

### **DISCLAIMER OF CONTRACT OF EMPLOYMENT**

Nothing in this Handbook or underlying Center policies and procedures should ever be construed as creating a contract of employment between the Center and an individual. All employment relationships with the Center are "at will," which means that both the Center and the employee are always free to terminate the employment relationship with or without cause, at either's discretion.

### **ABSENTEEISM AND TARDINESS**

Employees are expected to report to work at times assigned. In the event an employee is not able to report for work, advance notice should be given by the employee to the immediate supervisor. Such notice should be given as soon as the employee is aware of being unable to report for work in order for arrangements to be made to cover the employee's duties. Repeatedly being late for work, excessive or continued absences, or failure to give proper notice is cause for disciplinary action.

### **PERSONAL APPEARANCE**

The Center's image to the people we serve is vital to the agency's ability to carry out our job. Agency staff serve as role models to our clients on personal appearance. Therefore, how we dress, act, and groom ourselves is critically important to the care of our clients. Also, the Center is community-based and community supported, and it is important that employees who provide services do not unwittingly jeopardize the community support through poor personal dress, grooming, or appearance.

1. The Center expects employees to be clean and well groomed at all times in keeping with the Center's high standards of appearance and quality care.
2. Employees will avoid extremes in clothing, make-up, and hair styles. Clothing that is considered unacceptable include but is not limited to: Shorts, blue jeans, tank tops, and halter tops, unless approved by the supervisor for a given Center activity.
3. Within the limits indicated in the preceding paragraph, the applicable standard of appearance is specific to particular job duties and locations. It is the responsibility of the supervisor to set an

appropriate standard and to correct employees whose appearance falls short of the standard. Supervisors will consider employee's duties and working conditions when making decisions on appropriate appearance.

### **PERSONAL BEHAVIOR**

Conduct: Center employees and consultants are expected to share in the responsibilities of maintaining a high standard of conduct and observing a Code of Conduct (attached). Each employee and consultant will acknowledge the Code of Conduct by submitting a signed copy for their personnel file. So that all employees understand their responsibility, the following are examples of behavior that would be cause for disciplinary action:

1. Discourtesy, rudeness, sullenness, or inconsiderate or abusive treatment of patients, clients, visitors, or fellow staff.
2. Theft or abuse of property belonging to patients, clients, the Center, fellow staff members, and other property which is the responsibility of the Center.
3. Conduct is in conflict with the code of ethics governing the employee's profession.
4. Willfully damaging equipment, instruments, or other property belonging to, or in possession of the Center.
5. Insubordination, including refusal or failure to perform work assigned.
6. Use of abusive or profane language toward staff members, clients, or associates of the Center.
7. Conviction of an offense involving moral turpitude.
8. Willful misrepresentations of facts or misusing Center records, including reports, patient or client records, employment applications, or any other business forms.
9. Discrimination among clients, and/or other staff, on the basis of race, religion, color, national origin, sex, handicap, or age (other than restrictions pertaining to admission criteria).
10. Attempts by unauthorized personnel to give clinical Center data or information to clients, relatives, or others.
11. Deception or misrepresentations of facts which may affect the recovery of the client.
12. Possession, use, or distribution of illicit drugs or alcohol on Center premises, in Center vehicles, while on duty, or otherwise in violation of Center policies or guidelines.

13. Sexual harassment or abuse of clients, staff, or associates of the Center.
14. Possession of a prohibited weapon (by unauthorized personnel) on Center property, in a Center vehicle, or any other place where a Center activity is being conducted.
15. Violation of the Center Code of Conduct.
16. Additionally, any act or actions that might reflect unfavorably upon the Center or bring discredit upon it, at the Center's discretion.

### **FINANCIAL OBLIGATIONS**

All employees are expected to do everything possible to maintain a good credit rating, pay taxes promptly, and satisfy all debts. Some employees, because of their access to Center and client assets, may require an annual certification of their personal financial condition.

### **SUBSTANCE ABUSE**

An individual's past personal experience with problems related to alcohol and/or other drug abuse is not to be a factor in consideration of their employment. If current use of substances by the employee impairs his or her work performance resulting in disciplinary probation, then a condition of resolving probation may require the employee's successful involvement in appropriate chemical dependency treatment services. Employment jeopardy will be an issue either when the drug or alcohol involvement prevents the employee from performing the assigned duties at the acceptable level outlined in their job description, or when the employee refuses to seek or respond to corrective treatment by competent professional personnel. Appearance at work under the influence of alcoholic beverages, inhalants, unprescribed habit-forming drugs, hallucinogenic materials, or abuse of prescribed drugs will be cause for immediate disciplinary action or termination. Possession, use, or distribution of illicit drugs or alcohol on Center premises, in Center vehicles, or while on duty will be cause for disciplinary action. For this purpose, an individual is considered to be on duty during a break in the workday for a meal, rest, or personal use.

### **SEXUAL HARASSMENT**

Professionalism and good manners always require employees to use sensitive judgment in avoiding conversations or behavior that could offend or embarrass coworkers, clients, or others. Dirty jokes, vulgar

language, and risqué flirtations are common examples of kinds of conversations which are likely to be offensive to some people in our workplace and which can easily escalate into a form of unlawful employment discrimination called "sexual harassment." Sexual harassment will not be tolerated in the Pecan Valley workplace, regardless of the positions or genders of people involved.

Sexual harassment may include, but is not necessarily limited to, the following types of behavior in the work environment:

1. Unwelcome sexual advances, as where one party persists in sexually suggestive conduct or requests for dates after being told by the other to stop;
2. Unwanted requests by coworkers for sexual favors;
3. Sexually abusive or vulgar language; or
4. Other verbal, visual, or physical conduct of a sexual nature, if:
  - a. The employee affected is made to feel that compliance or submission is made a condition of keeping or advancing in the job or obtaining a job benefit; or
  - b. The conduct interferes with work performance or creates an intimidating, offensive, or hostile work environment.

An individual who believes that she or he has been the victim of sexual harassment by any Center staff should report the matter without delay to the Director of Risk Management or the Executive Director for investigation and information as to procedural rights.

### **SLEEPING ON DUTY**

No employee is permitted to sleep or to lie down to rest while on duty, except during meal or rest periods established by the supervisor. In the case of a sleep-over staff, resting and sleeping on premises is permitted as outlined in the employee's signed "work agreement." Any employee needing sleep or rest due to illness or fatigue will seek assistance from the supervisor or on-call supervisor.

### **WEAPONS**

In order to keep Pecan Valley programs and work sites as safe as possible for all clients, employees, visitors, and others, the Board of Trustees has generally prohibited weapons, including lawfully licensed

concealed handguns and other weapons, from property owned or leased by the Center, Center vehicles, and places where Center activities are being conducted. Center property includes buildings, grounds, and walkways. Detailed implementation of the Board policy is contained in Procedure 5.01.01.01.

For the employee's own protection and the protection of all others, each employee enters into a specific agreement as a condition of employment. Each employee agrees to allow the Executive Director's designee to inspect articles and places under the employee's control on Center property in the event a reason arises to suspect the employee of having a weapon there. An employee is subject to disciplinary action, including termination, either for refusing to submit to such inspection or for being found with a weapon where prohibited.

### **LICENSED, CERTIFIED, OR REGISTERED EMPLOYEES**

It is the responsibility of all professionally registered, certified, or licensed personnel to maintain their status and to provide the Center with verification of all current licenses, certifications, or registrations that are required on their job description.

### **PAST CRIMINAL OFFENSES**

The existence of a criminal record does not automatically bar an individual from Center employment. Under Texas law, criminal records are verified by Pecan Valley Centers. Recent conviction of certain types of crimes may bar individuals from eligibility for employment or continued employment with the Center. Falsification of the application for employment is grounds for termination. If you are charged or convicted of any crime while employed by Pecan Valley Centers, you must immediately notify the Executive Director's Office.

### **RUMORS**

With an organization such as ours, with many employees spread out in programs and buildings across a five county area, rumors can easily plague the operation. More often than not, the information spread by rumor is incomplete or inaccurate. The results of incomplete or inaccurate information unfortunately always lead to

negative consequences and poor morale. The flow of information should be in an organizationally acceptable manner. The Executive Director's "Memorandum" provide a rapid flow of information across the Center. Each employee has an obligation to help destroy rumors and gossip.

### **DISCIPLINARY ACTION**

An employee's failure to live up to the performance and behavior expectations indicated in this Handbook, the Center Procedure Manual, the position description, orientation training, and the supervisor's direction can result in a decision to take formal disciplinary action. The type and severity of the disciplinary action to be taken in a particular case is ordinarily decided after considering all relevant factors. Factors to be considered include: the seriousness of the violation; the circumstances of the offense, including any extenuating or aggravating circumstances; the foreseeable or potential impact on a client or the Center's ability to serve a client; the overall quality of the individual's work; the employee's previous disciplinary history, and Center policies. The following guidance is provided for assessing the gravity of an offense:

1. **Minor violations** are performance-related offenses which do not involve dishonesty or immorality, do not of themselves constitute significant threats to the safety and well-being of clients, staff or others, do not significantly interrupt or impair the operation of Center programs, and do not of themselves create potential legal liability for the Center or potential threats to the Center's funding or accreditation. A minor violation would ordinarily be the subject of a Level 1 disciplinary action for an employee's first offenses and Level 2 and 3 actions for subsequent offenses.

#### **Examples of minor violations include:**

Conducting personal business during work hours, poor housekeeping, being late in completing duties; overstaying lunch or rest breaks; and minor inefficiencies.

2. **Serious violations** are performance-related offenses which threaten the safety or well-being of clients, staff or others, or which significantly impair program operations or threaten Center interests, but which, in view of all the circumstances, were less serious than major violations. A serious violation

would ordinarily be the subject of a disciplinary action of at least Level 2 severity for a first offense. Offenses generally thought of as being serious violations include: excessive tardiness, unexcused absence without notification, safety violation without resultant injury, and verbal abuse of another staff member.

3. Major violations are offenses that involve dishonesty, moral turpitude, or job-related misconduct, which seriously impairs Center operations or threatens Center interests or the safety and well being of clients, staff, or others. A major violation would normally be the subject of a disciplinary action of Level 3 severity for a first offense. Examples of major violations include: theft, assault, threatening a coworker, insubordination, neglect or abuse of a client, intentional omission of important duties, and sexual harassment of a coworker or a client.

For additional information regarding: "Levels of Disciplinary Actions" available for allegation violations of employees not on introductory or disciplinary probation, Termination procedures, and Grievances/Appeals procedures, please refer to procedure #4.09.13.10.

### **ACCESS TO PERSONNEL FILES**

Any employee may examine his/her personnel file or staff development record at any time in the presence of the Director of Human Resources or other designated by the Director of Risk Management. The records may not be removed from the room designated for viewing.

### **CONFIDENTIALITY OF PERSONNEL FILES**

All information contained in employee's and former employee's personnel files is confidential. Information contained in an employee's personnel file shall be kept confidential except to the following persons:

Supervisory staff responsible for the work product of the employees they supervise; the employing authority for any position within the Center for which the employee has applied, or for which the employee is being considered; Federal or state auditors, grantors and/or the auditors engaged by the Center to conduct annual audits and their authorized representatives pursuant to their official duties; Administrative Office Staff of the Center, in connection with their assigned duties; any person with

a valid court order authorizing inspection of the file or portions thereof; the legal counsel of the Center, at the request of the Executive Director or the Board; the Chairperson of the Board, or other Board member as the Chairperson's designee; or the employee or his designated agent as indicated by the employee's written permission will be permitted to view the employee's personnel file in the presence of the Executive Director's designee.

A separate Medical File is maintained on each employee. Information in the medical file is available only on a highly restrictive "need to know" basis, as determined by the Executive Director.

A separate file is also maintained for personal information such as age and ethnicity, which must be maintained for statistical reporting purposes but is not considered in making employment and personnel decisions.

Personnel records may not be removed from the Human Resources Office; however, an employee may request copies of any document in the file. These may be made by the Human Resources Office staff at a cost of fifty cents (\$.50) per page. Notice of five working days must be given.

Only the Executive Director or his/her authorized designee (i.e., Director of Human Resources) may release information to a prospective employer of an employee or an ex-employee, or other agencies such as lending institutions, the Texas Employment Commission, or other bonafide agencies with a legitimate request for such information. Information may be released only if the employee or ex-employee has signed a statement authorizing release of confidential information. All such inquiries will be referred to the Executive Director. Information released will be limited to the following:

- a. Date of hire
- b. Date of termination
- c. Position title
- d. Pay rate at hire
- e. Present pay rate or rate at termination.

Any requests for personal or professional evaluations or references will be directed to the office of the Executive Director.