

EMPLOYMENT

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Purpose of this Section:

Equal Opportunity Policy. The AACS, Inc., is an Equal Opportunity Employer. Employment opportunities are extended regardless of race, color, creed, national origin, age, sex, religion, disability, or other classes, characteristics, or preferences protected by law.

Americans with Disabilities Act (ADA) Policy. AACS complies with the Americans with Disability Act of 1990. The ADA assures the disabled equity in employment and treatment in all AACS programs or activities. The non-discrimination requirements are contained in Section 35-107 of the Department of Justice's ADA. Copies are available from the Personnel and Orientation Director.

All employees and applicants are treated equally under the law regarding compensation, advancement, promotion, up-grading, benefits changes, retirement, educational assistance, transfers, discipline, suspension, reduction-in-force or termination provisions and practices.

Procedure:

- (1) The AACS, Inc. Equal Opportunity Policies are mandated by:
 - TITLE VI of the Civil Rights Act of 1964 as amended
 - Section 504 of the Rehabilitation Act of 1973
 - Kentucky Cabinet for Human Resources Department for Social Services Manual Transmittal Letter number 46 and number 55
 - Americans with Disabilities Act of 1990.
- (2) Employees or applicants believing their protected civil rights were breached may:
 - Register a complaint with the AACS Equal Opportunity Officer, or
 - Directly file a formal complaint with the Kentucky Human Rights Commission or the United States Equal Employment Opportunity Commission.
- (3) Civil rights or personal complaints are generally required within 180 days from the date of occurrence of a violation unless the filing time is extended by an applicable funding source or other responsible official.
- (4) The AACS will not adversely act against employees or applicants filing civil rights complaints, testifying, or participating in discrimination investigations, proceedings, or hearings.

Purpose of this Section:

The AACS provides a workplace free of discrimination. Actions, words, jokes, or comments based on an individual's sex, race, age, ethnicity, religion, or any legally protected characteristic are not tolerated. Overt and subtle harassment creates an offensive, hostile, and uncomfortable work environment and is strictly prohibited. Harassment, by any employee, requires investigation and is subject to disciplinary action, including possible discharge.

The AACS prohibits sexual harassment. AACS employees, volunteers, clients, and applicants have a right to work in a discrimination-free environment, including freedom from sexual harassment.

Procedure:

- (1) Sexual harassment at AACS is strictly prohibited and will not be tolerated. It is perceived to be, but not limited to:
 - Suggesting to an employee that submitting to sexual favors enhances employment opportunities and/or advancement
 - Threatening or insinuating that refusal to submit to sexual advances will adversely affect employment evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development
 - Making unwelcome sexual advances or flirting
 - Using sexually degrading words
 - Making sexually suggestive or erotic comments regarding a person's body or mannerisms
 - Displaying graphically sexual depictions and/or objects in the workplace.
- (2) Supervisors shall maintain a workplace free of sexual harassment. Sexual harassment policies shall be discussed with employees assuring that insulting and/or degrading sexual harassment shall not be tolerated.
- (3) Sexual Harassment Complaint Procedure. Sexual and impermissible harassment complaints should be reported immediately to an employee's supervisor. If it is inappropriate to notify the supervisor, contact the Executive Director or Personnel Director. Sexual harassment complaints will be investigated and are confidential. Investigation results require the Executive Director's action and resolution.
- (4) Sexual Harassment Complaint Action. Sexual harassment investigations confirming allegations require prompt corrective action and disciplinary measures or possible termination against the offending party.

Purpose of this Section:

The AACS abides by the ADA and the Federal Rehabilitation Act in not discriminating against employees with Acquired Immune Deficiency Syndrome (AIDS).

Procedure:

- (1) The AACS acknowledges employee concern and pledges to maintain a safe and healthful workplace. However, employees must understand that AIDS is not transmitted by use of the telephone, rest room facilities, office equipment, or eating facilities.
- (2) Employees should understand that AIDS is transmitted by sexual contact, prenatal transmission, sharing contaminated needles, and direct contact with infected blood and certain body fluids.
- (3) The AACS provides AIDS education and awareness for employees by:
 - Allowing employees to attend annual AIDS awareness and training programs
 - Distributing AIDS awareness articles in the agency newsletter, flyers and pamphlets to employees
 - Communicating emerging medical information.
- (4) The AACS provides disposable gloves in certain facilities for general use and added safety precaution.
- (5) The AACS expects its employees to administer basic "first aid," CPR, or other assistance to employees, clients, or applicants in need. The AACS will not test applicants or employees for AIDS. The AACS does recommend that in cases of blood exposure, or body fluid contact, its employees should wear rubber gloves before rendering aid.
- (6) The AACS does not require AIDS-infected employees to disclose their illness. However, employees desiring to make their condition known should advise the Personnel and Orientation Director. All employee AIDS information is confidential.
- (7) The AACS will not tolerate employees refusing to work with employees, vendors, volunteers, or clients diagnosed with the AIDS virus or as HIV positive.

Purpose of this Section:

AACS may hire or promote from within the Agency when a vacancy occurs. A vacancy announcement will be placed in the newspaper when a pool of qualified applicants is not found with the Agency or the AACS management feels that a larger pool of applicants maybe needed.

AACS employment vacancies are advertised to promote excellent application response from the general community as well as target service areas. If AACS decides to advertise the following procedures will apply.

Procedure:

- (1) Employment vacancy advertisements are posted at various AACS centers/offices within the service area. Staff may apply for vacancy by submitting a letter of interest and resume to the designated person. Advertisements are posted at various AACS centers/offices, the local newspapers, and the Department of Employment Services serving the counties where the vacancy may occur.
- (2) In accordance with the Equal Opportunity Policy, Affirmative Action Plan, and the American with Disabilities Act, all AACS vacancy advertisement requirements will include the following reference: "An Equal Opportunity Employer M/F/D."
- (3) All employment advertisements shall be placed only by the Personnel and Orientation Director who shall assure that advertisements meet equal opportunity requirements and appropriate standards per AACS policy and procedure. Notice of newspaper advertised job openings will be posted at the Department of Employment Services serving the counties where the vacancy may occur.

Purpose of this Section:

The AACS assures all persons equal employment opportunities. However, vacancies will be filled by persons showing the highest degree of potential and qualifications as determined by interviews, past experience, and testing measures. These hiring measures enable AACS to continue providing quality services to its service area residents/clientele.

Procedure:

(1) AACS employment considerations are:

- Providing equal employment opportunity to all protected classes without discrimination as mandated by the AACS Equal Opportunity Employment Policy and the Americans with Disabilities Act
- Granting employment opportunities to older persons exhibiting required job experience and capabilities. The Age Discrimination in Employment Act defines an older person as forty (40) years of age or older
- Granting employment opportunities to qualified, economically disadvantaged AACS service area residents
- Granting employment opportunities to qualified minority persons within the AACS service area
- Granting appropriate employment opportunities for applicants normally disqualified by other employers due to a criminal record or pending criminal charges.

(2) For employment, AACS minimum requirements are:

- Completing an official AACS Employment Application
- Screening (and sometimes testing) by AACS supervisory personnel/and the personnel department
- Interviewing with an AACS department head, Executive Director or his/her designee. (Only applicants meeting specific job needs and criteria are interviewed)
- Approval (hiring) by the Executive Director and enrollment/processing by the personnel department
- Three reference checks should be reviewed. (Reference information is confidential.)

(3) AACS employment limitations include:

- Not hiring individuals maintaining membership in an organization whose purpose includes the forceful or violent overthrow of the United States Government

- Not hiring individuals convicted of child abuse, neglect, sexual abuse, violent crimes against children, a violent felony offense, or as an accessory to the listed charges. (Child Care Center Regulation 905 KAR 2.010)
 - Re-advertising the positions if it is determined that no qualified applications were submitted
 - Not hiring individuals with "immediate" family members serving on the AACS Board of Directors or Head Start Policy Council (except in a substitute position) *[Added December 1998]*
 - Not hiring or promoting employees with a criminal record to a sensitive position of childcare/preschool positions (see definitions in Number 6 below)
 - Not hiring applicants to drive a vehicle with a capacity of sixteen or more persons — or gross weight of 26,001 pounds or more — without proof of a Commercial Drivers License (CDL). The AACS will pay reasonable employee costs, e.g., the medical examination and license fee, for AACS drivers who must newly acquire the CDL.
- (4) Formal Education
- Persons without the minimum of a GED will not be considered for Head Start employment,
 - Formal education requirements will be specified in each AACS position description.
- (5) Resident Employment Opportunities. The AACS policy is to encourage employment of the residents of the areas and members of the groups served by this agency and its delegate agencies.
- (6) **Sensitive Position.** This is a professional or non-professional position requiring persons with a high degree of trust and integrity. Sample positions include: Executive Director, Associate Director, Financial Administrator, bookkeeping positions and any other position which the agency so designates because of the nature of work in dealing with the general public.

Childcare/Preschool Sensitive Position. A position requiring direct or indirect contact with children within a Child Development or Day Care center.

All other positions not meeting the above criteria are generally considered non-sensitive.

- (7) Notification of non-selectees. Persons interviewed but not selected for AACS positions will be notified that they have not been selected and may be encouraged to apply for future AACS vacancies.
- (8) Interview and Moving Expense. The AACS does not reimburse applicants interview expenses or new employees for moving expenses unless specifically approved by the Board of Directors.
- (9) The Equal Opportunity Officer may serve in the capacity of advisor and/or observer in the screening process. The Equal Opportunity Officer shall have the authority and responsibility to call attention to the violation of civil rights provisions. This equal opportunity guideline is designed to prevent a discrimination controversy arising out of the method of selection after the fact.
- (10) Consultations and Endorsements. In programs requiring the involvement of certain ancillary bodies or policy committees, such as Head Start, RSVP, and SCP, the appropriate advisory bodies shall be involved in the selection process consistent with all pertinent federal guidelines and regulations.
- (11) Selection of current AACS employees. Employees desiring to apply for other vacated positions should do so in writing. Current employees are considered along with all other applicants. No preference is given unless the AACS employee is better or equally qualified compared to other applicants for a given position.
- (12) Recommendations. Individual members of the Board or Head Start Policy Council may express their opinions about applicants for any position to the Executive Director. Recommendations in writing are preferred
- (13) Executing Employment Action. A conditional offer of employment shall be confirmed in writing only by the Executive Director in a Letter of Appointment. Such employment offer shall include the beginning date, program fund limitations, the location of the employment, hours per week/day, salary, and other relevant information.
- (14) New employees in Head Start, Counseling Services and GRITS drivers may be hired only on a conditional basis pending the receipt of acceptable criminal record checks. Each new employee of Head Start, Counseling Services and GRITS shall authorize Criminal Record checks, for all states that employee has resided in the last ten (10) years. *[Revised June 2008]*
- (15) Other new employment shall be conditional pending the outcome of any pre-employment physical— generally related to a selectee's ability to perform "essential job functions" per the ADA and/or a criminal records check. Drivers in the GRITS' program are required to have a pre-employment and an updated physical every two (2) years. AACS/GRITS will bear the cost of the physical exams. GRITS' staff must use the Agency's designated

health care providers. In either case, a valid job offer must first be made by the Executive Director. *[Revised August 2004]*

- (16) Rules Regarding Nepotism. The AACS observes certain prohibitions in employment with respect to persons whose employment is supported by federal funds or by contributions to the non-federal share. Individuals within a specified degree of relationship are prohibited from AACS employment. These are:

- (a) Members of the immediate family of a person who serves on the AACS Board of Directors, Head Start Policy Council or any committee or council of a delegate agency, (if that committee or board has authority to order personnel action affecting the employee's job).
- (b) Member of a person's family who exercises AACS supervisory authority.

"Immediate family" members for this purpose are as described in Section 1.10, page 1, paragraph 1.

- (17) **All agency senior staff are required to have a criminal record check and a consumer credit report. Their pre-employment is pending acceptable results from both reports.**

- (1718) Head Start Policy Council Role and Responsibilities relating to Hiring Employees in Head Start. The roles and responsibilities of the Head Start Policy Council, as specified in the Head Start Act and the Head Start Performance Standards, shall be observed. *Refer to Section 13.2, 13.3 and 13.4, of this Personnel Policies manual for the specific policy provision for hiring in the AACS Head Start/Early Head Start Programs. [Added February 15, 2000, Owensboro]*

Purpose of this Section:

The agency shall practice and demonstrate professionalism and non-discrimination in all aspects of personnel selection.

Procedure:

- (1) The Executive Director or his/her designee(s) shall be responsible for screening, interviewing, verifying applicant qualifications, and selection; only the Executive Director can make a valid job offer and confirm that offer with a Letter of Appointment.
- (2) With regard to Head Start screening, interviewing and recommendations, representative(s) of the Policy Council or local Parent Committee will be invited to participate in the selection process.
- (3) All applications/resumes shall receive equal attention and review and consideration commensurate with the apparent qualifications of the applicant— as represented by the application/resume— for the particular position. The designated screener(s)/interviewer(s) shall perform their duties in compliance with the Personnel Policies and Procedures Manual.
- (4) An appropriate number of applicants, based on a manageable number of potentially/apparently qualified applicants from the total applicant pool will be selected for interview. Every effort will be made to include potentially qualified minority applicants in the group selected for interview.
- (5) Screening, interviewin, recommendations and employee selection shall be performed within appropriate time frames. The demands of filling the job, courtesy toward applicants for a position, and the administrative (policy) requirements of the agency shall be considered.
- (6) **Prohibited Questions During an Interview.** Examples of questions the *may not* be asked include the following questions related to potential disabilities:
 - Is there any health-related reason you may not be able to perform the job for which you are applying?
 - Do you have any physical or mental defects which preclude you from performing certain kinds of work?
 - Have you been hospitalized in the last five years?
 - If so, for what condition?
 - Have you recently had a major illness?
 - Have you ever been treated for a mental condition?
 - How many days were you absent from work because of illness last year

- Have you ever filed workmens' compensation insurance?

Other topics to avoid during an interview include those concerning an applicant's:

- Children, child care arrangements, or plans to have children
- Age or birth date
- Physical characteristics, including weight/height
- Maiden name or marital status
- Citizenship
- Lawsuits against another employer
- Arrest record. (Arrests prove nothing!) *You may ask whether a candidate has ever been convicted of a felony crime.*
- AIDS or HIV status. (These relate to the ADA-prohibited examples above.)

(7) Allowable Questions During an Interview:

Examples of questions that *may* be asked include the following:

- Are you able to perform the essential and marginal functions of this job, with or without an accommodation?
- Please describe the job functions and tasks performed by you at your previous employer.
- Do you have a valid driver's license? (NOTE: This could be unallowable under the ADA. It must be an "essential job function" requirement in order to ask this.)
- After providing information of regular work hours, leave policies, and special attendance needs, the applicant can be asked: Can you meet these requirements?
- Were you ever disciplined for poor attendance at a previous employer? (NOTE: This could also be problematic under ADA. *Reason:* A disabled person could have been "wrong-fully disciplined" for "excessive absenteeism" by a previous employer.)

Other examples of questions you may legally ask an applicant:

- Tell me about yourself ... why did you choose this type of work?
- You mentioned you enjoyed your last job ... what did you enjoy best? ... least?
- Why do you think this company should hire you?
- What are two things you wish to avoid in your next job?
- If you could change one thing about management at your last job what would it be?

- What at your last job did you get along with least? What did you do to improve the situation?
 - Why did you leave your last job?
 - In the past year, what have you done on your time and with your own money to make yourself more valuable to us?
 - Review with me the schedule of a typical workday for you.
 - What was the last position you held?
 - Have you held the same job through your employment with the last company? If no, describe the various jobs you had, how long, and your duties.
 - What did you like most about that job?
 - Why are you thinking of leaving? Why now?
 - What will your last supervisor tell me about you and your job performance?
- (8) Any selection procedure conducted by a designee of the Executive Director shall result only in a recommendation to the Executive Director, who has sole authority to make a selection/job offer and initiate the process of employment.
- (9) Only those applications of persons interviewed shall be retained for future consideration, and those will be retained for no more than one year from the initial date of his/her application. An unsuccessful candidate may request that *a copy* of his/her application be included in future job applicant pools within the retention period only.

Purpose of this Section:

The AACS requires applicants and employees to disclose all prior and/or current felony convictions.

Procedure:

- (1) All AACS applicants and employees shall:
 - Report any and all felony convictions and pending felony charges occurring after their eighteenth birthday
 - Upon a conditional job offer, sign a criminal records release form authorizing a record check to confirm and verify information.

- (2) Hiring and retaining persons with criminal records. The AACS requires all employees and applicants convicted of a felony to submit to a criminal conviction review, which:
 - Verifies the applicant's references
 - Evaluates the prospective employee's past work performance
 - Determines if the criminal record or conviction would likely diminish the applicant's or employee's work performance
 - Determines whether findings of prior convictions should disqualify the applicant.
 - Considers all circumstances relevant to the prospective work situation and job credential requirements.

The AACS reserves the right and obligation to request and examine all reference or criminal information about any employee or applicant. Such a request or search for information is not limited to any jurisdiction and may utilize available federal or state record/file sources.

Purpose of this Section:

The AACS reserves the right to verify all employees' and applicants' U. S. citizenships as required by the Immigration Reform and Control Act (IRCA) of 1986.

Procedure:

- (1) All AACS employees hired prior to November 6, 1986 are exempt from IRCA requirements.
- (2) With all subsequent AACS "new hires," the AACS must verify citizenship within three days of employment. Employees unable to locate verifying documents must reapply for such listed acceptable documents, show proof of reapplication and must have the original documents submitted to and on file in the personnel office no later than thirty (30) days of their proof of reapplication. Failure to comply with this procedure will result in immediate termination from the agency.
- (3) The AACS and the new employee shall sign an "attestation" contained on the IRCA Form I-9, under penalty of perjury.
- (4) New employees shall provide AACS with one document from List A *or* one document from List B *and* List C for IRCA Form I-9 verification.

LIST A (Identity and Employment Authorization)

- United States Passport (expired or unexpired)
- An unexpired foreign passport containing a temporary I-551 stamp
- An unexpired Permanent Resident Card or Alien Registration Receipt Card (Form I-551) with photograph
- An unexpired Temporary Resident Card (INS Form I-688)
- An unexpired Employment Authorization Card (INS Form I-688A, I-688B or I-766)
- An unexpired foreign passport with an unexpired Arrival-Departure Record, (Form I-94) bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer

OR

LIST B (Identity Only)

- State-issued (or Canadian) driver's license containing photograph or information including: name, sex, birth date, height, weight, and eye color
- State-issued I.D. Card (federal, state, local, or government agency issued)
- Voter Registration Card
- Military Dependent's I.D. Card
- U.S. Coast Guard Merchant Mariner Card
- U.S. Military I.D. Card or Draft Record
- School I.D. Card with photograph
- Documentation required from persons under **18** years old unable to produce previously listed documents:
 - School records
 - Report cards
 - Day care or nursery school records
 - Medical records

AND

LIST C (Employment Authorization Only)

- Social Security Card (unless specified as unnecessary for employment)
 - Birth Certificate issued by any state (or legal subdivision thereof) - original or certified copy
 - Birth Certificate issued by the U.S. State Department (Form FS-545 or DS-1350)
 - U.S. Citizen I.D. Card (INS Form I-197 or I-179)
 - Native American Tribal Document
 - Unexpired employment authorization document issued by Department of Homeland Security DHS (other than those listed under List A)
- (5) The AACS will examine, review, and confirm or deny documents' validity. Document validation is attested by the Human Resources Department.
- (6) The IRCA law requires completed I-9 Forms and document copies be kept for two years after termination by the employing agency.

Purpose of this Section:

The AACS Personnel Department and management shall conduct an employee orientation to help familiarize new employees with the agency's programs, policies, procedures, and Mission.

Procedure:

- (1) The Personnel and Orientation Director shall conduct an orientation session with each employee. The orientation shall include a review of:
 - The agency's Personnel Policies and Procedures Manual
 - Agency benefits and employee insurance programs/plans
 - Leave programs and policies
 - Work schedules and requirements
 - Overtime limitations
 - Reporting time and attendance
 - Pay periods and time sheet reporting requirements.

Each new employee shall also be oriented on the structure of the agency, its programs, its overall Mission and purpose.

- (2) AACS supervisors will then train and communicate to new employees their specific work unit policies, procedures, guidelines, requirements, duties, obligations and schedules.
- (3) New AACS employees shall:
 - Attend scheduled orientation sessions
 - Sign and return required employment documents for placement in personnel file
 - Sign and return within two weeks the certification form concerning reading the PP&P Manual. This certification is required to be placed in the employee's personnel file.

Purpose of this Section:

AACS provides workplace schedules to employees. Each employee shall have a designated schedule of work hours. Schedules and hours of work may be adjusted to meet agency operation requirements and/or client needs.

Procedure:

(1) The AACS work schedule classifications include the normal workday, specified variations of the normal workday, and flex-time/flex-place employment. The agency also has a defined work week designated for wage-hour law purposes.

(2) **Work Day**

(a) Normal AACS office hours are 8:00 A.M. to 4:30 p.m., Monday through Friday.

(b) Most regular full-time and non-exempt employees customarily work 7½ hour workdays. They are entitled to one 15-minute break each morning and each afternoon. Supervisors schedule breaks accommodating department work requirements. Breaks are paid as work time. Employees must adhere to allotted break-time schedule. Head Start Center-based employees shall follow the allotted break time set forth by the school district for the jurisdiction in which their center is located. *(Revised December 2001)*

Some agency staff work a forty-hour week. Some, depending on programmatic needs work less than 37½ hours. Each employee's specific hours and work schedule is specified in his/her Letter of Employment or subsequent directives issued by the Executive Director.

(c) The AACS grants regular and non-exempt employees no less than a one half-hour unpaid meal period, except designated Head Start center-based education employees whose lunch period is included in their workday. AACS responsibilities are prohibited during non-exempt employees' designated unpaid lunch periods.

(d) Head Start Centers operate on the same calendar as the school system in the jurisdiction in which the center is located. AACS Head Start supervisors may schedule employees' hours to accommodate department work requirements.

(e) Other variations in employee work schedules may be ordered at the discretion of the Executive Director with consideration for programmatic needs and applicable wage/hour laws.

(f) The Executive Director may schedule work hours, breaks, and meal periods to accommodate agency and client needs.

- (g) The Executive Director may temporarily alter employees' work schedules in consideration of inclement weather or other hazardous conditions.
 - (h) Employees who are "exempt" are not limited by AACS normal work schedules. These employees are paid to *perform a function* no matter the time required. Therefore exempt employees are bound by a minimal work day plus additional time as necessary to fulfill the functions of the job. *[Revised August 2004]*
- (3) **Flex-time/flex-place employees:**
- (a) Certain AACS professional employees may require flexible work schedules to best serve client referrals and needs. "Flex-time" professional (exempt) employees are always "on call." *[Revised August 2004]*
 - (b) **"Flex-time/flex-place" staff** work schedules are adjusted as needed to meet client and agency needs and contract requirements. *[Revised August 2004]*
 - (c) **If "flex-time/flex-place"** employees are required in the course of their duties to work on a holiday, the employee must take such holiday off on another day during that current or subsequent pay period. Holidays cannot be carried over for more than two (2) pay periods, the current one in which the holiday occurs and the next. *[Added August 2004]*
 - (d) The Executive Director shall designate those "flex" employees who perform agency and project service requirements on a "flex-time/flex-place" basis.
 - (e) In order for an employee to be designated as a "flex-time" employee their position must first be qualified as an "Exempt" position under the federal wage-hour law — and listed in Section 3.8 2(c) of this personnel manual. Typically, "flex-time" is allowed when an eligible employee must work a rather erratic schedule due to the "on call" or "emergency" nature of their work with agency clientele, not for the convenience of the agency staff person. Working a "flex" schedule is dictated by clientele-related demands and conditions; "flex-time" staff are otherwise expected to maintain the agency's regular hours. *[Added August 2004]*
 - (f) Counseling Services supervisory staff shall monitor case records, travel logs and other documentation consistency between therapists' documentation in those records relative to their time-worked claims under their "flex-time" scheduling and time reporting. Supervisors of "flex-time" employees must devise suitable means to assure that employees violate neither the intent nor the responsibilities of this privilege. *[Added August 2004]*

(4) **Work Week:**

- (a) The AACS workweek begins at 12:01 a.m. Saturday and ends at 12:00 a.m. (midnight) Friday. The "workweek" frames the designated period for which employees are to record their time and attendance.

(5) **Adjusted or Alternative Work Schedule:** *[Added August 2004]*

As provided in item (2)(e) above, the Executive Director may devise such work schedules as may be in the best interests of the agency and programmatic operations. For example, some forty-hour employees may work four ten-hour days instead of five eight-hour days. (There may be any number of other variations as well.) Such arrangements shall:

- (a) Be spelled out in the employee's Letter of Appointment (for new hires) or other agreement letter (all other employees) which shall be signed by the Executive Director and the employee.
- (b) Be pre-arranged between the Executive Director and the employee, and pre-agreed between them.

(6) **Entry to Agency Premises After Hours.** Employees may not enter agency offices/centers/property after normal working hours without the express prior approval of their supervisor or project director.

(7) **Travel Time: Work Time.** *[Added April, 1994]* Employees customarily travel on agency business during their normal working hours, usually that means 8:00 a.m. through 4:30 p.m. — although there may be designated exceptions. *All* agency business travel during the employee's normal (specifically designated) working hours is working time and paid time for all non-exempt staff. This rule also holds true whether such agency-related business travel occurs on an agency holiday or the weekend (Saturday or Sunday).

- (a) Travel outside the employee's officially-designated customary hours is not considered working time — or paid time for the non-exempt staff person — except when the employee is actually "working." For the purpose of this policy provision that means:

- Driving a vehicle in the course of his/her official business duty (and only for the portion of time the employee is actually driving in the line of duty)

- Performing legitimate agency work while riding in a vehicle or public conveyance while in the course of official agency travel time. Performing such work must be cleared in advance with the employee's supervisor and if 1) such supervisor-approved work could/would cause a non-exempt employee to exceed his/her normal working hours the respective project director's prior approval must be secured and if 2) such work would cause a non-exempt employee to exceed forty (40) working hours within that work week the executive director's prior approval must be secured.

[See also Section 3.3 (13) in the "Overtime" section]

- (b) If the agency management would have provided — and offered to provide — commercial transportation, e.g., by air, and the non-exempt employee refuses to fly but opts to use a more time-consuming mode of transportation, e.g., a personal automobile or agency vehicle for personal reasons, the agency will allow the employee only "working time" commensurate with the amount of "air time" he/she would have been entitled to had the agency-offered option been accepted.
- (c) An employee's agency-permitted and/or — paid attendance at and travel to/from a business-related training/meeting/conference is *not* considered "voluntary," but — within the provisions above — work related time according to the following standards:
 - If it's job related it's "work time"
 - Even if an employee might attend "voluntarily," any work activity related to their job is still "work time."
 - If the employee believes the agency expects him/her to be in attendance, it's "work time"

Therefore, supervisory and management staff shall clearly designate which staff shall attend various events involving business travel. No staff person may be permitted to choose whether she/she attends *voluntarily*. No employee will presume permission to travel or attend conferences, meetings and such without written and approved travel authorizations as follows:

In the AACCS Area: The project director or his/her authorized designee

Out of AACCS Area: The AACCS executive director

(No one else can grant permission for staff to travel outside the AACCS seven-county (or for Head Start, sixteen-county service area.)

Purpose of this Section:

The AACS requires new, re-hired, promoted, transferred, reassigned, and demoted employees to be placed in “new employee” status for an introductory nine (9) month provisional/employment “working test” training period.

Procedure:

- (1) “New” employees shall:
 - Have a nine (9) month provisional employment period (which may be extended by the number of days absent) to demonstrate job proficiency and fitness.
 - Be evaluated by their supervisor to determine their job performance, suitability, and specific needed training.
 - Attain regular status upon successful completion of the nine (9) month introductory period, that is, demonstrated proficiency and performance on the job.
 - Understand that all AACS employment, whether during or after the nine (9) month introductory period, is strictly on an employment-at-will basis.
 - Complete the necessary benefit papers within one week of their successful completion of the nine (9) month introductory period or a succeeding probationary period. (Benefits, other than those required by law, are not provided until a new employee gains regular-employment status.)
 - Understand that *new* employees, who are unsuccessful at completing the nine (9) month introductory period, or any conditional extensions, will not be retained and are not entitled to pay for accrued annual leave upon dismissal.
 - Understand that a new employee may be terminated with or without cause at any point within the nine (9) months period.

- (2) The Introductory Nine (9) Month Period is considered a “working test” period. During the “introductory” period, the employee is to be evaluated every three (3) months. If this period is extended, the employee must receive a written notice at least three days prior to the extension. The supervisor may request approval from the executive director for an extension of this period for up to an additional three months and for no more than a maximum of three (3) extensions. Even *one* extension shall not be required unless the executive director deems it appropriate. Extension of this period may be based on one of the following:
 - (a) When the position involves administrative, supervisory, professional, or technical duties and responsibility and additional time is needed to evaluate the employee's performance.
 - (b) Absence due to illness of the employee or the immediate supervisor.

- (c) A change of the immediate supervisor during the “introductory” period.
 - (d) When the work load during the “introductory (9) months has been such that true evaluation could not be reasonably made.
- (3) Upon recommendation by the supervisor, the executive director may terminate an employee at any time during the Introductory Nine Month period when:
- (a) The employee is unwilling or unable to perform the duties of the position in a satisfactory manner, or
 - (b) The employee's habits and dependability do not merit his continuance in the position, or
 - (c) When a misrepresentation was made on the application for or other documents in consideration of employment with the agency.

Purpose of this Section:

AACS employees are treated equally regarding employment. However, employees are categorized for job type, wage, benefits, leave time, and other specified reasons.

Procedure:

- (1) This manual lists and defines all employment classifications and employee eligibility for benefits. All "new hires" and newly promoted employees are considered Introductory Employees.
- (2) All employees within each designated class shall be equal in treatment, and employee benefits.
- (3) To satisfy federal and state wage-hour laws, employees are categorized as either:
 - (a) **Non-Exempt Employee.** These employees are entitled to overtime pay equivalent to time and one-half their normal rate of pay for any work exceeding forty (40) hours per official workweek, according to specific federal and state wage-hour law provisions; or
 - (b) **Exempt Employee.** These employees are excluded from the foregoing pay provisions of federal and state wage-hour laws. Exempt employees are paid for the job, regardless how much time is required. All exempt employees must be so classified within the legal provisions for the wage-hour law exemption. Exempt employees are salaried. [Revised April, 1994]
- (4) Within the above groupings, other AACS employee categories are:
 - (a) **Introductory Employees.** A full-or part-time "new hire" who has not successfully completed the "introductory" nine (9) month introductory period is classified as "introductory." A new or promoted employee who does not attain the requirements and standards of the position can be reassigned to "introductory" status no more than three (3) times. Any extension of this "introductory" period shall be considered a conditional appointment. (*Revised December 2003*)
 - (b) **Regular Full-Time.** This category includes employees who work at least thirty hours per week and whose employment is *not* specifically time limited. (As a general rule, regular employees are those who work a 7½ hour workday, 37½ hour workweek.) Generally, these employees are eligible for the full AACS benefits package. Neither this nor any AACS employment is for a specific or definite time period unless clearly stated in the employee's Letter of Employment.

- (c) **Regular Part-Time.** This category includes employees who work less than 7½ hours per day or less than thirty (30) hours per week. This employment is not specifically time limited. Such employees working twenty-five (25) hours per week are eligible for partial benefits and are required to enroll in the retirement plan. No health insurance benefits are provided nor employees eligible for health insurance. [Added December 1995.]

An employee's Letter of Appointment will state whether the employee is or is not to receive partial fringe benefits, and if so specifically what benefits are to be received. Any changes from that commitment must be in writing, signed by the executive director prior to the employee's receipt of such benefits. [Added December, 1994]

- (d) **Temporary Full-Time.** This category consists of employees who work at least thirty (30) hours per week but whose employment is limited to a predetermined and specific time period. *These employees are not eligible for benefits.*
- (e) **Temporary Part-Time.** This category consists of employees who work less than 7½ hours per days or less than thirty (30) hours per week, but whose employment is limited to a predetermined and specific time period. These employees are not eligible for benefits.
- (f) **Enrollees.** This category includes a variety of work-experience and on-the-job-training projects funded for the purpose of providing transitional employment, generally limited to no more than two years. These persons may work any number of hours as designated by the agency contract or grant under which their employment is subsidized. No benefits are provided for "enrollees" except those specifically designated in their contract or grant. This category shall not apply to those staff employed to direct and/or operate the program.
- (g) **Substitutes.** Employment on an on-call basis only. These employees are not eligible for fringe benefits.
- (h) **Head Start Agreement Employees (A written Agreement is required).** This category consists of field-based employees classified as full-time whose employment terms and benefits are negotiated and set through an Agreement. For employee benefits purposes, these employees are generally treated in the same manner as "regular" full-time employees with the level of health benefits for which they qualify is continuous (12 months per year — as long as they remain employed with the Agency). But, unless otherwise stipulated on the employee's job description, this category is not eligible for annual leave [Revised: May 18, 1999 - Owensboro]

- (i) **Contractual Positions.** This category consists of persons not employees of record by the AACS, but who are compensated for specific work and/or expertise they may render by virtue of a contract for services.
 - (j) **Stipended Volunteers.** This category includes volunteers funded under the Foster Grandparent or Senior Companion programs. These policies do not apply to these persons.
- (4) These employee classifications do not imply any employment guarantees nor assure employment for any definite period of time. The AACS and employee relationship remains employment-at-will.

Purpose of this Section:

The AACS shall maintain current position descriptions and employee classifications on all new, transferred, promoted, and demoted employees.

Procedure:

- (1) Employees' personnel files shall contain current descriptions. Position descriptions provide:
 - Position duties, responsibilities, and procedures
 - Employee classification and job type
 - Minimum position educational/qualification requirements
 - Physical, mental, and other demands as directed by the ADA
 - Other job specifications, including whether "exempt" or "non-exempt"
 - The effective date of the last revision to the Position Description.
- (2) All position descriptions shall be approved by the Executive Director. Position descriptions shall be mirrored in the employee's performance appraisal form to the extent necessary for objective evaluation of actual performance and performance-related factors.
- (3) The AACS shall amend employee position descriptions as legal and programmatic needs dictate. Also, changes in agency needs or requirements and funding sources may be factors necessitating amendments in position descriptions.
- (4) All position description amendments in any respect shall be approved by the Executive Director. Position description changes shall also be accompanied by commensurate changes in the employee's performance appraisal instrument.
- (5) Position descriptions (as well as performance appraisal instruments) are intended to be "dynamic" documents. These references shall change as often as needed to remain accurate reflections of employee's actual assigned jobs.

Purpose of this Section:

The AACS may transfer employees to different positions or work locations.

Procedure:

- (1) Transfer reasons may include:
 - Employee request
 - Department or agency changes
 - Conflicts (personal, programmatic or other)
 - Personal advancement
 - Work force reduction
 - Employee medical problems
 - Other personnel or agency needs not mentioned.
- (2) Current employees may apply for vacated positions within the agency by submitting in writing for the position. Current employees will be considered for another position along with all other applicants. The applicant deemed most qualified, whether a new applicant or current employee, shall be hired.
- (3) Transfer request conditions include:
 - Position or workplace availability
 - Executive Director, current supervisor and receiving supervisor's approval
 - Requests are not always approved
 - Employees granted transfer must work a nine (9) month “work performance verification period” where they must prove their fitness and proficiency for their new position (*Revised December 2003*)
 - Employee evaluation(s) will determine whether the employee is performing successfully in his/her new position
 - Unsatisfactory evaluation may require a return to the previous position, *if available*, or termination of employment may be necessary.
 - Possible pay rate and job classification adjustment *after* positive evaluation and proven work performance— or adverse action if the transfer is unsuccessful.
 - Other requirements mandated by the Executive Director or Board of Directors.
- (4) The Executive Director may transfer employees at any time and for any reason with or without Board approval. Employee concurrence is preferred for *transfers* out of any job in which he/she is currently performing acceptably.
- (4) For further reference: See Item (11) in Section 2.5 (Page 3 of 4).

Purpose of this Section:

While there is no legal impediment or limitation to hiring more than one person from a single family discretion is advised.

Relatives of employees will be considered for employment by the agency on the same basis as any other applicant. An employee will not be permitted to work under the immediate supervision of a relative.

Spouses of employees will be considered for employment by the agency on the same basis of any other applicant. An employee will not be permitted to work under the immediate supervision of his/her spouse.

Procedure:

- (1) Hiring multiple family members is allowable, but ordinarily done carefully, sparingly and judiciously so as to prevent concerns or problems from arising after the parties are hired.
- (2) The Executive Director shall assure that neither immediate family member supervises the other or exercises any material input to the personnel management decisions regarding the other family member.
- (3) Management or organizational concerns or difficulties arising out of conflict or other problems relating to multiple family members shall be a primary basis for terminating the employment of one, both or more multiple family members employed by the agency.
- (4) In the event two employees marry thereby causing a conflict with this policy, an attempt will be made to transfer one to another job. If a transfer cannot be satisfactorily arranged within six months, one employee must resign. The affected employees may determine between themselves which one will resign; otherwise, the employee with the more seniority will be retained.