

# **ACCESS OF THE RED RIVER VALLEY**

# **2026**

## **Policy and Procedure Manual**



Board of Directors Approved: 11/20/2025



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Dear Fellow Employees:

Welcome to Access of the Red River Valley. We are pleased that you have chosen to join our team in providing service to adults and children with special needs.

Access of the Red River Valley has over 30 years of history providing care to individuals who need assistance in their daily lives. As an agency, we are committed to the mission of providing care and support to children and adults with physical, emotional and developmental disabilities in their right to lead dignified, independent lives in the community. We depend on our staff and recognize your value as you carry out this mission.

During the upcoming year, please talk to your supervisor about activity ideas and opportunities for you and your client in the community and at the Michael Czichotzki Learning Center (MCLC), located at 910 9<sup>th</sup> Ave South in Moorhead Also, please feel free to stop at the main office and visit with your supervisor and other management staff. We value your ideas and interest in keeping Access a leader in the social service industry.

Warm Regards,

*David Reed*  
Executive Director

#### MISSION STATEMENT

The mission of Access of the Red River Valley is to provide care and to support children and adults in their right to lead dignified, independent lives in the community.

#### AT WILL EMPLOYMENT STATEMENT

*This employment policy and procedure manual does not create a continued expectation of employment between the agency and the employee. There is no contract of employment between the agency and the employee. No employee has a right to continued employment. All employment with the agency is at-will employment. Employment is subject to termination at any time at the will of either party, with or without cause. [Cederstrand v. Lutheran Brotherhood, 117 N.W.2d213, 221 (Minnesota 1962)]. Additionally, Access of the Red River Valley, Inc. reserves the right to modify, alter, or rescind these policies at any time.*

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## **100. SECTION ONE. Agency Introductory Details.**

### **101. Background Information**

Access of the Red River Valley, Inc. (hereafter referred to as Access) is a not-for-profit agency incorporated in November 1987. A Board of Directors governs Access. Additionally, Access has 501(c)3 status from the Internal Revenue Service.

### **102. Mission Statement**

The mission of Access of the Red River Valley is to provide care and to support children and adults in their right to lead dignified, independent lives in the community.

### **103. Code of Business Conduct and Ethics**

In pursuing our mission, Access of the Red River Valley strives to achieve the highest level of business and ethical standards as well as compliance with all laws and regulations. If any law conflicts with this code of business conduct and ethics (the "code"), the law must be followed. Employees, members of the Board of Directors and volunteers (together "employees") must act in conformity with the principles expressed in the Code. If in doubt about how to deal with a specific circumstance, employees must contact the Executive Director or the Human Resource Director for guidance.

Every Supervisor and Director/Manager is responsible for helping employees understand and comply with this Code. However, it is the obligation of every employee to become familiar with the Agency's policies and procedures and to integrate them into every aspect of our business. This Code is not intended to cover every applicable law or provide answers to all the questions that might arise during the normal course of business; for that we rely on every person's good sense and best judgment for what is in the best interest for our clients as well as the Agency. This includes a sense of when to seek guidance from others on the appropriate course of conduct.

The Agency regards the violation of the law, agency policies and procedures or this code as a serious matter as such violations may put the Agency, its employees and/or clients at risk. Therefore, any employee found to be in violation of the aforementioned is subject to disciplinary action including the possible termination of employment. (For additional information refer to the complete Access Code of Business Conduct & Ethics. Copies are available in the Human Resource Department. Employees receive training on the code upon hire and yearly thereafter).

## **200. SECTION TWO. Employer Rights and Responsibilities.**

### **201. Right to Operate and Manage**

With Board approval, Access retains the full and unrestricted right to operate and manage all human resources, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; to establish work schedules; and to perform any inherent managerial functions.

### **202. Supervisory Employees**

Access shall typically select those persons who are deemed best qualified to serve as supervisory employees.

### **203. Equal Employment Opportunity Employer/Affirmative Action**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Access will be based on merit, qualifications, and abilities. Access does not discriminate against any employee or applicant for employment in terms and conditions of employment; personnel practices; or access to and participation in programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, genetic information, marital status, status with regard to public assistance, sexual orientation (including transgender status, gender identity or expression) pregnancy (including childbirth,

lactation, or related conditions), familial status, veteran status, uniformed servicemember status or membership or activity in a local human rights commission as defined by law. Access will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, department director, or the Human Resource Director. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

#### **204. Full Disclosure**

All employees are required to pass a Minnesota State background check. Unfavorable responses from the state shall result in withdrawal of any employment (or employment offers) that have been made and termination from agency employment.

- Continued employment is contingent upon clear background checks.
- All employees are required to provide evidence of a current driver's license and current auto insurance at hire and yearly thereafter.
- Annually, all employees shall be required to sign an acknowledgement statement that states the employee:
  - Acknowledges their obligation to report to the agency any convictions for any crime (including pleas) and
  - Reporting any such conviction or pleas, or declaring that none have occurred

#### **205. Information Technology (IT) Systems**

All agency IT systems, including computers, electronic devices, network resources, Wi-Fi access, email accounts, internet access, cloud storage, digital files, CDs/DVDs, zip disks, postal mail, telephone systems, and voicemail, are property of the agency.

##### **Monitoring and Privacy:**

Employees should have no expectation of privacy when using agency Wi-Fi or IT resources. The agency reserves the right to monitor, access, and review all IT systems and communications at any time, with or without notice. All systems must be accessed using passwords or authentication methods designated by the agency.

##### **Acceptable Use:**

Employees must use agency IT systems responsibly and in compliance with all agency policies. Inappropriate use, as defined by agency administration, is strictly prohibited. The agency maintains a zero-tolerance policy for the use of IT systems to collect, send, or receive messages, images, or files that are fraudulent, illegal, pornographic, obscene, sexually suggestive, insulting, sexist, racist, discriminatory, or harassing. Employees who receive such material must notify a supervisor immediately.

##### **Access and Enforcement:**

The agency may access, audit, intercept, or disclose any materials on agency IT systems at any time, including during or outside of work hours. Use of an agency-provided password, device, Wi-Fi, or authentication method does not limit the agency's right to access communications or data. Violations of this policy may result in disciplinary action, up to and including termination, and may also carry legal consequences.

#### **206. Cell Phone/Electronic Devices**

- Excessive personal calls/texting/electronic devices used during the workday for non-work-related activities, regardless of the phone/electronic device used, can interfere with employee productivity and be distracting to others. Employees are encouraged to make personal calls on non-work time where possible and to ensure that friends and family members are aware of Access' policy.
- Cell phones/Electronic Devices must be turned off or set to silent or vibrate mode during shifts, meetings, conferences and in other locations where incoming calls may disrupt normal workflow.

- Ear buds should not be worn when working due to the nature of the job.
- While an Access employee is on duty with agency client(s) an employee is not allowed to take pictures of agency client(s) and/or co-workers with their cell phones or cameras for personal printing, social media, emailing or publication on web site(s) without the written permission of client's Case Manager and family/guardian.
- Employees should not give their personal cell phone numbers to client families/clients. Exceptions to this may be granted but should include written permission from the guardian and an Access Director.
- Employees whose job responsibilities include transporting clients are not allowed to use their cellular phones while operating a vehicle.
- Additionally, no employee should discuss agency clients via text on any electronic media. The agency has zero tolerance for such actions as the vulnerable client may be put at risk. These situations may lead to disciplinary actions, up to and/or including termination.
- The agency will not be liable for the loss of personal cellphones/electronic devices brought into the workplace.
- The agency prohibits inappropriate communication via text messaging or any other form or electronic devices.
- **The agency reserves and will exercise the right to restrict cell phone usage. The agency also has the right to review cell phone records if deemed necessary.**
- Employees are not allowed to use personal laptops/tablets/electronic devices at work. Computers are provided for office staff for business purposes only.
- Personal laptop/tablet use for Direct Care staff must be approved on an individual basis by the Program Manager. Any unapproved and/or misuse of personal laptops/tablets could lead to disciplinary action up to and including termination.(Refer to Policy 205: Information Technology (IT) Systems)
- **The agency reserves and will exercise the right to restrict personal laptops/tablets/electronic devices. The agency also has the right to review/monitor personal laptops/tablets/electronic devices during working hours. An employee should have no expectation of privacy.**

## 207. ***Social Media***

The purpose of this policy is to provide employees with guidelines for the responsible use of social media. Social media is a powerful tool for promoting the agency, engaging with clients, and building professional networks, but it also carries risks to the agency's reputation, confidentiality, and legal compliance. All employees are expected to use social media in a professional and responsible manner, whether on personal accounts or agency-managed platforms.

This policy applies to all employees, contractors, interns, volunteers who use social media, including personal accounts when referencing the agency, its services, clients, or work experience, as well as agency-managed accounts on platforms such as LinkedIn, Facebook, Instagram, Twitter, TikTok, YouTube, blogs, forums, and other online communities.

Employees are expected to conduct themselves professionally online, ensuring that posts do not harm the agency's reputation or violate applicable laws. Employees must respect copyright, privacy, and intellectual property rights, and they must never share confidential or proprietary agency information. Employees cannot post photographs of clients, nor can employees post photographs of persons engaged in agency business or at agency events. Employees who manage official agency social media accounts must follow all established protocols for content creation, review, and maintain consistency with agency branding, messaging, and tone.

While employees may reference the agency on personal social media accounts, they must clearly indicate that their opinions are their own and not official statements of the agency. Content that is discriminatory, offensive, harassing, or otherwise inappropriate is strictly prohibited. Employees must avoid engaging in online arguments or negative commentary about the agency, its clients, or coworkers, and they must not disclose confidential agency, client, or employee information.

The agency enforces a zero-tolerance policy for posting or sharing material that is harassing, discriminatory, threatening, pornographic, obscene, sexually suggestive, or otherwise offensive. Any violation of this policy

may result in disciplinary action, up to and including termination of employment, and in some cases may also have legal consequences.

Employees are responsible for protecting login credentials and should never share passwords for agency accounts. They should exercise caution when clicking links or downloading content from unknown sources and must report any suspected security incidents or unauthorized account access to the IT department immediately. The agency reserves the right to monitor activity on agency-managed social media accounts to ensure compliance with this policy. Employees are expected to comply with these standards even when using personal social media accounts if referencing the agency or its business.

***This policy will be reviewed periodically and updated as necessary to reflect changes in technology, agency practices, and legal requirements.***

**208. H.I.P.A.A.**

Access is committed to maintaining the security and confidentiality of the information we receive from our benefited employees enrolled in health/dental insurance programs. We maintain physical, electronic, and procedural safeguards that comply with federal and state laws to protect information against the unauthorized access and use. Our Privacy Officer (currently the Human Resources Director) has the overall responsibility of implementing and enforcing policies and procedures to safeguard your protected health information against inappropriate access, use, and disclosure. The agency is required to collect, use, and disclose our protected health information for benefited employees who enroll in health/dental programs, and they have the right to receive a copy of protected health information contained in a “designated record set” with some specified exceptions. These benefited employees have the right to ask to amend or place restrictions on or receive a copy of any protected health information contained in the “designated record set.”

**209. ADA/ADAAA Policy**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of Access of the Red River Valley to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the company policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

**Procedures**

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

Access of the Red River Valley will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to Access of the Red River Valley. Contact human resources (HR) with any questions or requests for accommodation.

All employees are required to comply with the company’s safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee’s immediate employment situation.

Individuals who are currently using illegal drugs are excluded from coverage under the company ADA policy.

The HR department is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

### **Terms Used in This Policy**

As used in this ADA policy, the following terms have the indicated meaning:

**Disability:** A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.

**Major life activities:** Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

**Major bodily functions:** Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness and specific learning disabilities.

**Substantially limiting:** In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.

**Direct threat:** A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.

**Qualified individual:** An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

**Reasonable accommodation:** Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

**Undue hardship:** An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

The nature and cost of the accommodation.

The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.

The overall financial resources of the employer; the size, number, type and location of facilities.

The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.

**Essential functions of the job:** Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

## **210. Workplace Health, Safety and Training Policy**

Access believes that every employee should have a safe and healthy work environment. Access recognizes the importance of maintaining the highest standards of safety in the work environment through prevention. The Occupational Safety and Health Act encourages adherence to these standards, and Access realizes that maintaining the agency safety policy is of the utmost importance. The rights and responsibilities of Access management to direct the operations of the agency shall include safety policies applicable to all agency employees.

***Access shall be solely responsible for the health and safety of its employees in connection with the work performed under their contracts with Clay County Social Services. Access shall make arrangements to ensure the health and safety of all subcontractors and other persons who may perform work in connection with their contracts. Access shall ensure that all personnel and subcontractors are properly trained and supervised and, when applicable, duly licensed or certified appropriate to the tasks the personnel are engaged in under those contracts. Access shall comply with the "Occupational Safety and Health Act" and the "Employee Right to Know Act" (MN Statute 182.65, et seq., where applicable).***

Access further believes that while the agency is responsible for safety practices, each employee has an obligation to cooperate in the safety program. Access also believes that a prime consideration when enacting occupational safety and health policies should be the economic impact on the business community and the wellbeing of its clients.

## **211. Tobacco Free Environment Policy**

Access supports the Surgeon General's recommendations regarding wellness and the move toward a tobacco free workplace. Access will comply with all state and local ordinances controlling smoking in the workplace. Access staff are not allowed to smoke/vape on Access property and/or during your shift(s). Also, staff is not allowed to smoke/vape in their own vehicle if a client is present. Tobacco products must be stored securely, out of the view of, and not accessible to our clients.

Tobacco use, which includes but is not limited to cigarettes, cigars, chewing tobacco, snuff, vapes, pipes, e-cigarettes and all other forms of smoked or smokeless tobacco products, is prohibited.

# **300. SECTION THREE. Definitions.**

## **301. Employees**

### **301.01 Full-time employees:**

- employees regularly scheduled 36 or more hours per week and designated "full-time benefited"

### **301.02 Variable Part-time employees:** employees regularly scheduled less than 36 hours per week are designated "variable part-time"

- employees regularly scheduled 30 or more hours per week, are eligible for health insurance under Affordable Care Act (ACA) law.

## **302. Exempt Employee**

An "Exempt" employee is one whose primary duty must be Executive (managing the agency); or Administrative (performing office or non-manual work directly related to management or general business operations); or Professional (performance of work requiring advanced knowledge and the consistent exercise of discretion and judgment). Exempt employees are those who do not earn overtime because they are exempt from the overtime provisions of the federal Fair Labor Standards Act and applicable state laws.

### 303. **Rehired Employee**

Former employees who left Access of the Red River Valley in good standing and were classified as eligible for rehire may be considered for reemployment. An application must be submitted to the Human Resource Department, and the applicant must meet all minimum qualifications and requirements of the position, including passing the required background check and ability to provide proof of auto insurance and current driver's license.

Supervisors must obtain approval from the Human Resource Department or designee prior to rehiring a former employee. Rehired employees begin benefits (if applicable) just as any other new employee. Previous tenure will not be considered in calculating longevity, leave accruals or any other benefits.

### 304. **Orientation:**

**304.01 New employees** shall typically be assigned to a 6-month orientation period.

- If staff availability changes within the first 60 days of hire, Access can retract the job offer at any time.
- Staff shall receive an annual evaluation.
- Employees may be terminated at any time during the orientation period.

**304.02 Rehire:** If individual is eligible for rehire, employee must complete an orientation packet and all required training as provided by the agency/MN Department of Human Services.

**304.03 Satisfactory completion of the orientation period** shall occur when the employee has received a positive evaluation from his/her supervisor, which has been approved by Human Resources.

**304.04 Required Training:** All employees providing direct care to agency clients must complete all required training as provided by the agency/MN Department of Human Services.

### 305. **Performance Appraisals/Reviews:**

The performance appraisal/review provides a means for discussing, planning and reviewing the performance of each employee.

#### **Annual performance appraisals/reviews:**

- Help employees clearly define and understand their responsibilities, provide criteria by which their performance will be evaluated and suggest ways in which they can improve performance.
- Provide a fair basis for awarding compensation based on performance.

Performance appraisals/reviews influence wages, promotions and transfers, so it is critical that supervisors/case managers be objective in conducting performance reviews and in assigning overall performance ratings.

#### **Procedure:**

##### **a. Performance Review Schedule**

Employees will receive a performance review annually. Merit increases are not guaranteed and are based upon agency performance and financials. When provided, a merit increase may accompany a performance review if the employee's performance and wage level so warrant. The amount of increase should be consistent with the approved merit budget.

##### **b. Performance Reviews—Wage/Salary Increases**

Each Access supervisor/case manager is responsible for the timely and equitable assessment of the performance and contribution of his/her employees. A performance review does not always result in an automatic wage increase. The employee's overall performance and wage level relative to his/her position responsibilities must be evaluated to determine if a wage increase is warranted. To be eligible for such a wage increase, the employee must have met the on-going training requirements required for the year and ensure that his/her personnel information (i.e. driver's license and car insurance) is up-to-date. Additionally, employees must be in good standing.

Out-of-cycle wage increases must be pre-approved by the Program Manager, HR Director, and Executive Director.

**c. Wage/Salary Equity Reviews**

A supervisor/case manager may request an analysis of an employee's wage at any time he/she deems appropriate. This request should be made to the HR Director who will review the employees' wage in comparison to other employees in comparable positions.

**d. Responsibility**

The evaluation forms provided by Human Resources will be used and the completed evaluation will be retained in the employee's personnel file.

The performance evaluation will be discussed and signed both by the employee and the supervisor/case manager to ensure that all strengths, areas for improvement and job goals (if applicable) for the next review period are clearly communicated.

Wage increases must be supported by a performance appraisal for wage change processing. The supervisor/case manager will not discuss any proposed action with the employee until all written approvals are obtained.

Human Resources will review all wage increase/adjustment requests to ensure compliance with agency policy and that they fall within the guidelines provided.

**e. Authority**

The Director of Human Resources has the authority to change, modify or approve exceptions to this policy at any time with or without notice.

## **400. SECTION FOUR. Rates of Pay.**

**401. *Wage and Salary***

The Board of Directors reviews general wage and salary schedule guidelines. Scheduled adjustments are made within the limits of agency funding.

**402. *Minnesota Wage Disclosure Statute***

Access will not require nondisclosure by employees of their wages as a condition of employment; require employees to sign a waiver or other document to deny employees the right to disclose their wages; or take any adverse employment action against employees for disclosing their wages or discussing other employee's wages which have been voluntarily disclosed.

This policy:

- (1.) does not require employees to disclose their wages; does not permit employees without Access' consent, to disclose proprietary information, trade secrets, or protected information;
- (2.) does not diminish employees' other rights under the law; or does not permit employees to disclose wage information of other employees to competitors.

An employee may bring a civil action for violation of this policy for reinstatement, back pay, restoration of lost service credit, or expungement of any adverse employment records, as applicable.

**403. *Overtime***

Hourly (non-exempt) staff shall be paid time and a half for any hours worked, over 40 in a seven-day period. Sleep Overnight pay is paid at a Stipend (flat rate), unless otherwise noted and therefore exempt from time and a half pay consistent with the Wage and Hour Companion Rule.

**404. *Direct Deposit/Paycheck Retrieval***

Access requires all staff to participate in directly deposit. Staff are paid on a bi-weekly basis. Paystubs are available electronically through the Employee Self Service (ESS) Kiosk at [www.payrollproinc.com](http://www.payrollproinc.com). Paychecks/paystubs will be released only to the Access employee. Staff who do not yet have direct deposit

established will receive a manual check, which will be mailed to the address provided to Human Resources at the time of hire. Manual checks will continue until direct deposit is fully set up.

Advances on paychecks under no circumstances will be given out prior to the pay date.

#### **405. Time & Attendance**

Access attempts to pay all employees promptly and accurately for the hours worked.

- All employees must clock in and clock out of work using the time and attendance system. This confirms your attendance at work. If you forget to clock in or out, are delayed in clocking in or out, or have any other schedule irregularities, you are required to notify a supervisor or the on-call staff as soon as possible but at least within 24 hours and attempt to correct the error or situation. Failure to do so will result in disciplinary action up to and/or including termination.
- Failure to follow proper time and attendance procedures can result in a delay of payment for **up to 30 days**.
- Employees need to clock in and out from their place of work. Clocking in from an unauthorized location may result in termination of your employment.
- Employees cannot punch in earlier than five minutes before the start of their shift without supervisor's approval.
- Employees may not work more than their scheduled hours without prior permission from their supervisor. Employees may not switch shifts with another employee without prior approval from a supervisor. If an emergency occurs at a location that requires extra hours, Access Supervisors may authorize additional hours.
- Be aware of unauthorized attendance, overlapping shifts and other attendance violations. Employees suspected of engaging in attendance violations will result in disciplinary action up to and/or including termination.
- Do not attempt to clock in or out for other employees. When using telephone time keeping, you may be prompted to speak your name and Employee PIN. This is part of the Voice Identification System.
- Staying clocked in while running personal errands is considered fraudulent and may lead to immediate termination.
- It is a federal crime to provide materially false information on services and billings for medical assistance or services provided under a federally approved waiver plan as authorized under Minnesota Statutes, section 256B.0913, 256B.092, and 256B.49.

### **500. SECTION FIVE. Hours of Work.**

#### **501. Authority**

Access shall be the sole authority in establishing work schedules. Under federal and state law, Access reserves the right to apply the companionship services rules that allow it to exclude sleep, break and mealtime from work shifts (see MN Rules 5200.0121 Sub P.2., C.F.R. 555.6 and 555.106).

#### **502. Basic Work Day/Week**

Two calendar weeks are included in each pay period. Each pay period begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on the following Saturday. The workday depends on the individual needs of each site.

#### **503. Shift Responsibility**

- All shifts an employee agrees to fill are the responsibility of that employee. If the employee cannot work a shift, they must find someone to cover the scheduled shift. If the employee agrees to cover someone's shift, that shift becomes the employee's responsibility. If the employee changes their mind about taking the shift or cannot work it, it is the employee's responsibility to find coverage for it. (See Section 505. Requesting Time Off).
- An employee shall also take into consideration overtime for the staff accepting the shift. If any of their hours will be overtime hours, the employee needs to get approval from the supervisor with approval from the Program Manager in order for the change to take place. The Supervisor and the Program Manager must approve all overtime. Additionally, before the change takes place, the employee shall fill out a "Request for Time Off" form **and get the replacement staff's signature** and submit to the supervisor as well as the staff accepting the position.

- An employee is required to work and remain on-site until the end of an assigned shift unless prior supervisor approval has been received.
- Employees must be available to transfer clients to activities, appointments, shopping or any other events/outings during their shift.
- Leaving the work site during a scheduled shift for personal reasons (i.e., running errands, picking up children, attending personal appointments) is strictly prohibited unless pre-approved by a supervisor or Program Manager.
- When an employee's shift is canceled with less than 24-hour notice by the agency or the client's family/guardian, the employee should contact the site supervisor about compensation for missed hours. The Department Director shall review these requests on a case by case situation.

#### **504. On-Call**

Access has an individual staff person On-Call each week during non-office business hours. This person will be in charge of scheduling issues, dealing with any staffing problems, and will deal with any behavioral problems that may occur. On-call can contact and consult with additional staff when problem solving issues arise.

#### **505. Requesting Time Off**

- **Direct Care Staff:** Direct Care Professional staff who wish to request time off (14 working days or less) need to submit their request for time off using the agency's official time off process. These need to be submitted to their supervisor before the monthly calendar is posted. Calendars are posted by the 15<sup>th</sup> of every month. A staff who submits their request for time off will be granted the request based on agency need. For a staff who requests time off 2 weeks in advance Access will make every effort to assist you in filling those shifts. If less than 2 weeks' notice is given staff will be given numbers of staff trained at site and it will be staffs responsibility to find their own replacement and submit their Request for Time Off using the agency's official time off process. Overtime is not acceptable. *\*All requests for time off must be approved and are based on agency need.*
- **Professional & Support Office Staff** who want to take time off during office hours shall complete a "Professional Staff Request for Time Off" form and submit it to their supervisor two weeks before the requested day off. PTO requests are placed on a "Request for Time Off" form and submitted to the employee's direct supervisor
- **Requesting Employee PTO:** PTO requests are placed on a "Request for Time Off" form and submitted to the employee's direct supervisor 2 weeks before the requested day off. PTO requests will be granted on a first come first serve basis.
- See Sections 904.Unplanned Absences; 905.Planned Leave of Absence for related information.

#### **506. Professional & Support Office Staff:**

Professional & Support office staff are expected to maintain Monday through Friday office hours unless specific arrangements have been made with the employee's supervisor. The agency does not offer "Comp" time (i.e. time off to make up for extra hours worked) to "Exempt" employees. [See Sec. 302. Exempt employees for definition of an "Exempt" employee.]

#### **507. Holidays**

**507.01 Holidays:** Agencies designated holidays are:

Memorial Day	Independence Day
Labor Day	Thanksgiving Day
Day after Thanksgiving	Christmas Eve
Christmas Day	New Years Day

- Employees will earn time and a half for working on designated holidays.
- The regular paid holidays are paid to full-time benefited employees upon hire.
- Access shall accommodate an employee (who is eligible for holiday pay) who requests other religious days of observance in exchange for those holidays designated by the agency – unless it would place undue burden on the conduct of the agency's business.
- Reasonable accommodations to religious observances and practices should be arranged with the employee's supervisor, who is encouraged to accommodate the employee's

request to the extent that it is practicable. Employees are responsible for giving supervisors at least a two-week notice of the proposed absence. (See Section 505. Requesting Time Off)

**507.02 Office Staff**

For office staff, all holidays on Saturday are observed on the previous Friday. Holidays on Sunday are observed on the following Monday.

**507.03 Site Staff**

All direct care staff scheduled to work on a holiday, who want time off, must submit their "Request for Time Off" using the agency's official time off process. The request for time off will be granted or denied based on agency need. (Request for time off Section 505) No full-time or variable part-time staff should assume they would be exempt from working a holiday.

**508. Site Assignments**

The agency reserves the right to decide which client sites to assign employees to work at. The Client Bill of Rights allows client's parents/guardians to give input regarding employee site assignments. All parent concerns are immediately reviewed by the Program Manager and Human Resources. Employee site assignments may change at the discretion of the family/guardian and/or the agency. Site reassignments are not retaliatory actions as they are done in the best interest of the client.

**509. Outside Employment**

Access considers your employment with the agency to be your primary employment. No other employment or outside activity shall interfere with the performance of your Access duties or adversely affect the interests of Access.

**510. Severe Weather Policy**

Office: The Access administrative office shall remain open during regular business hours.

Sites with less than 24-hour supervision: If an Access employee is scheduled at a site that does not require 24-hour supervision, and the Moorhead Public Schools have cancelled school, or a weather warning is issued that recommends no travel advised, the employee is not required to cover that sites shifts. Staff will not be paid if this situation occurs. This applies to most of our children clients and some adult clients. It will become the family's responsibility to make arrangements for these clients. The employee's regular shift responsibilities will resume when school is called back into session or when the no travel advisory warning is expired.

Sites requiring 24-hour supervision: If an Access employee is scheduled at a site that does require 24-hour supervision when Moorhead Public Schools have been canceled, the employee's supervisor and/or the on-call staff will contact them to ensure that the site is properly staffed. If the employee is working at a site when it is announced that Moorhead Public Schools have canceled school, the employee must remain at the site. The employee's supervisor and/or the on-call staff will contact them with further scheduling arrangements.

MCLC: The Michael W. Czichotzki Learning Center will be closed when schools are cancelled due to inclement weather.

## **600. SECTION SIX. Paid Time Off (PTO).**

**601. PTO Definitions**

**601.01 Eligibility:** Full-time benefited employees (employees who are regularly scheduled 36 or more hours per week and are designated full-time benefited) and part-time professional level employees (employees who are regularly scheduled for 20 hours per week and are designated part-time professional level staff) shall typically be eligible for PTOs on the first of the month following hire. (Exception: full-time benefited employees hired on the first of a month are eligible immediately for PTOs.) Direct Care Professionals who are designated Full-Time benefited employees who have accrued PTOs must use PTO to reach 72 hours per pay period unless they choose to use PTO up to 80 hours per pay period (this needs to be noted with the Human Resources Department). Office staff who are designated full time benefited who have accrued PTO must use PTO to reach 80 hours per pay period. Part-time professional level staff who have

accrued PTO must use PTO to reach 40 hours per pay period. Full-time benefited employees who do not maintain these requirements shall revert to variable part-time status.

**601.02 Accrual:** The number of PTO hours full-time benefited and part-time professional level staff earn in a particular year is figured in accordance with the number of years of service which he/she is credited. The years that are credited are determined in accordance with the anniversary date (full-time/part-time professional level starting date with the agency). PTO hours are figured according to the following schedule:

**Full Time PTO**

<u>Year</u>	<u>Accrued</u>	<u>CAP</u>
Year 1	4 PTO hours per pay period	104 hours per year
Year 3	5 PTO hours per pay period	130 hours per year
Year 5	6 PTO hours per pay period	156 hours per year
Year 7	7 PTO hours per pay period	182 hours per year

**Part Time PTO**

<u>Year</u>	<u>Accrued</u>	<u>CAP</u>
Year 1	2 PTO hours per pay period	52 hours per year
Year 3	2.5 PTO hours per pay period	65 hours per year
Year 5	3 PTO hours per pay period	78 hours per year
Year 7	3.5 PTO hours per pay period	91 hours per year

**601.03 CAP:** Full-time and part-time professional level employees will only be able to accumulate the CAP for the current year of PTO. Accumulated PTO hours will be limited to the maximum number of hours an employee earns in twelve months (the CAP) following the anniversary date.

**601.04 Compensation:** PTO hours will be paid at the employee's current rate of pay.

**601.05 Limits:** PTO requests may be denied in cases where the good of the clients warrants it.

**601.06 Vesting:** PTO does not vest. Access does not pay for accrued PTO that is not used. (Exception - see Section 602. PTO at Separation.)

## **602. PTO at Separation**

Once an employee gives notice to resign, PTO hours can no longer be scheduled except with the approval of the immediate supervisor. Employees who separate from the agency with accrued PTO hours shall be paid their accrued or unused PTO hours within 60 days of their separation.

## **603. MN Earned Sick and Safe Time**

Employees (who work at least 80 hours in a year) accrue one hour of earned sick and safe time (ESST) for every 30 hours they work, up to 48 hours per year. Employees are allowed to carry over up to 80 hours of their accrued, unused sick and safe time.

Employees can use their ESST, as it accrues, to care for a family member's or the employee's own:

- Mental or physical illness, injury, or other health condition.
- Need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition.
- Need for preventive medical or health care.
- Funeral Leave

It can be used for:

- Domestic abuse, sexual assault, or stalking (medical care related to, treatment for, legal services, relocation, etc.)
- Workplace, school, or place of care closure due to weather or public health emergency (PHE).
- The employee's inability to work or telework because of PHE and other related issues.

**Statewide Expansion:**

As of January 1, 2024, Minnesota's ESST law applies statewide to nearly all employers, regardless of size or location. The expansion ensures that all eligible employees across Minnesota, including those outside cities that previously had local sick and safe time ordinances (such as Minneapolis, St. Paul, and Duluth), are now covered under the same uniform state law.

Any unused accrued ESST hours will not be paid out upon separation.

For more detailed information, please refer to the Minnesota Earned Sick and Safe Time (ESST) poster, which is displayed in the workplace and available through Human Resources. The full text of the law can also be found online at [sickleave.mn.gov](http://sickleave.mn.gov)

## **700. SECTION SEVEN. Voluntary Retirement Plan.**

Retirement Plan: Access voluntary retirement plans are 401 K and ROTH offered through a local investment firm and managed by American Federal Bank.

Plans: The agency has a 4% match retirement plan that is offered to employees after one year of service and have worked over 1000 hours and/or have consecutively worked for Access for two years and worked 500 hours each year as of December 31<sup>st</sup> or June 30<sup>th</sup>, and must be over the age of 21. Open enrollment periods are January 1<sup>st</sup> and July 1<sup>st</sup>. Eligible enrollees are notified 60 days prior to these two dates. The summary plan is kept by FuturePlan and is available from the HR Director in the Human Resources Department. Employees may contact Jason Jaeger at American Federal Bank at phone 701-297-4864. The bank is located at 215 N. 5<sup>th</sup> St., Fargo, ND 58108.

## **800. SECTION EIGHT. Benefit Waiver Information.**

Full-time benefited employees will have the opportunity to choose the agency's insurance package or deny the insurance package. If the employee denies coverage by the agency, no revenue will be offered to them.

## **900. SECTION NINE. Attendance/Tardiness/Unplanned & Planned Leave of Absences.**

### **901. Attendance**

- Absence is the failure of an employee to report for work and to remain at work as scheduled. It includes early departures as well as absence for an entire day. Regular and punctual attendance is essential for efficient operations.
- Failure to clock in/out may result in disciplinary action leading up to and including termination.
- Due to the vulnerability of our clients, any employee action that leaves a client unattended may result in disciplinary action, up to and including termination and a possible Maltreatment to Vulnerable Adult (VA) or Child Protection report.

### **902. Tardiness.**

Tardiness is the failure of an employee to arrive at a scheduled shift or on time in the office.

- Direct Care Staff: A direct care employee who is not at his or her designated site at the scheduled time is considered "late."
- Office Staff: Professional and Support staffs are expected to be in the office when the Access office opens, ready to start work. Unless you have made other arrangements with your supervisor, you are expected to start work at 8:00 am.
- Employee tardiness may result in disciplinary action leading up to and including termination.

### **903. No Call / No Show**

Not reporting to work and not calling to report the absence is a no call/no show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. **Any no call/no show lasting three days is considered job abandonment and will result in immediate termination of employment.**

Supervisors or Program Manager may consider extenuating circumstances when determining discipline for a no call/no show (for instance, if the employee is in a serious accident and is hospitalized) and has the right to exercise discretion in such cases.

## 904. **Unplanned Absence**

For an unplanned leave of absence (i.e. illness), an employee must do the following:

- It is the responsibility of the employee to contact his/her supervisor at least four hours before the scheduled shift. If the Access office is closed, the employee is instructed to call the "On-Call" phone.
- The employee will be given a list of names and numbers of staff (who are not in overtime) who are trained at the site for the employee to contact.
- The employee will be responsible for contacting other staff to find a replacement. The supervisor and/or the Program Manager must authorize all overtime of replacement staff.

Reasons for unplanned absence may include family emergencies, illness, or injury. In the event the absence is due to illness or inability to meet the physical requirements of the position, Access may require a doctor's statement indicating that the employee is fit for duty before an being allowed to return to work. Doctor's notes must be on letterhead or an official medical form. Failure to request advance approval or to report the absence will result in the absence being recorded as unexcused.

\*Note: A Vulnerable Adult (VA) report will be filed on any employee who fails to show up for their scheduled shift with a client or leaves during their scheduled shift, leaving the client subsequently unattended.

An employee with excessive absenteeism will be required to document the reasons, including providing a doctor's certificate. Upon returning to work from an unexcused absence, the employee must report to his or her supervisor to clarify their employment status. Furthermore, an employee with excessive absenteeism, unexcused absence(s), and/or a pattern of tardiness shall typically result in disciplinary action leading up to and including termination.

## 905. **Unpaid Personal Leave of Absence**

An unpaid personal leave of absence to regular full-and part-time employees may be considered upon request for important pressing personal needs, at the discretion of the department manager.

### **Provisions**

- Individuals employed by the agency for a minimum of 90 days are eligible to apply for an unpaid personal leave of absence.
- Unpaid personal leave may only be requested after all other appropriate leave balances have been exhausted.
- If the leave starts in the middle of an annual renewal month, the employee will be required to complete all courses and documentation before the leave.
- The agency will hold an employee's employment status for the period of unpaid personal leave, but it does not guarantee the same shifts or sites upon return.
- *(If Applicable)* Employee health benefits will be continued in the same manner as received prior to the leave. The employee will be expected to remit payment for the employee's portion of health insurance premium prior to departing for unpaid personal leave, and in an amount equivalent to the expected period of absence. If the employee does not return from leave the employee will be advised of COBRA continuation rights.
- *(If Applicable)* PTO does not accrue while on an unpaid personal leave of absence.
- Unpaid personal leaves are limited to one per calendar year (January-December).
- Accepting employment elsewhere is not a qualified reason for unpaid leave under this policy and may result in termination of employment.

### **Procedure for applying for unpaid personal leave**

Requests for unpaid personal leave must be made in writing to the employee's department manager with a copy to the human resources director and should indicate the reason and the length of leave requested. *(See Unpaid Personal Leave of Absence Request Form)*

The department manager shall review and act upon a request for unpaid personal leave in consideration of the following factors:

- The purpose for which the leave is requested.
- The length of time the employee will be away.
- The effect the leave will have on the ability of the department to carry out its responsibilities.
- The quality of the employee's performance prior to the submission of the request.

All unpaid personal leave must be approved by the department manager and Senior Leadership.

### **Procedure for returning from unpaid personal leave**

An employee who has been granted an unpaid personal leave of absence shall give the department manager reasonable notification of the intent to return to work at least two weeks prior to the return date. Failure to provide notification of a return date may be considered an immediate voluntary termination.

If the previous position is no longer available, the employee may be considered for other open shifts in a comparable position which the employee is qualified for as they become available.

If no position exists, the employee will remain on unpaid leave status until a suitable opening develops. If such an opening does not occur within a 30-day period, any obligation to reinstate the employee is discontinued and the employee's leave status is changed to a voluntary termination. Future reemployment would be as a rehire with only legally required reinstatement of applicable benefits.

## **906. Family Medical Leave Act**

Access of the Red River Valley will comply with the Family and Medical Leave Act implementing regulations as revised effective February 2013. The agency posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on [Employee Rights and Responsibilities under the Family and Medical Leave Act](#) in the Human Resources Department and on the Benefits Bulletin Board in the office.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact the Human Resource Director at the Access office, in writing.

### **General Provisions**

Under this policy, Access of the Red River Valley will grant up to 12 weeks of unpaid, job-protected leave (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees.

### **Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the agency for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determines the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- 3) The employee must work in a worksite where 50 or more employees are employed by the agency within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

### **Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy are encouraged to consult with the Human Resource Director.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee request unpaid leave as provided under this policy, Access may designate all or some portion of related leave taken as leave under this policy, the extent that the earlier leave meets the necessary qualifications.

- 5) Qualifying exigency leave: for families of members of the National Guard or Reserves or of a regular covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

A "son or daughter of a covered service member" means the covered service members biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

A "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. The does not include parents "in law".

Under the FMLA, a “spouse” means a husband or wife as defined under the law in the state where the employee resides. Note: Same-sex marriages are recognized by the state of Minnesota. Now that same-sex spouses are “spouses” under federal law if they are “spouses” under state law, all federal laws and regulations that include spouses include the broader same-sex definition of “spouse”. Thus, for FMLA, an employee can take leave for a serious medical condition, including military-family leave, of the same-sex spouse if the employee lives in a state that allows same-sex marriage. However, since the court did not consider Section 2 of DOMA, states still have the right not to recognize same-sex marriages originating in other states or territories; Therefore, in the 13 states that recognize gay marriage—California, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont, and Washington, plus the District of Columbia—applicability of the FMLA would depend on the state definition of marriage. Additionally, children of same-sex meaning an employee is entitled to take FMLA leave for their care, as well.

The “next of kin of a covered service member” is the nearest blood relative, other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member’s next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member’s only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member’s next of kin. Alternatively, where a covered service member has a sibling(s) and a designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the service member’s next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(j).

“Covered active duty” means:

(a) “Covered active duty” for members of a regular component of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country;

(b) “Covered active duty” for members of the **reserve** components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code. In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and the leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee’s 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave: (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term “covered service member” means:

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

(b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term "serious injury or illness" means:

(a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered service member in line of duty on an active duty that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating

(c ) Outpatient status, with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

### **Amount of Leave**

An eligible employee can take up to 12 weeks for FMLA circumstances under this policy during any 12-month period. The agency will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the agency will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (military caregiver leave) during a single 12-month period. For this military caregiver leave, the company will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for Access of the Red River Valley and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the agency and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

### **Employee Status and Benefits During Leave**

While an employee is on leave, the agency will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the agency will require the employee to reimburse the agency the amount it paid for the employee's health insurance.

Under current agency policy, the employee pays a portion of the health care premium. While on paid leave, the agency will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment in person or by mail. The payment must be received by the Human Resource Department of the 1<sup>st</sup> day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The agency will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the agency may discontinue coverage during the leave. If the agency maintains coverage, the agency may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

### **Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position of equivalent status, pay, benefits, and working conditions. The agency may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

### **Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal, or sick leave prior to being eligible for unpaid leave. Sick leave may run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave appropriately before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the company's sick leave policy) prior to being eligible for unpaid leave.

### **Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill service member over a 12-month period). Access of the Red River Valley may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, Access and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with Access before taking intermittent leave or working a reduced hours schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

### **Certification for the Employee's Serious Health Condition**

The company will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL

Certificate of Health Care Provider for Employee's Serious Health Condition  
(<http://www.dol.gov/esa/whd/forms/WH-380-E.pdf>)

The agency may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. Access will not use the employee's direct supervisor for this contact. Before Access makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, Access will obtain the employee's permission for clarification of individually identifiable health information.

Access has the right to ask for a second opinion if it has reason to doubt the certification. Access will pay for the employee to get a certification from a second doctor, which the company will select. Access may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict Access will obtain the employee's family member's permission for clarification of individually identifiable health information

Access has the right to ask for a second opinion if it has reason to doubt the certification. The agency will pay for the employee to get a certification from a second doctor, which the agency will select. The agency may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the agency will require the opinion of a third doctor. The agency and the employee will mutually select the third doctor, and the agency will pay for the opinion. This third opinion will be considered final. The company will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **Certification for the Family Member's Serious Health Condition**

The agency will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-F.pdf>).

The agency may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The agency will not use the employee's direct supervisor for this contact. Before the agency makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the agency will obtain the employee's family member's permission for clarification of individually identifiable health information.

The agency has the right to ask for a second opinion if it has reason to doubt the certification. The agency will pay for the employee's family member to get a certification from a second doctor, which the agency will select. The agency may deny FMLA leave to an employee whose family member refuses to release relevant medical records to a health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the agency will require the opinion of a third doctor. The agency and the employee will mutually select the third doctor, and the agency will pay for the opinion. The third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **Certification of Qualifying Exigency for Military Family Leave**

The agency will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/esa/whd/forms/WH-384.pdf>).

#### **Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave**

The agency will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable request or provide a

reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service Member (<http://www.dol.gov/esa/whd/forms/WH-385.pdf>).

### **Recertification**

Access of the Red River Valley may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the agency receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the company may request recertification for the serious health condition of the employee or the employee's family member every six months in conjunction with an FMLA absence. The agency may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

### **Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR Director. Within five business days after the employee has provided this notice, the HR Director will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov/esa/whd/fmla/finalrule/WH381.pdf>).

When the need for the leave is foreseeable, the employee must provide Access with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with Access's policy and procedures for unplanned absences. Certification of the reason for the leave is required and may include a doctor's statement.

### **Designation of FMLA Leave**

Within 5 business days after the employee has submitted the appropriate certification form, the HR Director will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov/esa/whd/forms/WH-382.pdf>).

### **Intent to Return to Work from FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, the agency may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

## **907. MN Paid Leave**

Access of the Red River Valley will comply with Minnesota's Paid Leave law that is effective January 1, 2026. This policy outlines the benefits and procedures for employees seeking paid leave for qualifying medical and family reasons.

### **Eligibility**

Employees are eligible for Paid Leave if they:

- Work at least 50% of their time in Minnesota
- Earned at least 5.3% of the state's average annual wage in the past year

### **Leave Entitlement**

Eligible Employees may take:

- Up to 12 weeks of Medical Leave for their own serious health condition
- Up to 12 weeks of Family Leave to:
  - Bond with a new child (birth, adoption, or foster placement)
  - Care for a family member with serious health condition
  - Address issues related to domestic violence, sexual assault, or stalking
  - Support a family member called to active military duty

The maximum combined leave is 20 weeks per benefit year

### **Use of PTO During MN Paid Leave**

(If applicable) Employees are required to use any accrued paid time off (PTO) before receiving benefits under Minnesota Paid Leave, unless otherwise required by law. PTO will run concurrently with MN Paid Leave, reducing the amount of unpaid leave an employee may need to take. PTO will not continue to accrue while on leave.

#### **Coordination with Other Benefits**

If an employee is eligible for other voluntary paid benefits, such as Short-Term Disability (STD), MN Paid Leave must be applied first. Any additional benefits will coordinate with MN Paid Leave according to company policy and applicable law.

#### **Job Protection**

Employees are entitled to job protection after 90 calendar days from the date of hire. Upon return, employees will be reinstated to their original or equivalent position with the same pay, benefits, and seniority.

#### **Application Process**

- **Notification:** Employees must notify their supervisor as soon as the need for leave is known.
- **Documentation:** A healthcare provider's certification may be required to verify the need for leave
- **Coordination:** Paid Leave may run concurrently with other leave entitlements, such as FMLA, if applicable.

#### **Premium Contributions**

The total premium rate is 0.88% of an employee's wages up to the Social Security wage base. Access will share this cost, with each contributing up to 50% (0.44%).

#### **Questions and Applications**

For more information, to apply for Minnesota Paid Leave, or to check your eligibility, employees should visit the official state website: <https://mn.gov/deed/paidleave>.

For questions regarding company-specific procedures, PTO, or coordination with STD, contact Human Resources.

### **908. Military Leave**

We seek to comply with all state and federal laws (USERRA) regarding leaves of absence for military duty. In the event that an employee needs to request a military absence, that employee should notify the Human Resource Department.

### **909. Jury Duty**

Access believes that jury duty is civic obligation. An employee called for jury duty shall receive his/her regular wage/salary for up to two weeks. Any amounts paid by government agencies or others while engaged in such service will be returned to Access. An employee must report to work on any day or part of a day that he/she is excused from duty. That employee will continue to receive benefits while on jury duty.

## **1000. SECTION TEN. Expense Report Protocol.**

### **1001. Out of Town**

Access may authorize travel for approved out of town business and reimburse employees for all approved business expenses as allowed and established by the agency for direct training/educational costs consisting of registration, books, travel, and lodging. All may be reimbursed as agency funding permits. All travel reports; including itemized receipts, need to be turned in on monthly expense report.

### **1002. Mileage**

- Authorized mileage will be reimbursed at \$.62 per mile
- Driving to staff's home and back (even with client in car) is NOT reimbursed. It is not allowed for a client to visit a staff's home

- No out of town trips are authorized unless pre-authorized by a Director; Therefore, no authorization... no reimbursement
- All destinations must be listed on the Expense Report form as well as the client that is involved in the mileage
- Mileage reimbursement begins from the Access office (If the client is not in the car, mileage to offsite meetings and appointments begin at the Access office)
- Actual odometer reading must be recorded
- Mileage per client cannot exceed 10 miles per day without Supervisory approval
- Rural sites will be negotiated for an individual rate

### **1003. Activities**

Please remember that we strongly encourage our clients to participate in (free of charge or low cost) community activities. Any questionable event or activity costing more than \$5 should be first approved by your supervisor. Activities over \$5 not approved by your supervisor will not be reimbursed. Food is not reimbursable.

### **1004. Expense Form Requirements**

- All receipts must be attached to the Expense Report form; Items submitted without a receipt will not be reimbursed. Receipts must be itemized, listing items purchased.
- Remember to sign and date the expense report
- Expense Reports are due by the third of the month following the incurrence of the expense
- Expense Report checks will be processed after they are approved by the employee's supervisor and the Program Manager on the 10<sup>th</sup> of the month. All expense reports will be reimbursed and directly deposited the last pay period of the month.
- Expenses can only be reimbursed for the current month; combining two or more months is not allowed
- Expense Reports turned in late will not be reimbursed

## **1100. SECTION ELEVEN. Grievance Procedure.**

### **1101. Employee Grievance Procedure**

The purpose of the grievance procedure is to provide an orderly process for employees to resolve, at the lowest possible level, their concerns related to the personnel policies. A grievance policy shall assure employee's questions and concerns that develop in the course of their employment with the agency are promptly, respectfully, and objectively heard and answered. A grievance is defined as a disagreement between an employee and management as to the interpretation or application of policies, rules and regulation, state civil service laws, state or federal laws relating to terms and conditions of employment, or other disagreements stemming from perceived unfair or inequitable treatment during employment with the agency. All employees are encouraged to use this grievance procedure when they perceive it to be justified. Furthermore, employees must be assured that the use of the procedure will not result in disciplinary action, harassment, or being dealt with in any other unfair manner by the agency. Grievances are to be settled at the earliest possible level of the procedure. The grievance must proceed through the levels in order that they are specified in the grievance procedure. When progressing through the levels, if the subject of the grievance is the employee's immediate supervisor, the most immediate next level supervisor employed by Access should be contacted.

- Step One – Informal Discussion: Any employee with a grievance shall, within the timeframe of five working days, discuss the matter orally with his/her immediate supervisor and attempt to resolve the issue informally. If the immediate supervisor is the person with whom the employee has a grievance, or the employee is otherwise uncomfortable raising the issue with the supervisor, then the first step of this grievance policy may be taken to the next level supervisor employed by Access.
- Step Two – Written Grievance: If the employee is not satisfied with the result obtained in step one, he/she shall file a written grievance within five working days of the date of the informal discussion with supervisor as described in step one. The written grievance shall include:
  - A clear statement of the problem
  - The employee's statement of what he/she perceives as an appropriate resolution to the problem.

- The facts that support the employee's position
- Within five working days, a senior level supervisor (not directly involved) shall investigate the situation and furnish the employee with a written decision as to how or if the grievance will be resolved.
- Step Three – Appeal to the Human Resource Director: If the employee is not satisfied with the result obtained in step two, he/she may file an appeal with the Human Resource Director within five working days of the reply to the written grievance as described in step two. All written information, grievance claim, and supervisor responses that have been developed to date shall be submitted to the Human Resource Director for his/her review. The Human Resource Director shall review the information, further investigate the issue if he/she deems necessary and issue a written response to the appeal within ten working days of the appeal.
  - Step Four – Pursuit of the Executive Director and/or Board of Directors: If the employee has received the Human Resource Director's response and is still not satisfied, he/she may appeal the matter to the Executive Director and/or Board of Directors. Should this action be taken by the employee, the employee shall notify the Executive Director and/or Board of Directors.

Records related to grievances will be filed separately and will not be kept in or made part of the personnel file of any employee. In addition, no reprisals of any kind will be taken or tolerated against any employee because he/she has filed or advanced a grievance under this policy.

### **1102. Public Report by Employee of Agency Wrongdoing ("Reporter")**

A Reporter is an employee (hereafter referred to as reporter) who reports an agency activity that he/she considers unethical or wrongful actions to their immediate supervisor, Program Manager, Executive Director, or the Human Resource Director. The reporter is not responsible for investigating the activity or for determining fault or corrective measures; appropriate Directors and Executive Director are charged with these responsibilities. The agency will not retaliate against a reporter that makes a report in good faith, right or wrong. This includes, but is not limited to, protection from retaliation in the form of adverse employment actions such as termination, decreased compensation, or poor work assignments and threats of physical harm. Any reporter who feels they have been retaliated against should contact the Human Resource Director immediately. The right of a reporter for protection against retaliation does not include immunity for any personal wrongdoing that is illegal and investigated.

### **1103. Access to Records**

Access maintains a personnel file for each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records. An employee may review his or her personnel record once every six months upon written request, and obtain a copy of the record at no charge. A former employee is entitled to review his or her personnel records upon written request once every year after the separation date for as long as the personnel record is maintained. Access will charge an administrative fee for the copy. The law also permits employees to submit a statement disputing anything in the personnel record with which the employee disagrees (not to exceed five pages). This statement is to be made part of the employee's personnel record. There can be no retaliation by the agency against any employee who makes such requests.

The employee or separated employee is required to give 24-hour written notice for such access, and the agency has seven days to provide the employee with access to or written copy of their personnel files. The employee or separated employee's written notice of such a request shall be given to the Access Human Resource Department who shall be responsible for providing access to the employee's personnel file. The review shall take place in the agency office and be conducted in the presence of a representative of the employer.

### **1104. Record Retention**

Access ensures that necessary records and documents are adequately protected and maintained and that records are no longer needed by Access of the Red River Valley or are of no value are discarded at the proper time. This policy is also for the purpose of aiding employees of Access of the Red River Valley in understanding their obligations in retaining electronic documents-including email, web files, text files, PDF documents, and all Microsoft Office or other formatted files. Please see the Human Resource Department for a list of documents that need to be retained and the retention period.

### **1105. Tennessean Warning for Employees**

In accordance with the Minnesota Data Practices Act, Access is required to inform employees of their rights regarding private information collected from them. Most of the data the agency maintains about the employee is public, according to Minnesota Statute section 13.

## **1200. SECTION TWELVE. Harassment-Free Workplace Policy.**

As a part of our commitment to equal opportunity, Access of the Red River Valley, Inc. has a strict policy against all types of workplace harassment, including sexual harassment and other forms of workplace harassment based upon race, color, creed, religion, national origin, sex sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, or related conditions), marital status, disability, public assistance, age, and familial status, genetic information, local commissions activity, veteran status, uniformed service member status, or any other status protected by federal, state, or local laws. All forms of harassment of, or by an employee, vendors, visitors, customers are strictly prohibited and will not be tolerated.

**Sexual Harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; (2) submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

While it is not possible to identify every act that constitutes or may constitute sexual harassment, the following are some examples of sexual harassment: Unwelcome requests for sexual favors, lewd or derogatory comments or jokes; comments regarding sexual behavior or the body of another; sexual innuendo and other vocal activity such as catcalls or whistles; obscene letters, notes, emails, invitations, photographs, cartoons, articles, or other written or pictorial materials of a sexual nature. Repeated requests for dates after being informed that interest is unwelcome, retaliating against another for refusing a sexual advance or reporting an incident of possible sexual harassment to Access of the Red River Valley or any government agency. Offering or providing favors of employment benefits such as promotions, favorable evaluations, favorable assigned duties or shifts, etc., in exchange for sexual favors; and any unwanted physical touching or assaults or blocking or impeding movements.

**Other Workplace Harassment** is verbal or physical conduct that insults or shows hostility or aversion towards an individual based upon race, color, creed, religion, national origin, sex, sexual orientation (including transgender status, gender identity or expression), pregnancy (including childbirth, lactation, or related conditions), marital status, disability, public assistance, age, familial status, genetic information, local commissions activity, veteran status, uniformed servicemember status, or any other status protected by federal, state, or local laws.

Again, while it is not possible to list all circumstances that may constitute other forms of workplace harassment, the following are examples of conduct that may constitute workplace harassment: The use of disparaging or abusive words or phrases, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to the above protected categories; written or graphic material that insults, stereotypes, or shows aversion or hostility towards an individual or group because of one of the above protected categories and that is placed on walls, bulletin boards, email, voicemail, or elsewhere on our premises, or circulated in the workplace; and a display of symbols, slogans, or items that are associated with hate or intolerance towards any select group.

This policy applies to everyone, including managers. No retaliation or intimidation directed towards anyone who makes a complaint will be tolerated.

If you believe you have been a victim of harassment, take the following steps:

- Discuss the matter with your supervisor or director.
- If, for any reason, you would prefer not to speak to your supervisor (for example, if you believe your supervisor to be the source of or a party to the harassment), you may talk to any other member of management or the EEO Coordinator (Human Resource Director).
- The company will investigate and attempt to resolve your complaint promptly. If, for any reason, you believe this has not occurred within a reasonable period of time, refer the problem to any other manager in the

## 1300. SECTION THIRTEEN. Termination.

### 1301. Termination

- Employees may be terminated at any time during the orientation period. Additionally, an employee may be terminated for misconduct, incompetence, unsatisfactory performance, insubordination, or non-professional conduct or for other cause or no cause as determined by the agency.
- An employee may be discharged immediately for any non-discriminatory reason if he/she commits an offense for which immediate discharge is warranted or if the employee's continued presence would be unfavorable to the well-being of the agency or any of its employees or clients. All terminations must be reviewed by Human Resource Director and approved by the Program Manager and/or Executive Director.
- When an employee has been disqualified by the MN Department of Human Services (DHS) and/or Clay County Social Services (CCSS) from providing services to clients, that employee shall be terminated immediately. When a VA (Vulnerable Adult) report has been filed against an employee, that employee may be placed on an unpaid suspension pending an investigation and/or terminated upon substantial investigation.

### 1302. Job Abandonment

An employee who is unable to report to work at the designated time is required to notify his or her supervisor. Employees who fail to report to work for three consecutive business days without notifying the company of the absence will be considered as having voluntarily resigned as a result of job abandonment.

If the employee is unable to contact Access during that time due to **extreme** circumstances such as serious illness, the employee should contact or have his/her agent contact the company as soon as practicable to explain the situation. Access will determine if the voluntary resignation will be upheld or in the case of serious health conditions if FMLA/MN Paid Leave would apply to eligible employees.

### 1303. Procedure

- 1303.01 Progressive Discipline:** The agency shall use progressive discipline before termination where appropriate. All employees shall read and sign their position job description upon hire/promotion. Employees who fail to meet these position requirements and correct a job performance or attendance problem after a verbal or written reminder may receive an **Employee Warning**. Additional Employee Warnings can be combined with an **Action Plan** that outlines specific problems, goals and additional retraining and a target date for correction(s). Failure to correct the problem(s) after an Employee Warning and/or Action Plan will lead up to and include termination.
- 1303.02 Review:** All terminations must be reviewed by Human Resource Director and approved by the Program Manager and/or the Executive Director.
- 1303.03 Infractions:** For certain infractions that are considered serious by the agency, including but not limited to breach of honesty; breach of trust; the unlawful distribution, dispensation, consumption, possession, or use of drugs/controlled substances or alcohol at the workplace; insubordination; sexual misconduct; or threat of harm to the agency, employees, or clients, immediate termination is warranted, and no notice will be given.
- 1303.04 Confidentiality:** All progressive disciplinary record(s) will be kept in confidence and released only to those with written authorization or as required by the Minnesota Data Practices Act, other state or federal law, or valid subpoena or court order.

## 1400. SECTION FOURTEEN. Leaving Agency Employment.

### 1401. Separations (Voluntary, Non-voluntary)

- 1401.01 Voluntary:** A voluntary separation is a separation initiated by the employee. Should you separate your employment at Access, you are asked to give the agency at least two weeks

advance notice for non-exempt staff employees and at least four weeks' notice for exempt staff employees. You should submit in writing (non-exempt employees use the "Voluntary Resignation" form, and exempt employees may submit a written letter of resignation) your reason for separation and the effective date (effective date is your last day worked). This should be given to your supervisor, who in turn will forward it to the Human Resources department. In some cases the agency may accept an employee's resignation effective immediately or as of another date prior to the end of the notice period.

**1401.02 Non-voluntary:** A non-voluntary separation is any termination of employment initiated by the agency. A non-voluntary termination may occur as a result of an employee's unsatisfactory job performance or misconduct, or it may result from other reason or circumstances such as a reduction in force or failure to meet the state's mandatory for background checks or for any reason or at the will of either party, with or without cause.

### **1402. Mutual Agreement**

A mutual agreement is whereby both the individual and the agency management decide that it would be mutually beneficial to end the employment relationship. Under these circumstances no termination notice period is set by the agency, and a departure date is informally agreed upon within a reasonable time period.

### **1403. Reduction in Force**

Reduction in the workforce is a result from job elimination due to conditions such as agency or program reorganization or financial constraints. The Board of Directors makes the decision to reduce the agency work force. In the event a position is eliminated, the employee may be allowed:

- Thirty calendar days' written notice
- Recall within six calendar months if the position reopens

### **1404. Letter of Recommendation/Referrals**

Employees who request letters of referral or completion of reference forms for job applications or educational placement must sign a "Release of Liability" form and submit the information to the Human Resource department. The Human Resource department will process all requests for employee information.

### **1405. Exit Interviews**

In order to obtain reliable and consistent data, Access shall routinely provide exit interviews & questionnaires to all departing employees.

### **1406. Client Contact**

Once an employee separates from the agency, contact with agency clients shall cease immediately unless prior approval is granted from the clients guardian and management.

### **1407. Company/Client Property**

Upon termination all employees must return company/client property (i.e. Keys, Daytimers, etc.)

## **1500. SECTION FIFTEEN. Miscellaneous Policies.**

### **1501. Drug, Alcohol and Cannabis-Free Workplace Policy**

Access is committed to providing a safe work environment and to fostering the well-being and health of its employees and clients. While on Access property, Access if not required to accommodate, nor may employees use, possess, distribute, sell, offer, purchase, transfer, be under the influence of or impaired by alcohol, drugs, intoxicating cannabinoids, cannabis products, lower-potency help edibles, or hemp-derived consumer products, or any other substances which have an intoxicating effect or impair the ability of employees to work safely and effectively.

This policy prohibits reporting for work and working anywhere on behalf of Access, using an Access vehicle, machine, or equipment, while under the influence or impaired by alcohol, drugs, intoxicating effect or impair the ability of employees to work safely and effectively.

This policy applies to all official or unofficial break and meal periods, and all other times during the working day when an employee has reported for work, including paid or unpaid meal breaks. The only exception to this policy is the responsible use of alcohol at official Access sponsored social or business events at which alcoholic beverages are served.

Employees must report any violations or suspected violations of this policy to Access management.

Violation of this policy may result in discipline up to and including termination.

Employees may be required to undergo alcohol or drug screening at any time. An employee who has a first positive test would be offered the opportunity to seek rehab (as required by Minnesota State law).

1. It is a violation of our policy for anyone to use prescription drugs illegally. (It is not a violation of our policy for an employee to use legally prescribed medications, but the employee should notify his/her supervisor if the prescribed medications will affect the employee's ability to perform his/her job.)
2. Violations of this policy are subject to disciplinary action ranging from suspension from work without pay, up to and including dismissal. (See Section 1301. Terminations). It is the responsibility of our staff to report to their immediate supervisor any changes in performance or behavior that suggests an employee has an alcohol or drug problem. Although it is not the responsibility of the managerial staff to diagnose an employee's problem, they should encourage such an employee to seek help and tell him/her about available community resources for getting help. Because all employees are expected to be concerned about working in a safe environment, they also should encourage their fellow employees who may have alcohol or other drug problems to seek help. (See MN Statutes 245A.04 sub. 1, para.(c)).

### **1502. Conflicting Relationships Policy**

It is the policy of the agency to avoid conflicting relationships in the workplace. For purposes of this policy, conflicting relationships shall be defined as:

- Family – relationships between family members as defined as spouse, children, parent of the employee or spouse, brother or sister of the employee or spouse, grandparents or grandchildren of the employee or spouse, nephews or nieces of the employee or spouse, brothers-in-law or sisters-in-law of the employee or spouse
- Household – relationships between persons who regularly share a household
- Romantic – relationships between persons who have or have had a romantic relationship

The following guidelines shall govern conflicting relationships:

- No employee shall be permitted to hire someone with whom they have or have had a conflicting relationship
- Persons in conflicting relationships shall not supervise one another
- Persons in conflicting relationships shall not be involved in each other's job performance or salary evaluations or recommendations

All employees and candidates for employment are required to report conflicting relationships to the Executive Director:

- At the time of job application
- At the time a conflict arises

The Executive Director may make accommodations for employment of persons in conflicting relationships. Such accommodations must be documented in writing in the individuals' personnel files and assure that the intent of this policy is followed.

### **1503. Community Behavior**

As agency representatives Access employees on duty in the community are expected to conduct themselves in a professional manner.

### **1504. Cameras in the Workplace**

Access prohibits employee use of audio and video recording in the workplace, including camera-equipped phones, tablets and other devices, when necessary to secure client privacy.

The agency reserves the right to install security cameras in work areas for specific business reasons, such as security, theft protection or protection of proprietary information.

Access may find it necessary to monitor work areas with security cameras when there is a specific job-or business-related reason to do so. The company will do so only after first ensuring that such action is in compliance with state and federal laws.

Employees should not have any expectation of privacy in work-related areas.

Employee privacy in nonwork areas will be respected to the extent possible. Access' reasonable suspicion of onsite drug use, physical abuse, theft or similar circumstances would be possible exceptions. Legal advice will be sought in advance in such rare cases where nonwork-area privacy must be compromised.

Employees should contact their supervisor or the human resource department if they have questions about his policy.

***Nothing in this policy is intended to, nor should be construed to limit or interfere with employee rights as set forth under all applicable provisions of the National Labor Relations Act, including Section 7 and 8(a)(1) rights to organize and engage in protected, concerted activities regarding the terms and conditions of employment.***

### **1505. Client Rights**

Agency employees shall respect at all times an Access client's right to privacy.

**1505.01 On-duty employees:** When an Access employee is on-duty with an agency client, no outside person or animal (i.e. relative or friend or pet of the employee) shall be allowed to accompany the employee to the client site unless approved by the guardian and/or management.

An Access employee, while on-duty shall not take an agency client to their private home and/or other residence(s) without prior approval from the supervisor.

Employees' on-duty are not allowed to transport anyone in their personal vehicle other than the agency-assigned client(s).. This includes employees' friends and relatives, as well as the client's friends and relatives due to liability concerns. Additionally, employees are not allowed to transport clients using taxis, rideshares (ex: Uber, Lyft), or other forms of public transportation without prior approval from the Program Manager or Executive Director.

**1505.02 Off-duty employees:** When an Access employee is off-duty, he/she shall not accompany an on-duty employee to a client site and/or community event. Furthermore, no agency employee shall be allowed at a client's site while off-duty without the approval of his/her supervisor.

### **1506. Fragrance-free Policy**

Access strives to maintain an environment comfortable for all. Additionally, we are committed to the broadest access to a healthy environment for our employees and clients. Therefore, as a courtesy to Access employees and clients who express sensitivity to fragrances, the agency respectfully requests all employees to please refrain from wearing or using scented products in the office and at client sites. The agency appreciates your cooperation and support.

### **1507. Drivers**

All Access employees are required to have a current valid driver's license and proof of current auto insurance. Furthermore, they shall inform the agency of any infractions that result in loss of their driving privileges. Employees are entirely responsible for any traffic violations or vehicle damage incurred while working. Driving violations may result in termination from employment with the agency.

### **1508. Seatbelt Policy**

All Access employees are required to wear seatbelts while on duty, and they are required to ensure that clients riding in their vehicle are using seatbelts or car seats as legally required based on age and weight. The employee should know age requirements for children sitting in the front or back seat.

### **1509. Company Vehicle Policy**

The company vehicle policy outlines the responsibilities and expectations for employees who operate company-owned, leased, or rented vehicles. The purpose of this policy is to promote safety, protect company property, and ensure that all vehicles are used responsibly, legally, and efficiently for business purposes. This policy applies to all employees who are authorized to operate a company vehicle or use their personal vehicle for company business.

Employees are expected to follow program-specific procedures when driving vehicles and transporting passengers. Company vehicles are provided for business use only and must not be used for personal errands, transporting unauthorized passengers, or engaging in activities unrelated to company operations, unless specifically approved by management. Employees are required to maintain a valid drivers license appropriate for the type of vehicle operated, follow all state and federal traffic laws, and operate vehicles safely and courteously at all times. Any suspension, restriction, or revocation of a driver's license must be reported immediately to Program Manager or Executive Director.

Employees must perform a visual inspection of the vehicle before use to ensure it is in safe operating condition, checking for damage, fluid leaks, and proper tire inflation. Any mechanical issues or damage must be reported promptly to the designated supervisor or manager. Company vehicles must be kept clean and well-maintained, and all routine service and repairs must be coordinated by the Program Manager or Executive Director. Unauthorized repairs or modifications to company vehicles are strictly prohibited.

The company enforces a zero-tolerance policy for the use of alcohol, illegal drugs, or any impairing substance while operating a company vehicle. Employees must not consume, possess, or be under the influence of such substances at any time when driving for company business. Additionally, the use of cell phones or electronic devices while driving is prohibited unless a hands-free system is used in accordance with state law. Texting, emailing, or browsing while operating a vehicle is strictly forbidden.

Employees are responsible for all traffic violations, citations, or fines incurred while operating a company vehicle, except in cases where the company is legally responsible. In the event of an accident, employees must immediately contact law enforcement, follow all applicable laws regarding reporting, and notify their supervisor as soon as possible. A detailed written report of the incident, including any injuries or property damage, must be submitted within twenty-four (24) hours.

Only authorized employees may operate company vehicles. Family members, friends, clients, or other non-employees are not permitted to drive or ride in company vehicles unless prior authorization is granted by the Program Manager or Executive Director. Company vehicles must be parked securely when not in use, and keys must not be left in unattended vehicles.

The company reserves the right to review driving records periodically and may revoke vehicle privileges at any time based on safety concerns, policy violations, or disciplinary action. Employees who misuse a company vehicle, engage in unsafe or unlawful behavior, or fail to comply with this policy may face disciplinary action, up to and including termination of employment.

### **1510. Removal from Client Site and Non-retaliatory Policy**

Some actions of the agency are in the best interest of the client(s) and are non-retaliatory. The following is a list of such actions (including but not limited to) that, because of our commitment to client protection, may be taken by the agency:

- Parent/guardian asks for the removal of an employee
- Department of Human Services (DHS) or Clay County Social Services (CCSS) disqualifies an employee from providing services
- Vulnerable Adult (VA) or Maltreatment of Minor report(s) are filed against an employee
- Subsequent actions
- Unpaid suspensions
- These situations may result in reassignment, suspension without pay, and/or termination of an employee.

### **1511. Dress Code**

It is expected that employees will maintain a clean and neat appearance and project a professional image in dealing with other employees, clients, families/guardians, volunteers, and the general public. The agency reserves the right to define appropriate standards of appearance for the workplace.

### **1512. Key Checkout**

Access employees working at 24-hour care sites are responsible for any keys they are given by Access for those client sites. If these key(s) are lost, they shall be required to replace the key without reimbursement.

All staff are responsible for making sure the client sites are securely locked when no one is there.

### **1513. Pandemic Policy**

The Agency is committed to provide the highest standard of service to clients at all times and to provide a safe working environment for its employees. The Agency will educate and train employees on the following: influenza, the precautions that can be taken during a pandemic and what individual employees' roles will be in the event of a pandemic outbreak. The Agency will conduct such training on an annual basis. Based on the World Health Organizations (WHO) phases of pandemic alert, the Agency will furnish clients with information regarding influenza when the Center for Disease Control (CDC) raises the alert to a level four (4) i.e. there is evidence of increased human-to-human transmission. The WHO's phases of pandemic alert are included with this policy (see the Agency's complete copy-available in the HR Department). Clients will be advised to take precautionary measures and will be given emergency contact details on where to obtain additional information.

In addition to the information that the Agency will provide to employees and clients, it is the responsibility of employees and clients to further educate themselves and to take the necessary precaution to reduce the likelihood of becoming infected by the Influenza virus.

The Executive Director or designee will coordinate all activities during a pandemic outbreak. Employees who are unable to come to their work site or provide services will be contacted by telephone and/or email to ensure that they are aware of their respective duties and what the Agency is doing to protect them as well as their clients.

### **1514. Universal Precautions/Sanitary Practices/Blood Borne Pathogens**

It is the policy of the company to minimize the transmission of illness and communicable diseases by practicing and using proper sanitary practices. Staff will be trained on universal precautions to prevent the spread of blood borne pathogens, sanitary practices, and general infection control procedures. This includes active methods to minimize the risk of contracting illness or disease through individual to individual contact or individual to contaminated surface contact.

### **1515. Nursing Mothers Policy**

All women who breastfeed their child, and who need to express milk during the working day, will work with their case manager/supervisor and Human Resources to determine how best to accommodate the needs of the mother while still accomplishing the performance of her job.

- **Time for Lactation Accommodation:** Supervisors may consider flexible working arrangements. Women may use their break and lunch time to express milk. Breaks to express milk should not last longer than 30 minutes. If an employee needs to take more than two breaks during the workday to express milk, the employee will need to use personal time (lunch, PTO, and so on.)
- **Environment for Lactation Accommodation:** Human Resources will work with each nursing mother to determine a private area in which they may express milk. Milk should be placed in cooler-type containers and may be stored in company refrigerators.

### **1516. Weapon-Free Workplace Policy**

- To ensure that Access maintains a workplace safe and free of violence for all employees and clients, the agency prohibits the possession or use of weapons on agency property. A license to carry the weapon on agency property does not supersede agency policy. Any employee in violation of this

policy will be subject to prompt disciplinary action, up to and including termination. All agency employees are subject to this provision, including visitors on company property.

- “Agency property” is defined as all agency-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the agency’s ownership or control. This policy applies to all vehicles that come onto agency property.
- “Dangerous weapons” include, but are not limited to, firearms, explosives, knives and other weapons that might be considered dangerous or that could cause harm. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.
- Access reserves the right at any time and at its discretion to search all vehicles, packages, containers, purses, desks, enclosures and persons entering its property, for the purpose of determining whether any weapon has been brought onto this property or premises in violation of this policy. Employees who fail or refuse to promptly permit a search under this policy will be subject to discipline up to and including termination.