

EMPLOYEE CONDUCT

SECTION (6)

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Purpose of this Section:

AACS employees may have access to certain sensitive and confidential information. While some agency information is on the public record and open to public inspection, other information is confidential and may not/shall not be disclosed except to other agencies with which the AACS has binding confidentiality agreements.

Procedure:

- (1) All AACS employees must sign a Statement of Confidentiality. A copy of the agreement is filed in the Appendix to this personnel manual. Employees disclosing bona fide confidential information are subject to disciplinary action, including dismissal and subsequent legal action, even if they do not benefit from the disclosure.
- (2) Examples of information which must always be held in strict confidence are:
 - (a) Information on specific clients, their families, income, resources and virtually anything else concerning their personal circumstances, eligibility for benefits, and agency services rendered; and
 - (b) Personal and personnel information concerning the staff members and/or policy makers associated with the AACS, Inc.
- (3) Employees should consult their supervisors when uncertain about the confidentiality of any information.
- (4) Head Start employees are also subject to the provisions of the Family Rights and Privacy Act (Public Law 93-380), and specifically the "Buckley Amendment." This law deals with the confidentiality of student records over which, in general, parents exercise proprietary rights. All Head Start staff are provided training on the requirements for handling Head Start student records and complying with this law.
- (5) Head Start surveillance video recordings are subject to Family Education Records Privacy Act (FERPA). (*Added April 2003*)

Purpose of this Section:

To assure orderly operation and provide the best possible workplace and service, the AACS expects employees to follow certain rules of conduct that protect the interests and safety of all concerned. To list all forms of unacceptable behavior is impossible. Following are *examples* of rule infractions that may require disciplinary procedures including suspension or termination from work.

Procedure:

The "Standards of Employee Conduct" are in keeping with ethical and prevailing community standards. Rather than describe what an employee can do, it is perhaps better to itemize those things AACS employees must *not* do. This listing should also be paired with those listed in Section 11.6, page 2 of 3, "Typical Grounds for Involuntary Termination." (The listings are not all-inclusive, so employees should exercise good judgment.)

(1) Attendance, Performance, and Safety:

- Excessive absence and/or tardiness
- Seat belts not being worn in all agency vehicles
- Absences and/or tardiness not reported in a timely manner
- Poor work quality and/or quantity
- Wasteful time and material management
- Failure to follow job instructions
- Poor employee communication efforts and skills
- Demonstrating a poor attitude about work and toward coworkers
- Failure to observe policies set forth in the Personnel Policies and Procedures Manual
- Failure to report personal injury, damage or loss involving agency property, and/or accidents involving agency staff, equipment or property.

(2) Misconduct:

- Violating agency work rules, policies, and procedures
- Harassing employees, clients, agents, or the general public
- Disregarding the agency dress code
- Using telephone excessively for personal calls
- Falsifying agency reports, documents, and/or records
- Leaving the workplace without notifying the supervisor
- Using abusive, obscene, and/or profane language in the workplace
- Using prohibited corporal or isolation-type punishment with children at agency childcare facilities
- Sleeping on agency time
- Smoking in prohibited areas

- Stealing or mistreating agency property or fellow employees' property
 - Dispensing, manufacturing, or using illegal drugs or alcohol in the workplace
 - Damaging the agency reputation
 - Refusing work assignments
 - Soliciting unauthorized contributions (The agency has an established fund-raising policy. Please consult the Executive Director for clearance to solicit gifts/contributions in behalf of the agency.)
 - Possessing a weapon at the workplace, or during work hours— at any time or while serving as an authorized agency representative
 - Failing to report one's use of prescribed medications included on the controlled substance list
 - Deliberately or carelessly damaging agency property, equipment, and/or supplies
 - Threatening, coercing, intimidating, or interfering with fellow workers, agency clients, or the general public
 - Failing to report arrests, violations, warrants, and convictions
 - Disclosing confidential agency, personnel, or client information
 - Falsifying employment application information
 - Planning, participating, picketing, or protesting in unlawful demonstrations
 - Violating other misconduct activities identified within this manual.
 - (See also: *Principles of Ethical Conduct* located in the Appendix to this manual.)
- (3) Employees who violate these rules are subject to disciplinary procedures and actions. The AACS shall determine appropriate discipline and/or discharge actions.
- (4) An employee who is dissatisfied with a personnel action concerning himself/herself should present it in writing to the Executive Director. Should a disagreement, complaint or misunderstanding arise among/between employees, he/she/they should present it orally or in writing to the immediate supervisor. If the matter is not resolved in a satisfactory manner, the employee should present it either orally or in writing to the next highest supervisor in line of authority. If the matter is not resolved, the Executive Director should be informed. No employees shall be deprived of going directly to the Executive Director.

Purpose of this Section:

AACS employees shall maintain a high degree of loyalty to the agency. Employees shall be faithful to and respect the agency's Mission, policies, procedures, and goals.

Procedure:

- (1) The AACS maintains open employee conflict resolution (Section 11.5) procedures and avenues (Section 6.2, paragraph [4]) and procedures for personal expression. These policies and procedures shall be strictly followed, so as to enable efficient problem resolution.
- (2) AACS employee/policy problems and differences shall remain *within* the agency. Employees violating this policy may be reprimanded.
- (3) Unless discrimination involving a legally protected class and grievable action is involved, all complaints are expected to be resolved within the agency's internal administrative procedures.

Purpose of this Section:

AACS employees are expected to be reliable and punctual in reporting to work. This includes meetings, training seminars, interviews, and appointments while representing the agency. Absenteeism and tardiness burden other employees and reflect poorly on the agency.

Procedure:

- (1) Employee absence and tardiness at AACS work locations are occasionally unavoidable. AACS supervisors may excuse an occasional absence from duty or tardiness, not exceeding one hour. Excused absences and tardiness should be unavoidable, occur sparingly, and shall not be employed merely to shorten the workday.

- (2) Procedures and conditions: *[Revised December 2009]*
 - With respect to their assigned work hours, employees shall notify their supervisor of absence or tardiness, indicating where the employee is and estimated time of arrival.
 - Absence and tardiness shall require the employee to charge the time off against his/her accrued Vacation Leave, "personal leave" (see Section 4.4 subsection 3), or absent Without Pay on their timesheet.
 - Health Care Leave is intended for a personal illness or one in his/her immediate family.
 - Failing to notify the supervisor of absence or tardiness may result in the employee being placed in a non-pay status until circumstance(s) is resolved.
 - Excessive absence may result in disciplinary action.
 - No call and no show for three (3) consecutive work days may result in termination of employment.

Purpose of this Section:

AACS clients shall be provided with the best possible quality service. Employees shall treat clients, vendors, co-workers and the public with courtesy, appropriate distance, and respect.

Procedure:

- (1) AACS employees shall:
 - Respond to and treat clients, fellow staff members, vendors, volunteers, and the public in a polite manner
 - Remember that serving clients is their first and foremost duty
 - Seek to schedule clients so as to prevent waiting for unreasonable lengths of time
 - Grant complaining clients attention as soon as possible; assist them as needed in understanding formal grievance procedures, and assist them with their complaint filing— if they so desire
 - Avoid responding to clients with simply, "I don't know"
 - Locate proper information and/or refer clients to those persons who can resolve client's questions or problems
 - Refer argumentative or abusive clients/vendors or volunteers to supervisors.
- (2) AACS employees should abstain from "intimate" physical contact and involvement with clients, including parents of children in child development programs. Employees shall avoid any unwelcome advances and intimate acts.
- (3) AACS employees shall abstain from any personal (less-than-arm's length) dealings or involvement in clients' financial affairs. No employee may use his/her agency position to ingratiate himself/herself with a client in such a way, intentionally or otherwise, as to become a material beneficiary or exercise any control over the client's resources.

Purpose of this Section:

Employees may hold outside jobs *if* they do not jeopardize their AACS employment performance standards.

Procedure:

- (1) All employees are appraised according to consistent standards. Employees will be asked to terminate any outside-the-agency employment if AACS job performance or quality deteriorates.
- (2) Outside employment which might constitute a conflict of interest is prohibited.
- (3) Outside employment requirements:
 - Employee notification to the AACS Executive Director in writing about any outside employment they may desire, with a description of the job, their responsibilities and work schedules
 - Determination by the Executive Director whether a second job conflicts or interferes with their agency responsibilities
 - The Executive Director or supervisor will communicate in writing to the employee whether the second-job request is approved or disapproved. If the outside job request is not approved, employees may jeopardize their AACS position if they accept the supplementary employment.
- (4) Outside employment shall not be an excuse for:
 - Poor work performance
 - Consistent tardiness and/or absenteeism
 - Refusal to travel, work overtime, change work hours, or meet other required job responsibilities.
- (5) Employees violating the outside employment procedures shall:
 - Receive a "Warning" which communicates the required procedures and outlines possible consequences
 - Experience loss of pay or be dismissed for ignoring the policy or subsequent disregard for the policy.
- (6) Absences caused by outside employment may not be covered by accrued AACS leave benefits. Vacation Leave may be applicable only at the Executive Director's discretion. (One case in point where Vacation Leave is appropriate and shall be applied occurs when Head Start staff participate in OSPRI validations in other grantee programs.)

- (7) Outside employment problems which interfere with one's AACS position responsibilities shall require an employee's AACS resignation or termination from their second job.

Purpose of this Section:

AACS employees shall conduct agency business within guidelines prohibiting conflicts of interest.

Procedure:

The following guidelines provide general direction:

- (1) A conflict of interest occurs when an employee influences (or seeks to influence) a decision resulting in personal gain or advantage to himself/herself or for a relative or friend.
- (2) No "presumption of guilt" is created by a given relationship. If, however, employees are in a position to influence purchases, contracts, or leases, they must immediately disclose a potential conflict of interest to their supervisor, the Personnel Department, and the Executive Director to protect and safeguard the interests of all parties involved.
- (3) Personal gain results when an employee, relative, or friend has a significant business interest/ownership in a firm doing business with AACS. Kickbacks, bribes, gifts, or special considerations resulting from AACS business constitute conflicts of interest, and all are illegal.
- (4) All AACS-acquired and developed materials, products, designs, plans, ideas, data, and computer programs are AACS property. They shall not be shared with outside agencies or individuals without proper authorization. Improper transfer of any such material or information constitutes unallowable and prohibited behavior.
- (5) Employees participating in such activities will be disciplined, possibly discharged, and subjected to legal action.
- (6) Additional conflicts of interest include:
 - Hiring "immediate family" members of the AACS Board of Directors or Head Start Policy Council (See also: Section 3.9, "Restrictions Regarding Board Members' Immediate Family")
 - Accepting gifts or services from clients or vendors
 - Accepting and approving applications for cash (or equivalent) assistance from relatives without specific approval from the management
 - Applying for and receiving agency assistance while also an AACS employee. If an employee becomes an agency client, assistance applications shall require approval by two AACS supervisory staff members.

- (7) All potential conflict of interest issues cannot be addressed. Employees shall direct any questions they may have concerning this to their supervisor and/or the Executive Director for advice.

Purpose of this Section:

AACS employees may use business telephones at their supervisor's discretion, but they should keep their personal conversations brief and to the necessary minimum.

Procedure:

- (1) An employee's personal long distance calling— in an emergency only— shall require supervisory approval. Long distance call expenses shall then be reimbursed to the agency or they may be deducted from the employee's payroll. Employees shall reimburse the AACS for all personal toll (long distance) telephone and FAX charges.
- (2) Postage is agency property and is not available for personal use.
- (3) Any abuse of telephone and postage usage policies requires disciplinary action at the Executive Director's discretion.

Purpose of this Section:

Effective AACS telephone communication includes properly greeting the caller, using courteous and professional manners, confirming information received, and hanging up after the caller hangs up.

Procedure:

Effective AACS employee telephone communication guidelines:

- Identifying the department and employee's name when answering the phone
- Identifying the agency when operating the switchboard
- Advising a caller if the person being called is busy on another call, not available, or other possibilities not mentioned
- Offering the caller the options of holding, having his/her call returned, or asking if another person may assist
- Confirming a caller's name, message, and phone number when calls need returning
- Verifying all messages received for the exact department or employee the caller desires.

Purpose of this Section:

Drug and alcohol use in the workplace is illegal and detrimental to employee safety and productivity. AACS employees shall not use or be under the influence of alcohol or drugs in the workplace, during work hours, while attending agency related activities, or while operating a leased or agency-owned vehicle, in accordance with the Drug-Free Workplace Act of 1989.

Procedure:

- (1) The Drug-Free Workplace Act of 1989 (P.L. 100-690) declares that the employer must maintain a drug-free and alcohol-free workplace for employees, clients, visitors, volunteers, vendors, and guests. Failure to comply jeopardizes the agency's government grants and project funding. Unlawful manufacture, possession, transfer, purchase, sale, use, or being under the influence of alcohol, controlled or illegal substance influence while on AACS property is prohibited. Employees may be disciplined, suspended without pay, or discharged for violating this policy. Employees may also be referred for counseling or rehabilitation.

Businesses receiving government grants or funding must comply with the Drug-Free Workplace Act.

- (2) Employees charged, indicted, or convicted of a drug or alcohol-related crime occurring at or away from the workplace shall notify their supervisor, Human Resource Director, or the Executive Director within five (5) calendar days. Employees shall communicate to the agency all information relating to any drug/alcohol-related legal action. The AACS will immediately notify all appropriate agencies.
- (3) Employees found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate personnel action up to and including termination or be required to participate satisfactorily in AACS Employee Assistance Program (EAP) or a drug abuse rehabilitation program approved for such purposes. All employees of AACS have available at no cost to them an Employee Assistance Program. AACS is not required to pay for additional rehabilitation not covered under the EAP.
- (4) All federal, state, and local illegal substance abuse and alcohol laws apply.
- (5) AACS employees and others working on behalf of the agency who are convicted of illegal drug activity may be terminated regardless of:
 - AACS employment position
 - Local, state, or federal court jurisdiction
 - Other extenuating circumstances.

- (6) It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.
- (a) **Prescription and over-the-counter drugs** are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate procedures (e.g. notify supervisor, request change of duties) to avoid unsafe workplace practices.
- (b) **DRIVING PERSONAL OR AGENCY VEHICLES.** If employees are operating an agency or personal vehicles for business purposes, AACS requires employees to report physician prescribed and over-the-counter (OTC) medications to the Human Resource Department. No employee will be permitted to drive either an agency vehicle or his/her own vehicle on agency business while taking OTC or prescribed medication unless any side effects have been duly considered and non-impairment can be assured. All prescribed and OTC medications shall be researched in the *Physician's Desk Reference* and/or other references to assure that the side effects of the medication do not impair the driving ability or endanger the safety of the employee and passenger(s). The Human Resource Director will check out any medication for any employee or supervisor upon request.
- (c) The Human Resource Department shall confidentially file prescribed and OTC medication reports which will include:
- Employee name, work location, and date
 - Medication name with dosage, milligrams, side effects, and applicable warnings
 - The physician's name, address, and phone number (if prescribed)
 - The employee's signature verifying the receipt of correct information.
- (d) The Human Resource Director will use the *Physician Desk Reference* and/or other sources to confirm medication side effects. Employees whose medications indicate adverse side effect warnings that could interfere with employee performance and/or their position requirements may *not* be permitted to:
- Operate agency or personal vehicles on agency business
 - Engage in other activity deemed hazardous by AACS management
- (e) The Executive Director reviews all side effects research prescribed and OTC medication reports and shall determine the employee's position/duty status. Employees will be notified regarding any AACS management decisions based upon the employee's use of prescribed and OTC medications.

- (f) If an employee objects to restricted duty or job activity based on the Human Resources Director's report, he/she must obtain a pharmacist's or physician's statement to counter the agency's medication side-effects research report and, thus, being able to assure the agency that the medication poses no agency/employee risk in their usual and customary performance of duty.
 - (g) Prescribed medication reports are confidential. The AACS will not release any employee's information related to his/her prescribed medication.
- (7) The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action up to and including termination will be taken if job performance deterioration and/or other accidents occur.
 - (8) AACS requires employees, volunteers, agents, and others acting on behalf of the agency to maintain their work areas free of drug and alcohol abuse. Federal, state, local, and AACS policies concerning controlled substances and alcohol apply to all individuals associated with the agency.
 - (9) Violations of the Drug-Free Workplace Act, including voluntary disclosure of legally-prescribed medications, shall require disciplinary action up to and including termination.
 - (10) AACS provides employees with current drug and alcohol policy information during its payroll and/or newsletter distributions.
 - (11) Employees may be subject to drug/alcohol testing. A program of random drug/alcohol testing may be ordered under an agency grant/contract— such as the DOT-funded transit system (GRITS), or directed by the Executive Director upon suspicion of an employee's illegal drug/alcohol use. Employees involved in an automobile accident in an agency vehicle *may* be required to have drug/alcohol testing. The refusal of any employee to submit to any of the above required testing will result in immediate removal from their position and disciplinary action up to and including termination from agency employment.
 - (12) The agency's Drug and Alcohol Policies for Safety-Sensitive Positions is included in the Appendix of this manual.

Purpose of this Section:

AACS abides by the federal Hatch Act law [42 USC 9851(b)], which prohibits the use of federally-funded personnel, materials, and supplies from being used in partisan or non-partisan political activities. The agency also abides by the Title 20 (CFR 641.322) regarding federal monies use in any type of union activity. (*Added June 2001*)

Procedure:

- (1) Prohibited political activities include agency-affiliated local, state, and federal partisan elections and affiliations with candidates, groups, associations, and factions or causes.
 - (a) "Partisan activities" relate to one's affiliation with a specific political party or organization (Examples include Republican, Democratic, and Libertarian Parties).
 - (b) "Non-partisan" includes any "political" activity not associated with a specific recognized group or party.
- (2) During their work hours, the Hatch Act mandates that employees, agents, or other persons paid by the AACS *shall not*:
 - Campaign for causes or candidates— or use any AACS facilities, machinery, equipment, materials, or other agency property
 - Transport campaign and/or poll workers assisting in elections
 - Use agency property to enhance voter registration
 - Run for partisan elective office or make campaign speeches
 - Distribute political materials
 - Collect or solicit political contributions or services
 - Express partisan or non-partisan opinions concerning elections, candidates, causes, or referendums.
- (3) During their non-working hours— and outside their role or representation as agency staff, the Hatch Act permits off-duty AACS employees, agents, and other persons paid by the agency to:
 - Register and vote for any candidate, cause, or referendum
 - Assist in voter registration
 - Express opinions about candidates, causes, or referendums
 - Contribute money and/or time and campaign for or against candidates, causes, referendums, ordinances, and/or constitutional amendments, whether partisan or non-partisan.

- Sign nominating petitions, wear political badges, buttons, or other articles, attend political rallies, join political clubs or organizations, or participate in or run for office in non-partisan elections only.
- (4) Employees shall not use agency funds or identify the agency as supporting their off-duty political activities.
 - (5) Employees desiring to run for a partisan office or participate in prohibited Hatch Act restrictions shall resign or apply for an unpaid leave of absence. Hatch Act restrictions apply to paid accrued leave as well as regular worked and paid time.
 - (6) Hatch Act violations require disciplinary action.
 - (7) Employees should consult their supervisors or the Executive Director regarding their questions on Hatch Act guidelines and restrictions.
 - (8) All programs of AACS abides by the provisions as stated in Title 20, Employee Benefits, CFR 641.322 which states: “No funds provide in whole or in part may be used in any way to assist, promote, or deter union organizing.” *[Added June 2001)*

Purpose of this Section:

AACS strives to encourage healthy employees' lifestyles and maintain a healthy work environment. To contribute toward achieving this goal, the AACS permits smoking only in facilities and areas designated by the Executive Director.

Procedure:

- (1) The AACS smoking policy includes:
 - Designating facilities and areas restricted from smoking as well as those in which smoking is allowed
 - All agency vehicles are non-smoking
 - Posting "No Smoking" signs on designated buildings or in offices
 - Declaring certain offices, meeting rooms, vehicles, or buildings as non-smoking
 - Not allowing smoking at any facilities where children are present, including those facilities' kitchens, food storage areas, and all other areas.
- (2) Violations require disciplinary action.
- (3) At the Executive Director's discretion, AACS buildings, offices, vehicles, meeting facilities and other areas may be declared "smoking-permitted" or "non-smoking."

Purpose of this Section:

The AACS strives to create a **positive professional agency image** within the area and profession it serves. Acceptance as a peer with other human service and educational agencies requires high personal and professional standards of appearance. [Emphasis added December 2009]

Procedure:

- (1) Employees may not wear inappropriate dress for a professional environment. First and lasting impressions develop when employees are presented to the community they serve. AACS employees shall be aware of their professional and agency image and always present themselves well groomed and neatly dressed. The AACS stresses that staff not be burdened with undue clothing expense or variety, but they shall assure that their clothing and appearance meet reasonable and customary standards for their profession, job, responsibility, setting, and peers.
- (2) The AACS dress code and grooming policy includes:
 - Maintaining good personal hygiene (bathed, clean, well groomed)
 - Maintaining tasteful beards, which are permissible
 - Maintaining hair appropriately trimmed (safe — as when one works around power equipment — and professional looking according to the staff position held) and neatly maintained.
 - Wearing properly fitted and repaired clothing
 - Wearing proper and appropriate underclothing
 - Choosing and wearing appropriate shoes consistent with position responsibilities, "Flip-flops" are unacceptable. Acceptable shoes are those polished and in good repair.
 - If wearing make-up and jewelry, doing so conservatively and tastefully
 - Dressing professionally (under- and over-dressing can be equally distracting). *[SUB-SECTION 2 REVISED December 1993 and December 2009]*
- (3) *FOR WOMEN:* The AACS dress, skirt, skort, top, blouse and dress shorts standards include:
 - Maintaining conservative hemlines and visible thighs, i.e, proper knee length is less than 3 inches above mid-knee.
 - Avoid wearing revealing necklines or exposing one's abdomen or back.
[SUB-SECTION 3 REVISED December 1993]

- (4) *FOR MEN AND WOMEN:* AACS dress pants/slacks, dress/sport shirt, and suit/sport coat requirements include:
- Maintaining proper fit and good repair
 - Wearing appropriate length and style. [SUB-SECTION 4 REVISED December, 1993]
- (5) Inappropriate professional dress for **all work** days other than officially designated "jean Friday" days (see paragraph 8 below) shall include (but not be limited to):
- Jeans or painters pants (Due to the nature of their work, custodians, bus/van drivers, maintenance workers, weatherization crew workers, security, and delivery personnel may be excluded from this provision.)
 - Tee-shirts/tank tops as outerwear.
 - Sweat pants or sweat shirts. [SUB-SECTION 4 REVISED December 2009]
- (6) All AACS employees are asked to dress appropriately for particular work situations. The dress code shall be flexible concerning employees during designated periods. For example, Head Start Field Staff may wear jeans when appropriate for designated planning days or work days as determined by the supervisor. Such clothing is inappropriate and unacceptable for professional trainings, parent-teacher meetings, etc. The dress code for Head Start Staff may be modified in accordance with local school district policy for respective counties *with the Executive Director's approval*. [SUB-SECTION 8 Revised December 2009]
- (7) Employees who violate the dress code may be disciplined.
- (8) "Jean Fridays." At the discretion of the Executive Director, certain work days *may* be designated as "Jean Friday" day on which wearing more *casual* attire is allowed. Employees, still, should understand what is and is *not* acceptable and dress accordingly.

Purpose of this Section:

The AACS requires orderly and clean work areas to preserve a professional appearance.

Procedure:

- (1) Agency work areas, including classrooms and office facilities, are to be cleaned and well maintained daily. Employees of the AACS will keep dishes, glasses, cups, soda can/bottles, food containers, and/or any other items creating an unpleasant odor in their rightful place.
- (2) Employees are responsible for cleaning special facility rooms (conference rooms) after their use.
- (3) Employees shall properly use and maintain AACS property, equipment, and vehicles.

Purpose of this Section:

AACS employees shall maintain their respective workplaces free of illegal drugs, alcohol, firearms, explosives, or other improper materials. The control, possession, transfer, sale, or use of such materials is prohibited.

Procedure:

Desks, locked files, and storage areas are provided for employee and work convenience. They are AACS property. Accordingly, they may be inspected by AACS officials or law enforcement agents at any time with or without notice.

Purpose of this Section:

The AACS provides employees with desks or areas to store their personal belongings while at work. However, AACS assumes no responsibility for personal property loss or damage.

Procedure:

- (1) Employees are advised not to carry valuables, or large amounts of money, or valuable items to work.
- (2) Employees are personally and individually responsible for unattended purses, wallets, rings, watches, and other valuable items.
- (3) The AACS assumes no responsibility for any damage to personal vehicles on agency property unless such damage is caused by an agency-owned vehicle.

Purpose of this Section:

All tools and equipment are properties of AACS and therefore are not intended for private use. Any employee taking unauthorized liberty with AACS property will be reprimanded. This includes taking any merchandise bought with AACS monies.

Procedure:

- (1) AACS buildings or conference rooms may be used by other non-profit agencies or organizations. However, such rooms must be reserved and the areas cleaned after use.
- (2) In some instances, employees *may* be allowed to borrow certain agency tools or equipment for their own personal use while on our premises. In no instance may this be done off our premises, or without prior management approval. Employees understand and agree that agency is not liable for personal injury incurred during the use of company property for personal projects. As an agency employee, they accept full responsibility for any and all liabilities for injuries or losses which occur, or for the malfunction of equipment. They are responsible for returning the equipment or tools in good condition, and they agree they are required to pay for any damages that occur while using the equipment or tools for personal projects.
- (3) **Vehicle Use.** Unless specifically authorized in advance by the AACS Board of Directors or the executive director (he/she cannot authorize for himself/herself) within the applicable rules and requirements for the administration of AACS grants and contracts, Internal Revenue Service (IRS) rules and requirements, or specific dispensations from AACS grantors and contractors, AACS-owned vehicles are *not* available for private (personal or otherwise) use by any employee, associate, or private interest. Should any such other than incidental use occur, then the employee, associate, or interest shall reimburse the AACS on a cents-per-mile basis according to the approved AACS mileage rate for that use.

In certain instances when it is deemed to be in the interests of the agency to do so, AACS employees may be authorized or required to regularly commute between the AACS office and their home in an agency-owned vehicle. For regular and continuing commuting purposes only, the IRS-required "commuting value" of the agency-owned vehicle shall be *a)* valued at IRS-specified rates as *fringe benefit income* or *b)* deducted from the employee's pay.

(According to current IRS rules the [1997] rates are: \$1.50 per one-way commute; \$3.00 per day for each two-way commute.)

See also: Operational Memorandum # 16, Section D, "Vehicles"

In certain instances AACS vehicles *may* be contracted for non-agency operation and/or use; however, such use shall be by contractual agreement only and all such contracts must

receive the approval and signature of the executive director. Examples of approved use include the contracting of school buses purchased by the AACS Inc./Head Start to local school boards in lieu of fee-for-service transporting of Head Start and KERA At-risk (where the AACS has the management contract) preschool children and summer-use contacting of available vehicle(s) to Girls Incorporated for meeting their program needs. In all such cases the contractors assume all operational costs for the AACS-owned vehicles so contracted for the duration of the contract period. *(Added August 19, 1997)*

Purpose of this Section:

The AACS licenses the use of computer software from a variety of outside companies. The Agency does not *own* this software or its related documentation and, unless authorized by the software manufacturer, does not have the right to reproduce it.

The law protects the exclusive rights of the copyright holder and does not give users the right to copy software unless a backup copy is not provided by the manufacturer. Unauthorized duplication of software is a federal crime. Penalties include fines of as much as \$100,000 and jail terms of up to five (5) years.

Procedure:

The AACS does not condone the illegal duplication of software. The copyright law is clear. The copy right holder is given certain exclusive rights, including the right to make and distribute copies. Title 17 of the U. S. Code states that "it is illegal to make or distribute copies of copyrighted material without authorization" (Section 106). The only exception is the users' right to make a backup copy for archival purposes (Section 117).

- (1) With regard to use on local area networks or on multiple machines, agency employees shall use the software only in accordance with the license agreement.
- (2) AACS employees learning of any misuse of software or related documentation within the company shall notify their project director or the Executive Director.
- (3) According to the U.S. Copyright Law, illegal reproduction of software can be subject to civil damages and criminal penalties, including fines and imprisonment. AACS employees who make, acquire or use unauthorized copies of computer software shall be disciplined as appropriate under the circumstances. Such discipline may include dismissal.

Purpose of This Section: *(Section added February, 1995)*

The electronic communication devices provided by the AACCS to its employees are the property of the Agency. The agency expects that all employees will conduct themselves with honesty and integrity in their use of electronic communications.

Procedure:

- (1) Employees with access to InterNet, E-Mail, modems, faxes, computers and other electronic communications shall utilize the equipment within the Agency for the following:
 - **Business use** — The purpose of the electronic data is to facilitate transmittal of business-related information within the Agency.
 - **Non-offensive messages** — The use of any Agency electronic communications that may be disruptive, offensive or harmful to others is strictly prohibited.
 - **No Private/Personal gain** — The use of any electronic communications to solicit others for commercial ventures, religious or political causes, outside organizations or other job-related solicitation is disallowed.
- (2) Further purchase or expansion of electronic communications for the agency will likewise be agency property and therefore subject to the same conditions as set forth in this section.
- (3) Employees violating the prescribed standards for using electronic/computer equipment in or belonging to the Agency shall be subject to disciplinary action and possible termination.
- (4) Employees are strictly prohibited from surreptitiously electronically recording the words, actions or other types of employee/management activities without the prior agreement and/or knowledge of all parties involved. *[Added August 2002]*

Purpose of This Section:

AACS may provide cellular telephones for staff members who are in positions that consistently take them away from the main agency facility and/or travel outside the service area. Use is restricted to AACS-related calls, but personal calls are allowed in the following circumstances: 1) an emergency exists; 2) the agency will not incur the additional cost; 3) no other options are available.

Procedure:

- (1) Employees who use agency-owned cellular telephones must observe the following:
 - Personal calls which *may* incur additional costs to the Agency must be reported to the staff member's immediate supervisor and payment made to AACS.
 - Calls to the staff member from friends, family members, and others are *generally* not allowed.
 - Staff members who are issued cellular telephones for business use are responsible for the proper care of the telephone, including general maintenance; battery charging; and protection from theft, damage, and abuse
 - Staff members who misuse the agency-owned cellular telephones for personal use will be subject to disciplinary action and possible termination.
 - If personal calls do *not* result in any cost to the agency, the agency's given policy and practice for general telephone use applies.

- (2) Staff members who have purchased their own cellular phone contracts will be reimbursed for agency business phone calls under the following conditions.

Staff members obtain detailed billing from their service provider incurring the cost of the expense of the detailed billing service.

 - Submit detailed bill with staff member expense claim circling the call and charge or each specific call of business nature.
 - Completion and submission of the "Calculation of Cell Phone Bills Reimbursement" for payment.

- (3) Refer to *Safety Rules, Section 10.1, page 1 of 2, (2)*.