff is expected to follow this policy and vary from the specification only after seeking approval from the Executive Director. Staff should contact the Director of Quality Assurance prior to disposal of case records/documents that do not meet the standards set forth in this policy for approval.

Case records will be purged on a yearly basis specific to program needs. (See Program Specific Schedules in the Policy and Procedures Manual) Any case records/documents needing to be moved to the agency storage facility will be done in a secure and confidential manner. The Office Manager will assist with storage procedures. Any agency employee needing access to the storage facility shall request/sign out and return items on the same day. A reason shall also be documented before access to the storage facility.

This policy also covers the record retention and disposal of the following:

- Financial Records/Documents
- Personnel and Training Records
- Medicaid Service Coordination (MSC)
- Family Support Services (FSS)
- Computer Information and Database

9. Office Policies

9.1 Sexual Harassment and Other Forms of Harassment

ALG believes that all employees should enjoy a working environment free from all forms of discrimination and harassment, including sexual harassment. Neither male nor female employees should be subjected to unsolicited and unwelcome sexual overtures or conduct, be they verbal or physical in nature.

Sexual harassment violates Title VII of the Civil Rights Act of 1964, Equal Employment Opportunity Commission (EEOC) guidelines, the New York State Human Rights Law, and the Governor's Executive Order 19.

Various federal and state laws and guidelines define unwelcome sexual and other forms of harassment as, but not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a physical nature when:

- Submission to the conduct is either an explicit or implicit term or condition of employment.
- Submission to or rejection of the conduct is used as a basis for an employment decision including, for example, performance evaluations, opportunities for advancement or career development, and the assignment of duties or shifts.
- The conduct interferes with the affected person's work performance.
- The conduct creates an intimidating, hostile, or offensive work environment.

ALG will deal aggressively with incidents of sexual and other forms of harassment in the workplace, whenever and wherever they occur.

- Employees should report incidents of sexual or other forms of harassment to either their supervisor, Director of Human Resources or to a member of the Agency's administrative staff.
- All complaints will be thoroughly reviewed according to the Agency's grievance procedure. All complaints of sexual or other forms of harassment are investigated promptly, discreetly, and thoroughly and in as impartial a manner as possible. An investigation generally involves talking with the parties involved as well as any witnesses. All employees are required to cooperate in any investigation.
- The Agency's administration will maintain confidentiality throughout the investigation.

Incidents of sexual and other forms of harassment will be considered employee misconduct. Individuals who are found guilty of sexual harassment will be subject to disciplinary measures.

The Agency will not take any adverse employment action against an employee who files a complaint in good faith and/or who participates in an investigation. In addition, ALG prohibits an employee from retaliating against a co-worker for filing a complaint and/or participating in an investigation.

9.2 Alcohol and Drug Use

The use and abuse of alcohol and drugs by employees impedes our ability to safeguard the consumers entrusted to our care.

Employees are subject to immediate termination for the first offense for any and all of the following activities:

- Use or possession of alcohol or illegal drugs at any time during the workday or anywhere on the Agency's premises, including Agency vehicles.
- Any sale or other transaction involving illegal drugs at any time during the workday or anywhere on the Agency's premises, including Agency vehicles. (Local authorities will be notified of such activity.)
- Conviction of a criminal offense as a result of arrest for selling drugs. (Arrest for selling drugs will result in suspension from employment pending the disposition of charges.)
- Under the influence of alcohol or drugs when reporting for duty or while on duty. (Employees are responsible for notifying their supervisor if they observe or suspect a co-worker of alcohol or drug use on duty. Failure to do so will subject them to disciplinary action, as well.)

Employees who are using a prescription or non-prescription medication that may cause them to experience side effects (e.g. drowsiness, impaired reflexes or diminished reaction time) that may affect their job performance should inform their supervisor that they are taking the medication.

Such employees are responsible for informing their supervisor of the possible side effects of the medication on work performance and the expected duration of their use. If use of the medication could cause problems that may affect adversely the quality of consumer care, the supervisor (after consultation with the Director of Program Services) may suggest the employee use paid leave time or reassign the employee temporarily to different duties, if available. Where a prescription drug may impair judgment in any way, an employee is prohibited from driving an Agency vehicle or transporting consumers.

Where a supervisor observes or has a reasonable suspicion that an employee is not able to perform job duties because of alcohol or a controlled substance, the supervisor should report the observation or suspicion to the Director of Program Services and the Director of Human Resources.

A “reasonable suspicion” should be based upon specific, reliable observation concerning the appearance, behavior, speech or body odor of the employee. The following observations may indicate drug or alcohol use:

- Unsteady gait, odor or alcohol on breath, thick or slurring speech, aggressive or abusive language or behavior, disorientation, and lethargy.
- Additional factors that can provide a basis for “reasonable suspicion” include time and attendance patterns (absences around weekends or pass days, excessive lateness and unauthorized absences), on-the-job accidents, difficulty recalling instructions or conversation, and poor relationships with co-workers and supervisors.

Where an employee is observed or reasonably suspected of not being able to perform his or her job duties because of alcohol or a controlled substance, the Director of Human Resources may require the employee to undergo testing to determine the absence or presence of alcohol or a controlled substance. Depending upon the nature of the job and the employee involved, the Director of Human Resources may determine that the employee could benefit from counseling and direct the employee to seek counseling.

A final determination on the employee’s employment status will be made by the Executive Director after review and consultation with the Director of Program Services and the Director of Human Resources.

Note: Nothing contained in this section is intended to constrain the Agency at any time from invoking its “employment at will” policy. This policy provides that any employee whose employment is not governed by the terms of a written contract may be terminated at any time at the discretion of either the Agency or employee.

9.3 Smoking

Tobacco smoke is a health hazard for smokers and non-smokers, consumers and employees alike. Accordingly, the Agency prohibits smoking in all Agency facilities and Agency vehicles. .

Staff will smoke only in areas designated outside each work location and at least 10 feet away from the structure. All smoking materials must be extinguished completely to prevent a fire hazard. Staff failing to comply faces immediate termination.

Staff are not allowed to smoke in the presence of consumers or at events in which consumers are participating, e.g. sporting events, picnics, parties, etc.

Employees who fail to comply with the Agency's policy on smoking will face disciplinary action.

9.4 Personal Telephone Calls /Cell Phones/PDA Usage

Employees should keep personal telephone calls to a minimum. Employees should ask that friends and family call them at work only in emergencies. As a guideline, no employee should make more than one personal phone call per shift.

Charging personal long distance or collect phone calls to residence phones is strictly prohibited. Employees who do so will face disciplinary action.

If you are responsible for the care of our consumers, use of personal cell phones while on duty is prohibited. If you bring your cell phone to your work site, it must be turned **off** when you begin your shift. Texting or camera-enabled device usage are prohibited.

If you need to make an emergency personal phone call or need to be reached while at work, the telephone at the residence or any other work site telephone is to be used. If an emergency arises and a cell phone is the only option, common sense will apply.

The unauthorized use of personal cell phones will be dealt with through the established 5-step progressive disciplinary procedures, i.e. verbal warning, 2 written warnings, possible suspension and, finally, possible termination.

9.5 Visitors

Employees are forbidden to bring visitors, including family members, into consumer residences under no circumstances should staff take consumers to their personal residence or the residence of a staff member's family or friend. Staff, who are interested in bringing a consumer home for a holiday or other occasion must receive prior approval from the Director of Program Services and the Executive Director. Employees who do so will face disciplinary action, even termination.

9.6 Dress Code

Employees are expected to set proper dress and grooming standards for the consumers served by the Agency.

The Agency does not seek to stifle employee individualism. Given the job responsibilities of employees involved in direct-care or respite, casual attire is appropriate. Nevertheless,

employees should act as positive role models by coming to work clean and appropriately-dressed.

As a guideline for determining what “appropriately dressed” means, the following are examples of the types of attire which the Agency would deem inappropriate to wear to work: halter, tank or short-crop tops, running or short shorts, denim jeans with tears or holes, tight sweat-pants. Coming to work shirtless or barefoot is also not appropriate.

Clothing or accessories supporting alcohol, drugs, racism, violence or obscenities are strictly prohibited.

Because the Agency has ongoing relationships with families, government agencies, community leaders and the area business community, we expect our managers and administrative staff to project a professional image of the Agency at all times. While this does not preclude casual attire, a simple standard for such employees to follow is: “Am I dressed appropriately to meet with a family or government representative?”

9.7 Gifts from Consumers or Their Families

Just as borrowing money or goods from consumers is an action leading to termination from ALG, under no circumstances are staff to accept gifts from consumers or their families. Failure to comply with this Policy may result in termination.

9.8 Internet Usage Policy

Certain employees may be provided with access to the Internet to assist them in performing their jobs. The Internet can be a valuable source of information and research. In addition, e-mail can provide excellent means of communicating with other employees, our customers and clients, outside vendors, and other businesses. Use of the Internet, however, must be tempered with common sense and good judgment.

If you abuse your right to use the Internet, it will be taken away from you. In addition, you may be subject to disciplinary action, including possible termination. Your use of the Internet is governed by this policy and the E-Mail Policy.

Disclaimer of Liability for Use of Internet

The Agency is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

Duty not to Waste Computer Resources

Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic.

No Expectation of Privacy

The computers and computer accounts given to employees are to assist them in performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer belongs to the Agency and may only be used for business purposes.

Monitoring Computer Usage

The Agency has the right, but not the duty, to monitor any and all of the aspects of its Computer system, including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users.

Blocking of Inappropriate Content

The Agency may use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by Agency networks. In the event you nonetheless encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site, regardless of whether the site was subject to Agency blocking software.

Prohibited Activities

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, or other characteristics protected by law), or violates the Agency's equal employment opportunity policy and its policies against sexual or other harassment may not be downloaded from the Internet or displayed or stored in Agency computers. The Agency's equal employment opportunity policy and its policies against sexual or other harassment apply fully to the use of the Internet and any violation of those policies is grounds for discipline up to and including discharge.

Games and Entertainment Software

Employees may not use the Agency's Internet connection to download games or other entertainment software, including wallpaper and screen savers, or to play games over the Internet.

Illegal Copying

Employees may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents,

messages, and other material you wish to download or copy. You may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of the Executive Director.

Accessing the Internet

To ensure security and to avoid the spread of viruses, employees accessing the Internet through a computer attached to the Agency's network must do so through an approved Internet firewall. Accessing the Internet directly by modem is strictly prohibited unless the computer you are using is not connected to the Agency's network.

Virus Detection

Files obtained from sources outside the Agency, including disks brought from home; files downloaded from the Internet, news groups, bulleting boards, or other online services; files attached to e-mail; and files provided by customers or vendor may contain dangerous computer viruses that may damage the Agency's computer network. Employees should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-Agency sources, without first scanning the material with Agency-approved virus checking software. If you suspect that a virus has been introduced into the Agency's network, notify your supervisor immediately.

Sending Unsolicited E-Mail (spamming)

Without the express permission of their supervisors, employees may not send unsolicited e-mail to persons with whom they do not have a prior relationship.

Amendments and Revisions

The email, internet and computer use policies may be amended or revised from time to time as the need arises. Users will be provided with copies of all amendments and revisions. Violations of this policy will be taken seriously and may result in disciplinary action, including possible termination, and civil and criminal liability. Use of the Internet via the Agency's computer system constitutes consent by the user to all of the terms and conditions of this policy.

10. Acknowledgement and Receipt of the Employee Handbook

I hereby acknowledge that I have received a copy of the Alternative Living Group, Inc. (ALG) Employee Handbook outlining the benefits, policies, procedures, rules, and regulations of the Agency. I further acknowledge that I will contact the Executive Director or the Director of Human Resources if I have any questions.

I understand that ALG reserves the right to interpret, add, modify, or revoke any provision in this employee handbook. I further understand that this employee handbook supersedes any employee handbook previously issued by the Agency, unless otherwise noted.

I understand that the employee benefits, personnel policies, and rules in this employee handbook will remain in effect until notified of changes by the Agency. I agree to retain the employee handbook for future reference and to update it with any policy revisions that are disseminated by the Agency.

Employment at Alternative Living Group, Inc. is employment-at-will. Accordingly, this employee handbook is not intended to be a contract of employment, a warranty of benefits, or a limitation on ALG's ability to terminate employees.

I agree to abide by the policies and procedures in the Agency employee handbook.

EMPLOYEE NAME (Please Print)

EMPLOYEE SIGNATURE

DATE OF SIGNATURE