



Gateway Residential Services LLC

## **EMPLOYEE HANDBOOK PERSONNEL POLICY MANUAL**

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## **I. INTRODUCTION**

Welcome to Gateway Residential Services! Since our founding in 2020, we've been dedicated to providing Medicaid waiver services and supports to people with disabilities. Our services are built around a person-centered approach, helping people achieve their hopes, dreams, and personal goals.

At Gateway, we measure our success by the success of those we support. We envision a world where everyone is accepted and valued as a member of their chosen communities. Our mission is to empower people to live meaningful and purposeful lives in the direction they choose.

To achieve this mission, we offer support to both adults and children who need assistance with:

- Daily living skills
- Self-help skills
- Interacting in the community of their choice
- Increasing positive social behaviors, including self-advocacy

**Gateway assists with access to the following:**

- Advocacy
- Counseling
- Education
- Employment
- Health supports
- Recreation
- Spiritual opportunities
- Meaningful day opportunities

**Gateway provides families of people with disabilities and the general public with:**

- Information and education to increase awareness of the needs of people with disabilities
- Opportunities to help meet the needs of people with disabilities
- Referrals to resources
- Training in techniques to enable a person to reside in the community and home of their choice

## **II. CORE VALUES OF SERVICE DELIVERY**

In addition to our mission and vision, certain values further dictate how we deliver our services.

### **Person-Centered Services and Supports**

Gateway ensures that all services and supports are based on how a person's hopes and dreams determine a chosen direction. This includes ensuring that people are provided options among residential settings, ensuring that a chosen setting supports access to the greater community, ensuring that people are supported to make choices for themselves regarding their services and who provides them, and ensuring that staff are thoroughly trained on and follow a person's PCISP and/or Service Plan.

### **Self-Determination and Advocacy**

Gateway is committed to assisting people in developing and maintaining relationships, opportunities, and living arrangements which are fulfilling, meaningful, and of the person's choice. People with disabilities should be afforded the same dignity and respect as people without disabilities. People will be encouraged to express individuality, make choices, select and maintain possessions, and will be afforded privacy and treated with respect. We will seek to empower the people we will support to recognize their own strengths and make their own decisions about options that best fit their hopes and dreams for their best life. We will provide opportunities for people to learn the skills needed to advocate for themselves, not only within the context of the waiver program, but within all facets of their lives. Gateway will facilitate a self-advocacy group consisting of people we support that will function in the following ways:

1. Provide feedback to Gateway leadership about the direction of the agency
2. Provide information and education to people to assist them with obtaining and maintaining self-advocacy skills

### **Community Equity**

Gateway believes that people with disabilities not only have the right to live, work, and play in the communities of their choice, but should also be accepted and valued members of their communities. We will not only assure that people will be present (integration) and supported to fully participate (inclusion) in their communities, but we will also work to educate and change the attitudes of others to ensure that the people we support have an equal voice and valued roles (equity). We will work to create strong communities where people from all backgrounds and beliefs are able to foster understanding, friendship, and mutual respect. Gateway's programs are designed to promote education and meaningful relationships and to create real community connections and facilitate natural supports by connecting people to their communities based on their vision for their good life. Training programs include information about how to best assist people with exploring new experiences and opportunities and making meaningful connections in their communities.

## **Health and Safety**

Gateway is responsible for ensuring the people we support are safe from harmful environments, abuse, neglect, exploitation, and mistreatment of any kind. We ensure the supports identified in the PCISP and/or Service Plan as necessary for a person's health and safety are implemented and will work with the person and the Support Team to manage risks. We also advocate for quality healthcare services and outcomes.

## **Flexibility and Collaboration**

Gateway believes that flexibility is essential because we work with human beings. People's lives change as do their hopes and dreams. Our role as a residential service provider must be to adapt and change the ways in which we provide services and to be creative in our approach to removing barriers for the people we support. We collaborate with Support Teams to ensure the best possible outcomes for the people we support and to prevent negative life events. We also work with other service providers to build an overall system of supports that benefit all people, whether or not they receive services from Gateway Residential Services.

## **Continuous Agency Improvement**

Gateway will identify agency performance objectives aimed at measuring service quality, effectiveness, efficiency, and access. Through a continuous cycle of improvement, the agency will formulate plans with input from persons served and stakeholders, gather and analyze data, take decisive action, and make changes as needed. Communication and transparency will be key within agency quality improvement activities. Performance will be routinely shared with the people we will support and other stakeholders, and their feedback will play an integral role in agency planning.

Agency improvement activities will also focus on continuous opportunities for staff training and development. Providing quality services must include engaging and motivating a qualified workforce that believes in, and has the tools to fully implement, the agency's mission. Training opportunities will include best practices in the field, including topics such as meaningful day, fostering natural supports, effective teaching methods, and communication.

### **III. PURPOSE OF OUR EMPLOYEE HANDBOOK/PERSONNEL POLICY MANUAL**

This manual is designed to answer some of the questions you may have as an employee and provide information we believe you should know about some of the rules, regulations, and procedures related to your employment, including pay policies and benefit programs.

The various matters discussed in the manual are of great importance but are not intended to be an exhaustive list of all Gateway rules, regulations, and policies. Gateway reserves the right to modify its policies, benefits, and regulations as it deems necessary. Every employee is required to comply with each of the rules, regulations, and policies discussed in this manual, as well as any other rules, regulations, or policies adopted by Gateway. You should understand that the violation of any of Gateway's rules, regulations, or procedures may result in discipline up to and including termination of employment.

An individual's employment will continue only so long as the employee chooses to remain with Gateway and Gateway chooses to retain the employee. The policies outlined in the manual are not a contract of employment. Unless you have a written employment agreement executed by the Gateway CEO, employment is at-will and may be terminated at any time by you or by Gateway.

All required Federal and State employment rights and notifications are located at the Gateway corporate office located at 9660 Commerce Dr, Suite 305, Carmel, Indiana 46032 for all employees' access.

#### **IV. GENERAL INFORMATION**

##### **Categories of Employment**

As an employee, you will be classified into one of the categories listed below:

- A. Full-time employee: You are a full-time employee if you are regularly scheduled to work 30 hours per week or more.
- B. Part-time employee: You are a part-time employee if you are regularly scheduled to work less than 30 hours per week.

In addition, you will be classified as either "exempt" (salaried) or "non-exempt" (typically hourly) for purposes of the Fair Labor Standards Act (FLSA). A non-exempt employee is entitled to receive overtime compensation in accordance with the FLSA. An exempt employee is an employee who works in either an executive, administrative, or professional capacity in a position which has been determined by legislature to be exempt from the FLSA's overtime provisions.

Human Resources will be happy to answer any questions you may have about exempt or non-exempt status or your employment classification.

##### **New Employee Orientation**

Employees are expected to attend and successfully complete a new employee orientation prior to beginning their regular job duties. If a conflict arises and the employee cannot attend part of the orientation class, prior approval for an absence must be received from the Director of Community Services. Portions of the orientation class that are missed must be made up during the next regularly scheduled orientation prior to the employee beginning their regular job duties. Failure to attend a portion of the orientation class without prior approval will result in a voluntary resignation of your position with Gateway.

Employees are expected to follow the rules of new employee orientation. Failure to abide by the rules will result in termination of your employment with Gateway. The rules of new employee orientation are:



1. You are always expected to remain alert during the training class.
2. The use of cell phones to make calls or texts during orientation is prohibited. If you need to make or receive an emergency call, excuse yourself from the training class.
3. You must arrive to orientation on time every day. You will not be admitted to the orientation class if you arrive more than fifteen (15) minutes late and Gateway will accept your voluntary resignation.
4. You are expected to demonstrate respectful behavior and use appropriate language during the training class.

Employees that do not finish orientation will receive a pay rate of \$7.25 per hour.

### **Trial Period**

All new full-time and part-time employees will start with a trial period. Typically, this period lasts 90 days, but it can be extended up to 180 days depending on performance and training needs.

During your trial period you may decide that your new job is not what you thought it would be, or your supervisor may decide that he or she has misjudged your qualifications for that job. The trial period provides you a chance to demonstrate your ability, skill, and interest and to determine for yourself whether you feel satisfied in the position to which you have been assigned. Because all employees are employees at-will, your employment may be terminated (by Gateway or by you) for any lawful reason at any time before or after completion of your trial period.

Full-time and part-time employees are eligible for benefits during the trial period only to the extent indicated in the Benefits and Services section of this manual.

### **Pre-Employment Checks and Training Materials and Supplies**

Employees can request copies of pre-employment checks and training documentation from Human Resources for a fee of up to \$40.00 per item, as determined by Human Resources and the Gateway CEO.

### **Recording Your Time**

All non-exempt employees are required to record their work hours. If you fall into this category, you'll receive training in using the AccelTrax system to log your hours, including compliance with federal Electronic Visit Verification (EVV) procedures. You'll need a personal device, such as a smartphone, to record your time and complete service documentation.

Employees must start and end their visits in real time. If you need to manually adjust the start or end time of a shift, you must provide a valid reason documented in the visit record. These changes will be reviewed by a supervisor and may be accepted or rejected based on the reason provided.

You must never record time for another employee or misrepresent the hours you have worked. If you fail to record your time in the AccelTrax system or comply with EVV requirements, your wage

payment may be delayed. Violating this policy can result in disciplinary action, up to and including termination of employment.

### **Hours of Work**

Your daily work hours will be discussed with your supervisor and communicated to you. Full-time employees typically work a 40-hour week. Gateway may adjust scheduled working hours based on the needs of the people we support.

### **Overtime**

Non-exempt employees are eligible for overtime pay, which is defined as any hours worked over 40 in a given workweek. Gateway's workweek runs from Sunday through Saturday. Non-exempt hourly employees will receive overtime pay at 1.5 times their regular hourly rate for all hours worked beyond 40 in that workweek.

All overtime work must be approved in advance by your immediate supervisor. Employees who work overtime without prior supervisor approval will be subject to discipline, up to and including termination of employment.

### **Payday/Paychecks**

Employees are paid on a bi-weekly basis. Gateway requires employees to sign up for direct deposit of paychecks. It is your responsibility to make changes to your direct deposit information using your ADP Workforce Now employee account.

You may receive a paper paycheck while your initial direct deposit information is being processed. If you do receive a paper paycheck and a payday falls on a holiday, checks will be distributed the first preceding weekday. If you are not on duty on a payday, you may pick up your check at the Gateway office. Payroll checks will not be given to relatives or friends without a written request from you and proper identification from the recipient. Any exceptions must be approved by Human Resources or the Gateway CEO.

Gateway makes certain deductions from your pay as required by law, such as Social Security taxes, federal income withholding taxes, and state and local income taxes.

Mileage forms are due to the Gateway corporate office by 12:00 PM on payroll Mondays in order to ensure inclusion on the employee's next paycheck. If mileage forms are received after 12:00 PM on payroll Mondays, the employee's mileage may not be processed until the following payday.

Mileage must be submitted every two (2) weeks. Late mileage will not be accepted.

If payroll Monday falls on holiday, mileage will be due in the Gateway corporate office by 12:00 PM on the following Tuesday.

## **Attendance**

Every employee plays a part in keeping Gateway running smoothly. Therefore, regular attendance is important. Of course, there are times when getting to work may be quite impossible. Gateway recognizes that you may not be able to secure prior approval for leave days when you are ill or when an emergency arises. In this case, you must notify your immediate supervisor or designee of your impending absence by calling at least four (4) hours prior to your scheduled work time. If you find it necessary to leave during working hours, you must receive approval from your supervisor before you leave work. You are required to notify your supervisor of any type of absence from your normal work schedule.

Gateway's attendance program is not intended to cover situations where an employee has, over a substantial period of time, demonstrated an inability to be a dependable employee. Likewise, the program is not intended to cover tardiness, which is enforced under a separate policy described later in this manual.

Under Gateway's attendance policy, you will be permitted five (5) occurrences of unscheduled absence, for any reason, in a rolling 12-month period. An occurrence of absence is any unscheduled absence of more than thirty (30) minutes from one workday, which is not otherwise covered under the Family and Medical Leave policy.

If the absence is due to verifiable personal illness, consecutive days of absence will be treated as a single occurrence. However, each day of absence for non-medically related reasons will be counted as a separate occurrence of absence. If an employee is scheduled to work a shift that is twelve (12) or more hours, an unscheduled absence will be counted as two (2) occurrences.

Absenteeism is considered unsatisfactory if you are absent more than five (5) unscheduled occurrences in a rolling 12-month period. Every additional occurrence of absenteeism is considered excessive. Each employee, however, is eligible for one emergency absence within any rolling 12-month period, which will not count toward excessive absenteeism. It is your responsibility to report to your supervisor when an emergency absence is requested.

The sixth (6<sup>th</sup>) incident of absence in any rolling 12-month period will be deemed excessive and result in a verbal warning. The seventh (7<sup>th</sup>) incident of absence will result in a first written warning; the eighth (8<sup>th</sup>) incident of absence will result in a second and final warning. If you accumulate nine (9) incidents of absence within a rolling 12-month period, you will be subject to termination.

When not scheduled to work, employees should not be at the worksite except for appropriate work-related or other authorized activities.

## **Tardiness**

Every employee is expected to report to work on time and continue to work to the end of the shift in order to provide continuous staffing of the people we support and programs.

For the purposes of disciplinary action, only tardiness of seven (7) minutes or more will be considered.

Tardiness is considered unsatisfactory if you are tardy more than five (5) times in a rolling 12-month period. Every additional occurrence of tardiness is considered excessive. Each employee, however, is eligible for one emergency tardy within any rolling 12-month period, which will not count toward excessive tardiness. It is your responsibility to report to your supervisor when an emergency tardy is requested.

The sixth (6<sup>th</sup>) incident of tardiness in any rolling 12-month period will be deemed excessive and result in a verbal warning. The seventh (7<sup>th</sup>) incident of tardiness will result in a first written warning. The eighth (8<sup>th</sup>) incident of tardiness will result in a second and final written warning. If you accumulate nine (9) incidents of tardiness in a rolling 12-month period, you will be subject to termination.

### **Performance Evaluations**

You are an important member of the Gateway team, and your individual performance largely determines your progress. Personal performance appraisals provide an opportunity to talk with your supervisor about your achievements, your challenges, and your goals at Gateway. Gateway conducts performance reviews at the end of your trial period and annually thereafter. Please remind your supervisor if you do not receive an annual review.

If you move into an entirely new position (i.e. different job description), your performance evaluation period will be extended beginning from the time you start your new position.

### **Job Posting**

Job openings will be posted through the AccelTrax system, but the CEO reserves the right to select certain key positions without posting, based on the current need and continued success of the organization. Current staff who meet the qualifications of a posted position are encouraged to apply and will be considered along with outside candidates for the position. To be considered for a posted vacancy, you must submit a request for consideration in writing as specified on the notice.

You must complete your trial period before you will be eligible to apply for a transfer through the job-posting program, unless the CEO waives the requirement.

### **Employment Records**

It is important to keep your employment records up to date. Be sure to update your employee record using ADP Workforce Now if there are changes in any of the following:

1. Your name
2. Your home address
3. Your home telephone number

4. Your marital status
5. The telephone number to call in case of emergency
6. The number of your dependents
7. Your Social Security number

## **Telephones**

Due to the nature of our business and the fact that we must be available to the people we support, guardians, agencies, and others via the telephone, personal telephone calls must be kept at a minimum (5 minutes max). This policy also applies to the use of personal cell phones. You must remember that the phone in a residence of a person we support is their phone and not the property of Gateway Residential Services.

## **Inter-Agency Communication**

Gateway has established an on-call procedure to ensure that important information is communicated to supervisory staff in an appropriate and timely manner. The following are circumstances when it is appropriate to contact an on-call supervisor:

- The individual has an accident or incident that requires immediate medical treatment. CALL 911 FIRST.
- Death of an individual.
- There is an environmental emergency such as a fire, tornado, broken window, flooding, no running water, no heat or air conditioning, etc.
- There has been a medication error of any nature that needs to be reported.
- There has been a medication refusal that needs to be reported.
- Permission is needed to administer a PRN medication.
- There has been an extreme behavior concern, which may have resulted in injury to the individual or staff.
- The individual has eloped.
- Any report of abuse, neglect, exploitation or mistreatment of an individual.
- A significant change in an individual's health or mental status.
- Any other reportable incident or health and welfare concern.
- Employee injuries or accidents.
- Employee call-offs or tardiness.

In these types of situations, employees are expected to follow the on-call supervisor procedures until a live person is reached. The first person on the list should be contacted. If the person does not answer the phone right away, a voice mail should be left. Wait fifteen (15) minutes. If no return call is received, continue on to the next person and repeat the process until a person is reached.

In the situations above, text messaging is not an appropriate mode of communication. You are expected to contact the on-call supervisor by phone call. If text messages are utilized to communicate in other situations, please remember that they function as written documentation of a conversation. Text messages are expected to be written professionally

and contain appropriate language. Text messages can be printed and placed into an employee's personnel file or the service record of a person supported if deemed appropriate by supervisory staff.

### **Safety/First Aid**

You must report any and all accidents to your supervisor as soon as possible after they occur, within no more than 24 hours. This policy is for everyone's benefit and enables your supervisor and Gateway to correct unsafe conditions immediately. If your immediate supervisor is unavailable, please report the accident to another supervisor in your chain of command.

### **Personal Appearance**

Your image is important to Gateway's reputation. Therefore, we ask you to report to work dressed neatly and appropriately, and to use good personal hygiene.

Gateway requires that you dress in the following manner when working directly with persons supported:

- Clothing should allow for ease of movement and be suitable for the physical nature of direct care work. Garments that are excessively tight, sheer, or revealing are not appropriate in the workplace.
- Clothing that exposes the midriff, cleavage, or undergarments is not permitted. Tops should provide full coverage when standing, sitting, or reaching, and necklines should be modest and secure.
- Shorts and skirts must be no shorter than 1 inch above the knee
- Pants must sit on the waistline- no sagging.
- Leggings, jeggings and tights are not considered pants
- Shoes that hinder the ability to react quickly in an emergency are prohibited (i.e. flip flops, crocs, heels).
- Shoes must have a closed toe.
- All clothing must be clean and not torn or heavily stained.
- No sunglasses or hoods on while indoors.

Occasionally, personal apparel, including jewelry, may be damaged while interacting with a person we support. We recommend that you wear clothing which is easily cleaned or replaced and that you not wear any jewelry with sentimental or large monetary value.

To ensure the safety of both staff and individuals receiving services, Gateway prohibits the wearing of dangling jewelry (including but not limited to earrings, necklaces, bracelets, and face piercings) while performing direct care duties.

This policy is in place to:

- Prevent potential safety risks associated with individuals who may exhibit behaviors such as

- grabbing or pulling.
- Protect staff from injury that could result from such incidents.
- Avoid damage or loss of personal jewelry items during the course of care.

Staff are encouraged to wear secure, non-dangling accessories if necessary and to use discretion in selecting attire that supports a safe and professional environment.

To ensure the safety, comfort, and dignity of the individuals we support, all employees providing direct care must maintain fingernails that are clean, well-groomed, and of an appropriate length and shape.

- Length: Fingernails should not extend more than ¼ inch (approximately 6 mm) beyond the fingertip. Longer nails can interfere with the ability to assist individuals with self-care tasks and may pose a risk of injury.
- Shape: Fingernails must be rounded or squared with smooth edges. Pointed or sharp nails are not permitted, as they can cause accidental scratches or discomfort during physical assistance.
- Hygiene: Nails must be kept clean and free of debris. Artificial nails, gel overlays, or nail art that may compromise hygiene or safety are discouraged in direct care roles.

Maintaining appropriate nail length and shape is essential for infection control, effective caregiving, and the overall well-being of those we serve.

Gateway requires that you dress in the following manner when working in one of Gateway's office locations:

Employees are expected to demonstrate good judgment and professional taste. Use courtesy towards coworkers and your professional image to customers as the factors you use to assess whether you are dressing in business casual attire that is appropriate. This includes ensuring proper fit and cleanliness.

Employees who wear business casual attire that is deemed inappropriate in the workplace will be addressed on an individual basis rather than subjecting all employees to a more stringent dress code.

### **Personal Property Reimbursement**

Occasionally, the actions of a person we support may result in damage to a staff member's clothing or other personal property worn by the staff member. If actions damage personal property worn on your person, you may submit a request for reimbursement to the CEO. Requests will be considered and evaluated on a case-by-case basis, giving preference to incidents where the employee had little or no control to avoid the damage. Reimbursement will only be available if you are using approved and proper intervention techniques when the damage occurred. The intent of this policy is to offset your reasonable cost of repairing or replacing the damaged item, not necessarily to cover the item's full replacement cost.

Gateway will establish flat, prescribed reimbursement amounts for items such as shirts or slacks, and reimbursement will be limited to that amount, regardless of the actual initial cost of the damaged item. Reimbursement under this policy is not available for personal property not worn on your person or for non-essential items such as jewelry.

Damages sustained to an employee's personal vehicle as the result of actions by a person supported will be evaluated on a case-by-case basis for reimbursement. You may submit a request for reimbursement to the CEO. Requests will be considered and evaluated individually, giving preference to incidents where the employee had little or no control to avoid the damage. Reimbursement will only be available if you are using approved and proper intervention techniques when the damage occurred.

In certain instances, you may be required to take specific steps to reduce the potential for property damage in order to be eligible for personal property reimbursement. Requests for reimbursement may be declined if it is determined that the employee's actions contributed to the likelihood and/or severity of the damage.

Situations leading to property damage must be reported on an Incident Report in AccelTrax to be considered for personal property reimbursement.

### **Employment of Relatives**

If a family member of a person supported is hired to work with that person, the family member is an employee of Gateway and is expected to abide by all Gateway policies and procedures as well as state and federal guidelines.

### **Employee Driving Records**

It is imperative that employees maintain their own automobile insurance. It is the responsibility of each employee to maintain an adequate driving record with the Bureau of Motor Vehicles (BMV). If you do have a traffic violation that affects your driving record, you are required to report it to Human Resources and your supervisor immediately. Gateway wants to ensure that the transport of all the people we support is safe. Infractions may result in disciplinary action, up to and including termination of employment.

### **Driver Safety**

Direct Support Professionals are required to transport people during their shift, therefore must have a working vehicle for all shifts. Exceptions must be approved by a supervisor prior to the beginning of the shift. Gateway will provide employees with access to an emergency kit and a Vehicle Safety Information sheet that must remain in the employee's vehicle when transporting people. Employees are expected to abide by the driving procedures outlined within the Vehicle Safety Information, including the following:



When driving is required as part of Gateway work time employees must:

1. Obey all Indiana traffic laws.
2. All passengers must be wearing seatbelts while the vehicle is in operation.
3. Talking on a cell phone or texting while driving is prohibited.
4. Smoking or vaping in your vehicle while transporting people is prohibited.
5. Keep insurance up to date and notify Human Resources of any changes.
6. Keep registration current.
7. Keep your driver's license current.
8. Notify your supervisor immediately of any changes to your vehicle, driver's license, or accidents/tickets.
9. Complete the Employee Vehicle Self-Check quarterly and turn in to your supervisor.

### **Mileage and Travel Guidelines**

Gateway will reimburse employees for mileage at the rate of \$0.35 per mile when the following conditions are met:

- Mileage can be claimed when an employee is using a vehicle to conduct Gateway business while on Gateway time.
- All mileage must be recorded using the Mileage Form. The Mileage Form must be completed accurately and thoroughly including all requested information.

Mileage will not be reimbursed in the following situations:

- Mileage incurred prior to the start of an employee's shift
- Mileage incurred after the end of an employee's shift
- Mileage incurred that is not related to a person's transportation needs or required Gateway business functions

All business-related travel must be approved by the Director of Community Services. Hotel and/or transportation arrangements can be requested through the CEO. Any hotel expense greater than \$120.00 per night will require CEO approval.

Gateway will reimburse a traveler for allowable meal, incidental, and ground transportation expenses incurred during business-related travel. Incidental expenses include fees and tips for persons providing services, such as food servers, hotel housekeeping and luggage handlers. The maximum allowable per-day expense for meals and incidentals is \$75.00. To claim reimbursement for meal, incidental and ground transportation expenses, the employee must provide receipts for expenses incurred and attach them to the Mileage Form. The total amount requested for reimbursement should be recorded on the "other expenses" line.

If an employee chooses a more expensive travel option than the one approved by Gateway, they will only be reimbursed up to the cost of the approved option. For example, if an employee drives home instead of staying at a Gateway-approved hotel, and the mileage cost exceeds the hotel cost, Gateway will reimburse only up to the

hotel cost. Similarly, if an employee books an upgraded flight, Gateway will reimburse only up to the cost of the approved flight.

## **V. BENEFITS AND SERVICES**

### **Holidays**

Gateway recognizes the following holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

Only hourly employees are eligible for holiday pay. Holiday pay is calculated from 12:00 am and ends at 11:59 pm on the recognized holiday. Hourly employees who work on the holiday will be paid at a rate of time and a half.

To qualify for holiday pay, employees must work their scheduled shifts before and after the holiday. If an employee is already in overtime and works on a recognized holiday, they will still be paid at a rate of time and a half for the hours worked.

Salaried employees are not eligible for holiday pay.

### **Flex Time**

Flex time may be used for administrative staff. If an employee is required to work more than their normally scheduled hours in a work week, flex time can be requested by filling out a Flex Time Request Form. Flex time is subject to the needs of the agency and must be approved by the employee's immediate supervisor prior to the employee taking flex time off. Flex time must be taken within the same workweek in which it is requested and will not carry over to future weeks.

### **Personal Leave Time/Paid Time Off**

The Paid Time Off (PTO) benefit is available to full-time employees only. PTO may be used for either vacation, absence due to illness or injury, or approved time off for personal reasons. Employees eligible for Family and Medical Leave who request a leave under that policy will be required to substitute personal leave time when it is available.

PTO time will be available to use after the 90-day trial period is completed. If the trial period is extended, PTO will be available after the employee successfully completes their trial period.

PTO amounts will reset on the employee's date of hire each year.

PTO which is unused at the time of the employee's reset date will not be carried over to the next year. Unused time cannot be cashed out.

PTO days are not considered hours worked for the purpose of determining overtime pay.

PTO cannot exceed 40 hours in a workweek. Additionally, the combined total of time worked and PTO in a workweek cannot exceed 40 hours.

If an employee cannot fulfill the duties of his or her job description, including on-call responsibilities, PTO must be taken.

Full-time employees will accrue personal time at the following rates:

YEARS OF EMPLOYMENT			
0-1	2-3	4-5	6+
40 hours/ year	80 hours/ year	120 hours/ year	160 hours/ year

If you wish to use PTO for reasons other than Family and Medical Leave or illness, you must complete a Leave Request form and submit it to your immediate supervisor before taking the time off. The request must include the days you are requesting off. For each day off, you must submit your request at least one day in advance. For a single day off, submit your request at least 16 hours in advance. If you request less than one day (e.g., two hours), you must either submit your request 16 hours in advance or after reporting to work, at least one hour in advance for each hour requested. It is your responsibility to ensure your leave request is approved in advance.

Approval of PTO requests is contingent upon the employee being in good standing with all compliance requirements. This includes, but is not limited to, completion of all required training, current CPR/First Aid certification, up-to-date vehicle safety checks, and valid driver's license and current auto insurance documentation on file. Supervisors may also approve or deny leave requests based on the needs of the people Gateway supports.

Any leave requests for more than five (5) consecutive working days must be approved by the Gateway CEO.

PTO will not be paid out if you voluntarily resign or are terminated from Gateway.

Unscheduled absences of three (3) or more consecutive workdays due to health-related reasons must be accompanied by a health provider statement that indicates you are released to return to work on the date you return. Your supervisor may also request a health provider statement for unscheduled, health-related absences of less than three (3) days.

## **Family and Medical Leave**

Gateway Residential Services provides leaves of absence to eligible employees for certain family and medical reasons. This policy is intended to comply with a federal law known as the Family and Medical Leave Act of 1993 ("FMLA").

### **Eligibility**

An "eligible" employee may request Family Medical Leave (FML). To be "eligible", an employee must have worked for Gateway, as of the date the requested leave is to begin, for at least 12 months and for at least 1250 hours during the previous 12 months at a location where at least 50 employees are employed by the employer within 75 miles.

An Employee may request FMLA leave for the following reasons:

1. Parenting Leave. This type of leave can be taken by an employee to care for a new son or daughter, including by birth or by adoption or foster care placement
2. Family Medical Leave. This type of leave can be taken by an employee to care for the "serious health condition" of the employee's spouse, child, or parent
3. Employee Medical Leave. This type of leave can be taken by the employee for his or her own "serious health condition" if the condition renders the employee unable to perform his or her job functions.

The FMLA and its interpretive regulations define terms and establish rules for each of these types of leave. For example, an employee may only take Parenting Leave during the 12-month period that begins on the date of the birth, adoption or placement. In addition, for purposes of Family Medical Leave, a "parent" means an employee's biological parent or an individual who stood in the place of the employee's parent when the employee was a child. The term "parent" does not include parents-in-law. "Son or Daughter" means a biological, adopted or foster child, a stepchild or legal ward of an employee, or a child for whom the employee stands in the place of his or her parent, who is either under age 18 or is over age 18 and incapable of self-care because of a mental or physical disability.

### **Duration of Leave**

An eligible employee is entitled to a total of 12 cumulative workweeks of leave (based on the employee's normal hours per week) during a 12-month period. A 12-month period for purposes of FML is a calendar year: January 1 through December 31.

A special rule applies where a husband and wife are both eligible employees of the Employer. In that situation, the husband and wife will be permitted to take only a combined total of 12 weeks of FML during a 12-month period if the leave taken is a Parenting Leave.

### Substitution of Paid Leave

FML is unpaid. If, however, an employee has accrued paid leave of other types from the Employer, and if the employee's leave request meets the requirements of that paid leave program, the employee will receive paid leave benefits at the same time as he or she is receiving FML benefits. Similarly, if an employee properly requests leave available under a paid leave program for a purpose that is also covered by FML, the employee will receive FML benefits at the same time as paid leave benefits. The Employer will "substitute" that paid leave for FMLA leave by counting the paid leave toward FMLA leave entitlement.

In addition, any worker's compensation absence will also run concurrently with and be counted as FML to the extent the illness, injury or condition would otherwise qualify the individual for FML.

An employee will be notified about the substitution of paid leave as soon as practicable after they request FML. An employee who requests FML will be contacted by the Human Resources department via US Mail within five (5) business days. The Human Resources department will request the documentation necessary to approve the FML, i.e., physician's statement indicating condition, need for FML, estimated time away from work, etc. FML cannot be used for common and usual short-term illnesses, such as the flu or sinus infections, unless the condition results in hospitalization for 24 hours or longer.

### Intermittent or Reduced Schedule Leave

An employee, under certain circumstances, may take intermittent or reduced schedule leave in increments of no less than one-quarter of an hour. "Intermittent leave" generally means leave taken on an occasional basis for such reasons as medical treatments. "Reduced schedule leave" means a temporary, but regular, change in the employee's usual number of hours per day or hours per week. If an employee takes a Parenting Leave, the employee is not entitled to take leave intermittently or on a reduced schedule.

For Family Medical or Employee Medical Leave, the employee may take an intermittent or reduced schedule leave if it is medically necessary. An employee must provide certification (from a medical professional) that a medical need for leave exists and that the medical need can best be accommodated through an intermittent or reduced schedule leave. The intermittent or reduced schedule leave must then be approved by Gateway. Employees needing intermittent FML or leave on a reduced schedule must attempt to schedule their leave so as not to disrupt business operations whenever possible. If an employee requests intermittent or reduced schedule leave, Gateway may require the employee to transfer temporarily to an available alternative position, with equivalent pay and benefits, for which the employee is qualified, and which better accommodates intermittent or reduced schedule leave.

### Notification Requirements

An employee must notify the Gateway Human Resources Department of his or her desire to take FML at least 30 days before the date leave is to begin by requesting and completing a Leave Request form, except in cases of medical emergency or unexpected changed circumstances, in which case the employee must give notice as soon as practicable after the employee is aware that they need to take FML. Leave Request forms can be obtained from the Human Resources Department. At the time an employee obtains a Leave Request form, Human Resources will provide the employee with a Leave Notice explaining certain rights and responsibilities of the employee regarding FML. If an employee requests Family Medical or Employee Medical Leave, the employee must submit a medical certification from the employee's or family member's health care provider within 15 days after Gateway delivers the Leave Notice and the Leave Request form. In the case of a request for intermittent or reduced schedule leave, the certification must also notify Gateway of the reasons for the intermittent or reduced schedule leave and of the schedule for treatment, and the estimated number of weekly or monthly absences the treatment or condition may cause the employee to be absent from work. The medical certification may indicate the number of hours and/or days that are anticipated for time away from work in a week or a month.

If an employee fails to give 30 days' notice for a foreseeable leave with no reasonable excuse for the delay, Gateway may deny FML until at least 30 days after the date the employee provides notice of the need for FML. After an employee submits a medical certification, Gateway may require an employee to obtain a second opinion from a provider of our choice, at our expense. In some cases, Gateway may require a third opinion from a provider selected jointly by the employee and Gateway.

During an approved FML, an employee will be required to report periodically on his/her status and intent to return to work. Employees on a Family Medical or Employee Medical Leave may also be required to submit medical re-certifications every 30 days during the leave period subject to the same rules as the initial medical certification. Medical re-certifications may also be required under certain specific circumstances, for example, when an employee requests an extension for a leave, when circumstances under an initial certification have significantly changed, or when an employee is unable to return to work after FML. Upon the conclusion of an Employee Medical Leave, the employee must present certification to Gateway from his or her health care provider that he or she is able to return to work. Unless and until an employee provides this fitness-for-duty certification, the employee will not be allowed to return to work.

### Right to Job Restoration

Upon return from FML, employees will generally be restored to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Certain salaried, key employees of Gateway may be denied restoration if their reinstatement would cause substantial and grievous economic injury to Gateway. If, during FML, a layoff or other event occurs that would have changed, or even eliminated, the employee's job had he or she not

taken leave, the returning employee will have no greater rights than if the employee had been continuously employed during FML. The Gateway CEO will determine whether an employee will be restored to the same position or to an equivalent position.

### **Military Family Leave Provisions**

The National Defense Authorization Act ("NDAA"), Public Law 110-181, in 2008 amended the FMLA to provide two types of military family leave for FML-eligible employees, *qualifying exigency leave* and *military caregiver leave*. To qualify for either of these leaves, employees and employers still must first meet the same requirements as for the standard Family Medical Leave (an employee must have worked for Gateway, as of the date the requested leave is to begin, for at least 12 months and for at least 1250 hours during the previous 12 months at a location where at least 50 employees are employed by the employer within 75 miles).

Military Family Leave is not paid, but use of accrued leave for military family leave will be allowed the same as with Family Medical Leave.

"Qualifying Exigency Leave" may be taken for any qualifying exigency arising out of the fact that a covered military member is on active duty or call to active duty status. Eligible employees who are family members of a covered military member are the employee's spouse, son, daughter, or parent who is on active duty or call to active duty status. Active duty or call to active duty status refers to a member of the National Guard or Reserves who is under a call or order to active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. Note: The statute passed by Congress providing these new military family leave entitlements only extended the right to take FML because of qualifying exigency to family members of National Guard and Reserves, and certain retired military.

For qualifying exigency leave, an eligible employee may take leave for their son or daughter of any age, defined as biological, adopted, or foster child, stepchild, legal ward or child for whom the employee stood in loco parentis. For purposes of the qualifying exigency leave, 'parent' means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. The term does not include parents-in-law.

Active Duty Orders will generally specify whether he or she is serving in support of a contingency operation. Gateway may confirm whether a particular service member is serving in support of a contingency operation by contacting the appropriate military branch.

Qualifying Exigencies include:

- Short notice deployment; i.e., deployment with seven or less days of notice.
- Military events and related activities such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs, and informational briefings sponsored or promoted by the military, military service organizations or the

American Red Cross;

- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to five days of leave to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; and
- Any other event that the employee and employer agree is a qualifying exigency. Employers and employees must agree to both the timing and duration of any such qualifying exigency leave and the leave may be counted against the employee's 12 weeks FML entitlement.

The same timing requirements for certification apply to all requests for FML, including those for military family leave. An employee must provide the requested certification to the employer within the time frame requested by Gateway, which is at 15 calendar days after the employee's request unless it is not practicable to do so despite the employee's diligent, good faith efforts.

Recertification of military exigency will not be required. A qualifying employee may take up to 12 workweeks of FML for qualifying exigencies during the 12-month period established by Gateway for FML. Qualifying exigency leave may also be taken on an intermittent or reduced leave schedule basis.

Employees are entitled to take up to 12 workweeks of FML per year, in total, whether it be combined for health reasons and qualifying exigency, or whether for only medical or only exigency.

Employees may use qualifying exigency leave for certain post-deployment exigencies, including reintegration activities, for a period of 90 days following the termination of the covered military member's active duty status, if they otherwise qualify for FML.



## **Military Caregiver Leave**

Military caregiver leave may be taken by an eligible employee for a covered service member with a serious injury or illness. This type of FML is based on a recommendation of the President's Commission on Care for America's Returning Wounded Warriors. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness may take job-protected FML to provide care to the service member. Military caregiver leave extends to those seriously injured or ill members of both the Regular Armed Forces and the National Guard or Reserves.

A covered service member is a current member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty. For Military Caregiver Leave, the same definition of covered family member applies as with all other FML.

A serious injury or illness is an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating.

An eligible employee is entitled to take up to a combined total of 26 workweeks of leave during a 'single 12-month period' to care for a seriously injured or ill covered service member. The 'single 12-month period' begins on the first day the eligible employee takes military caregiver leave and ends 12 months after that date, regardless of the method used by the employer to determine the employee's leave entitlement for other FML qualifying reasons. As an example, an employee may take 12 weeks of Family Medical Leave to care for a newborn child *and* 14 weeks of military caregiver leave in a twelve month period, but could not take more than 12 weeks of FML to care for a newborn. Unused time of military caregiver leave cannot be carried over from one 12-month period to another.

For purposes of military caregiver leave, 'next of kin' is defined as the servicemember's nearest blood relative, other than the covered servicemember's spouse, parent, son, daughter in the following order of priority: Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins unless the covered servicemember has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of military caregiver leave under FML, in which case the designated individual shall be deemed to be the covered servicemember's next of kin. In the absence of a designation, where a covered servicemember has three siblings (for example) all three siblings will be considered to be the covered servicemember's next of kin.

Military caregiver leave will not be allowed for a servicemember who is no longer serving in the military. Military caregiver leave does cover seriously ill or injured servicemembers on the temporary disability retired list; servicemembers on the permanent disability retired list are not covered.

Gateway employees who have met all other requirements for FML may be granted military caregiver leave for more than one seriously injured or ill servicemember, or more than once for the same servicemember if he or she has a subsequent serious illness or injury, but will only be entitled to a maximum of 26 workweeks of leave in a single 12-month period. Gateway employees may not take more than 26 workweeks of leave during each 'single 12-month period', even if they wish to care for more than one seriously injured or ill servicemember.

As with Family Medical Leave, an employee must provide 30 days advance notice of the need to take military caregiver leave whenever possible. When the need for leave is unforeseeable, employees must comply with Gateway' FML processes for approval, call-in, etc. An employee does not need to specifically assert his or her rights under the FMLA but must provide sufficient information to make Gateway leadership aware of the need for FML and the anticipated timing and duration of the leave.

When leave is taken to care for a covered servicemember with a serious injury or illness, Gateway will require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember.

The same timing requirements (timing, authentication, clarification, second and third opinions, recertification) apply to all requests for FML, including those for military family leave, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

Gateway may also authenticate and clarify medical certifications submitted to support a request for military caregiver leave using the procedures applicable to FML taken to care for a family member with a serious health condition. Specific details may be obtained in 29 CFR 827.310(a).

If a servicemember's family receives an "invitational travel order" (ITO) or "invitational travel authorization" (ITA), indicating the immediate need for the family member at the servicemember's bedside, Gateway will accept the submission of an ITO or ITA in lieu of a medical certification form, as sufficient certification of a request for military caregiver leave during the time period specified in the ITO or ITA. If the covered servicemember's need for care extends beyond the expiration date specified in the ITO or ITA, Gateway will require certification for the remainder of the employee's leave period.

For military caregiver leave that also qualifies as leave taken to care for a family member with a serious health condition, Gateway will designate the leave as military caregiver leave first to help alleviate some of the administrative issues caused by the running of the separate 'single 12-month period' for military caregiver leave.

Gateway will not count leave that qualifies as both military caregiver leave and leave to care for a family member with a serious health condition against both (employee) entitlements to 26 workweeks of military caregiver leave and 12 workweeks of leave for other FML qualifying

reasons.

### **Personal Leave of Absence**

Gateway may grant an unpaid personal leave of absence upon an employee's written request to the Gateway CEO after the employee has used all earned PTO. A request for a personal leave of absence must clearly state the reason for the leave and the amount of time requested. Requests will be granted only for urgent and exceptional circumstances. No approved personal leave of absence will exceed four (4) weeks in a rolling 12-month period. Further, personal leave cannot be used to extend a Family and Medical Leave of Absence.

### **Funeral Leave**

Employees will be granted up to three (3) consecutive paid days off as may be necessary to attend funerals of members of their immediate family. The term "immediate family" refers to your spouse, partner, children, parents, parents-in-law, siblings, grandparents, grandchild, or any other relative by law or blood permanently residing with you. Additional time off may be granted at the discretion of the Gateway CEO. Up to three (3) consecutive days off without pay for funerals of other persons may be granted at the discretion of the Director of Community Services.

### **Jury Duty**

If you are selected for jury duty, you will be granted unpaid time off while serving on a jury or jury panel. You may use earned PTO for jury duty if you choose.

### **Military Leave**

Military leaves will be granted in compliance with applicable state and federal laws. Please notify your supervisor as soon as you learn of your leave requirement and bring in supporting documentation of your military orders. This policy applies whether or not you have completed your trial period.

### **Conventions, Workshops and Conferences**

Gateway supports professional growth by encouraging employees to attend work-related conventions, workshops, and seminars. Staff members desiring to participate in such activities should submit a written request through their supervisor to the Gateway CEO, who must provide final approval for attendance.

Part-time employees are not eligible for out-of-town educational functions except as determined at the discretion of the Gateway CEO.

In-service development programs are conducted periodically. All Gateway employees are encouraged to further their skills through attending these sessions.

In addition to in-service programs offered, employees will be encouraged and provided with opportunities to participate in conferences and education programs appropriate to their

positions. Reimbursement for other expenses connected with the conference will be subject to the availability of funds and must be within established reimbursement limits.

Whenever possible, Gateway will adjust your work schedule so that your total weekly hours, including training time, do not exceed 40. You are encouraged to contact your supervisor or the Director of Community Services about skills you would like to update or training you wish to have offered.

### **Workers' Compensation Insurance**

Workers' Compensation Insurance provides financial protection if you are injured or become ill due to your employment. This coverage complies with Indiana's workers' compensation laws, and Gateway covers the entire cost for all employees, including those on a trial period.

### **Employee Meals**

All employees are responsible for providing their own meals while working. It is prohibited to eat the groceries of the people we support.

## **VI. RULES OF CONDUCT**

### **Code of Ethical Conduct**

Any Gateway representative who fails to perform his or her job satisfactorily or otherwise violates Gateway's rules and policies or engages in prohibited conduct will be subject to discipline. Because circumstances vary in each case involving possible disciplinary action, each situation will be handled on an individual basis, based on the particular facts and circumstances of each case. The types of formal discipline that may be imposed include verbal warnings, written warnings, demotion, suspension, and termination. Behavior that is illegal is not subject to progressive discipline and may be reported to local law enforcement. Abuse, neglect, exploitation, or mistreatment of individuals receiving services, violation of an individual's rights, theft, intoxication at work, fighting, and other acts of violence are also not subject to progressive discipline and may be grounds for immediate termination. Gateway reserves the right to combine or skip steps depending upon the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered depend upon whether the offense is repeated despite coaching, counseling and/or training, the employee's work record, and the impact the conduct and performance issues have on the organization.

Pay may be restored to an employee if an investigation of an incident or infraction absolves the employee.

Gateway employees and other representatives are expected to comply with the following standards:

## Gateway Code of Ethics

Gateway has adopted a Code of Ethics that is applied to all business activities and service provision. All employees, officers, directors, owners, contractors, subcontractors, and other representatives of Gateway are accountable not only for compliance with the Code of Ethics, but also with all laws and regulations applicable to Gateway activities, and all policies and procedures prepared by Gateway and oversight agencies, and moral principles or values governing or distinctive of a person's professional licensure and/or education. Honesty and integrity are at the heart of our Code of Ethics; they define our relationships with persons supported, outside agencies, business partners, and each other. By maintaining the highest level of corporate integrity through open, honest, and fair dealings, we earn trust for our services and ourselves from everyone with whom we come in contact.

- A. Situations involving conflicts of interest by Gateway directors, officers, employees, contractors, subcontractors, volunteers, and other representatives performing any management, administrative or direct service to an individual will be avoided. Conflicts of interest must be disclosed by all directors, officers, employees, contractors, subcontractors, volunteers, and other representatives.
- B. Gateway will provide professional services with objectivity and with respect for the unique needs and values of the individuals being served.
- C. Gateway will avoid discrimination based on factors that are irrelevant to the provision of services, including but not limited to:
  - Race
  - Creed
  - Gender
  - Age
  - Disability
- D. Gateway will provide appropriate and objective information to enable an individual, or the individual's legal representative, to make informed decisions.
- E. Gateway owners, directors, officers, employees, contractors, subcontractors, and representatives will:
  - Accurately present professional qualifications and credentials
  - Assume responsibility and accountability for personal competence in the practice of the person's profession and in the provision of services
  - Maintain knowledge and skills required for continued professional competence including all requirements necessary for a licensed or accredited professional to maintain the professional's licensure or accreditation.
  - Adhere to acceptable standards for the owner, director, officer, employee, contractor, subcontractor, or agent's area of professional

- practice
  - Comply with all laws and regulations governing a licensed or accredited person's profession
  - Maintain the confidentiality of individual information consistent with the standards of this article and all other state and federal laws and regulations governing confidentiality of individual information
  - Conduct all practice with honesty, integrity, and fairness
  - Fulfill professional commitments in good faith
  - Accurately inform the public and colleagues of services
- F. Gateway will not advertise or market services in a misleading manner.
- G. Gateway will not engage in uninvited solicitation of potential individuals, who are vulnerable to undue influence, manipulation, or coercion.
- H. Gateway will make reasonable efforts to avoid bias in any kind of professional evaluation.
- I. Gateway will not allow for nepotism during the conducting, directing, reviewing or other managerial activity of an investigation into allegation of abuse or neglect, by prohibiting friends and relatives of an alleged perpetrator from engaging in these managerial activities.
- J. Gateway will not subject its directors, officers, employees, contractors, subcontractors, or representatives to negative consequences as outlined in IC 22-5-3-3 following the director, officer, employee, contractor, subcontractor or agent reporting:
- The alleged abuse, neglect, exploitation, or mistreatment of an individual
  - Violation of Gateway's policies and procedures
  - Violation of DDRS policies and procedures
  - Violation of state and federal laws
- K. Gateway will notify the appropriate party of any unprofessional conduct that may jeopardize an individual's safety or influence the individual or individual's representative in any decision-making process, which may include:
- DDRS (Division of Disability and Rehabilitative Services)
  - DCS (Department of Child Services)
  - ISDH (Indiana State Department of Health)
  - Any licensing authority
  - An accrediting agency
  - An employer
  - The office of the Attorney General, consumer protection division
  - The individual's guardian

- L. Providing gifts to state employees or their spouse or un-emancipated children, special state appointees or their spouse or un-emancipated children, any individual potentially receiving services from Gateway, or any guardian or family member of an individual potentially receiving services from Gateway is prohibited.
- M. Providing gifts to an individual receiving services or their family members without prior approval from the Gateway CEO. Gifts will be limited to a maximum of \$100 annually.
- N. The receipt of any personal gift by a Gateway employee or agent from any person receiving services or their family member/legal representative is discouraged and should be avoided. Gifts of nominal value such as baked goods or a dollar store trinket may be allowed with prior approval from a Gateway supervisor. Any gift would need to be disclosed to a Gateway supervisor to determine if it is appropriate prior to acceptance.
- O. Gateway employees and agents will not accept cash gifts from individuals receiving services or their family member/legal representative under any circumstances.

#### Business Principles

##### A. Maintain the Confidentiality and Accuracy of Gateway Records

Gateway is responsible and accountable for the integrity and protection of its business information. All agency records and documents (in any form or media) are the sole property of the agency and thereby considered confidential in nature, except as provided by law or regulation. All agency information (i.e. policies, procedures, strategic or business plans, memos, financial documents, etc.), whether in electronic or written format, is confidential and may not be released or shared with others outside of Gateway without prior approval from the Gateway CEO.

Gateway is committed to ensuring that appropriate legal conduct is observed with regard to the disclosure of protected health information. Documents and electronic media containing sensitive information about persons supported or Gateway representatives must be carefully handled and properly secured in compliance with the Gateway *Information Privacy* policy and procedure. Once a Gateway representative terminates the relationship with Gateway, he or she has no right to access or use agency or individual information.

Falsification or misrepresentation of agency records is strictly prohibited, including but not limited to time records, employment applications, mileage forms, incident reports, service notes, and all other Gateway business records.

In order to protect the privacy of persons supported, Gateway representatives are prohibited from audio or video taping or taking photographs of a person unless the person or his/her legal representative has signed a Release/Authorization to Publish.

## B. Medicaid Claims and Billing

Gateway is committed to ensuring that billing for Medicaid services is conducted accurately and ethically and in compliance with all applicable laws and regulations, in particular those that address health care fraud, waste, and abuse and proper billing of Medicaid and other government-funded health care programs. All Gateway representatives are expected to follow the *Medicaid Claims and Billing* policy and procedure which provides basic information about the federal False Claims Act, the Indiana Medicaid False Claims and Whistleblower Protection Act, and Gateway' billing methodology, to ensure compliance with all applicable rules and regulations.

The federal False Claims Act allows a civil action to be brought against a health care provider who:

1. Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval to any federal employee;
2. Knowingly makes, or causes to be made or used a false record or statement to get a false or fraudulent claim paid; or
3. Conspires to defraud the government by getting a false or fraudulent claim allowed or paid.

Examples of false claims can include billing for a service that was not performed, billing for a service that was not documented, and falsifying information in a person's service record.

A federal false claims action may be brought by the U.S. Department of Justice Civil Division, the United States Attorney.

Violation of the federal False Claims Act is punishable by a civil penalty of up to \$11,000 per false claim, plus three times the amount of damages incurred by the government.

A statute of limitations says how much time can pass before an action may no longer be brought for violation of the law. Under the False Claims Act, the statute of limitations is six years after the date of the violation or three years after the date when material facts are known or should have been known by the government, but no later than 10 years after the date on which the violation was committed.

The submission of false claims may also give rise to criminal liability.

The Program Fraud Civil Remedies Act (PFCRA) provides for administrative remedies against persons who make, or cause to be made, a false claim or written statement to certain federal agencies, including the Department of Health and Human Services. PFCRA was enacted as a means to address lower dollar frauds and generally applies to claims of \$150,000 or less. PFCRA provides that any person who makes, presents, or submits, or causes to made, presented or submitted a claim that the person knows or has a reason to know is false, fictitious, or fraudulent is subject to civil money penalties of up to \$5,000



per false claim or statement and up to twice the amount claimed in lieu of damages. Violations are investigated by the Attorney General and enforcement actions must be approved by the Attorney General.

The State of Indiana has also enacted legislation regarding the submission of false claims and whistleblower protections. A whistleblower that reports fraud on a government contract and helps file the case may be entitled to collect from 10 - 30 percent of the monetary damages the company pays.

Federal and state laws also protect whistleblowers from discrimination and employment retaliation for coming forward and reporting illegal activity.

A whistleblower must file a private lawsuit, called a qui tam suit (pronounced “key tam”) against the company under the False Claims Act. In effect, the whistleblower files suit on behalf of taxpayers. The private lawsuit is a necessary step in order for the state and federal governments to investigate the fraud case and intervene.

While the government investigates the fraud, the case is sealed. If the government intervenes, the case is unsealed and can go to trial or proceed to settlement. The federal and state governments typically will negotiate with the company that committed fraud to work out a monetary settlement that will rectify the illegal activity and reimburse the taxpayers. A whistleblower in turn would receive a percentage of that settlement money or, if the case goes to trial, a percentage of any damages the Court orders the company to pay.

Those interested in becoming whistleblowers should contact a private attorney who specializes in bringing lawsuits under the False Claims Act. This should be done separately from reporting the fraud to other authorities.

Gateway representatives are not required to report a possible False Claims Act violation to Gateway first. Reports can be made directly to the Indiana Attorney General’s Medicaid Fraud Control Unit by calling 800-382-1039.

### C. Protect Gateway Assets

It is the obligation of all Gateway representatives to protect the assets of the agency. Agency property such as office supplies and equipment cannot be used for personal reasons.

Any misuse or misappropriations of agency funds, information, equipment, facilities, or other assets may be considered criminal behavior and can bring severe employment and legal consequences. Agency funds include, but are not limited to, bank accounts, credit and debit cards, and business accounts.

#### D. Maintain the Corporate Image

Gateway's reputation and image are among its most valuable assets. All agency representatives are expected to conduct themselves in a manner that reflects positively on Gateway. Making or publishing false or malicious statements concerning Gateway policies, another Gateway representative, or persons supported is prohibited. Each agency representative should strive to treat all individuals receiving services, stakeholders, other Gateway representatives, and people in the community with fairness, dignity and respect.

While Gateway cannot control what its representatives do during non-working hours, it is important to understand that information posted online is public and comments made about the agency, agency representatives, or persons supported that are defamatory or violate agency policy can result in disciplinary action, no matter whether the employee wrote it from work or outside of work.

#### E. Have Job Accountability and Responsibility

Every agency representative is responsible for knowing and implementing the responsibilities of his or her job. Each individual is held responsible for the quality of his or her work. Supervisory staff is responsible for ensuring that employees have received the information and training necessary to execute their job responsibilities.

All Gateway representatives are expected to conduct themselves in a manner that ensures a safe and orderly work environment for everyone. Some examples of the types of conduct that may result in termination of an employment or contractual relationship are listed below. Prohibited conduct may exist in ways other than those listed:

- Violation of an established workrule
- Insubordination, which is direct disregard or refusal to perform assigned duties
- Excessive tardiness or absenteeism
- Sleeping on the job or failure to remain alert
- Unsatisfactory performance of assigned duties
- Smoking in unauthorized areas
- Conducting personal business on paid work time
- Job abandonment, including walking off the job or not showing up for a scheduled shift and not calling the supervisor to report the absence
- Bringing unauthorized individuals into the workplace (children, friends, relatives, etc.)
- Taking individuals receiving services to a Gateway representative's personal residence during scheduled work times without prior authorization
- Threatening and/or any act of violence toward any Gateway representative or individual receiving services

## F. Avoid Conflicts of Interest

All Gateway representatives are responsible for avoiding and reporting all potential conflicts of interest in business activities and the provision of services to individuals. A conflict of interest exists if an agency representative's outside business or other interest may affect adversely, or have the potential to affect adversely, his or her motivation, objectivity, loyalty, or performance.

Some situations which an agency representative might encounter that would be considered a conflict of interest include:

- Referral fees, self-referrals, and fee splitting
- Accepting gifts or money from a vendor who does or is trying to secure business with Gateway
- Preferential treatment of an individual or entity due to a personal relationship with a Gateway employee and or agent
- Use of confidential information for one's own advantage
- Employment by more than one organization resulting in competing interests
- Having a relationship with a person receiving services outside of the workplace where an employee may have control over some aspect of the life of the person, such as but not limited to:
  - A romantic relationship
  - Serving as a participant's financial payee
  - Serving as a participant's authorized representative for Medicaid and SNAP benefits
- Seeking the following legal representation for a participant during employment with Gateway: legal guardianship, healthcare representative, power of attorney

### *Considerations:*

- A legal guardian/legal representative can serve as direct support staff for a participant receiving services in the family home
- A legal guardian/legal representative cannot serve in a supervisory role for employees providing services to a participant.
- If a participant resides with housemates that are not under legal representation by the same person, the legal guardian/legal representative cannot provide direct support services at that site.

- Having employment by a person receiving services and/or the family member of a person receiving services.
- Directly supervising a family member as a contractor, supplier, or employee of Gateway.

- Romantic relationships between a supervisor and an agency representative under his or her supervision.
- Using agency assets, including agency time, name, information, equipment, or facilities for personal use.
- Misuse of information obtained by an agency representative during the course of his or her employment.
- Soliciting personal cash or non-cash gifts of any amount or values from any person or business that has a relationship with Gateway.
- Accepting personal cash gifts of any amount from any person or business that has a relationship with Gateway.
- Financial transactions between people receiving services and/or their family members.
- Outside employment that interferes with the agency representative's job responsibilities and/or is in conflict with Gateway interests.
- Use of information created by or for Gateway for personal gain or use by others outside of Gateway without prior permission.
- A Gateway representative or his or her family member having a private financial interest with an organization or individual that does business with Gateway.
- A Gateway employee or agent witnessing the signature of a person supported on legal documents, including but not limited to Power of Attorney, Legal Guardianship, and Advance Directives.
- Any other situation in which a person or Gateway uses its position to exploit an official capacity in some way for its personal or corporate benefit.

Conflicts of interest and potential conflicts of interest will be documented upon the beginning of the relationship with Gateway and annually thereafter using the Conflict of Interest Disclosure Agreement.

Gateway representatives are responsible for reporting potential conflicts of interest as they arise to the Gateway CEO. The CEO will discuss all potential conflicts of interest to determine an appropriate course of action.

#### G. Follow the Gateway Communication Creed

During your employment with Gateway, you will be communicating with individuals receiving services, family members, guardians, case managers, behavior clinicians, doctors, other Gateway employees and supervisors, and a variety of other people involved in the services and care of individuals. Gateway has adopted the following Communication Creed to ensure effective and respectful communication. All Gateway representatives are expected to follow the Communication Creed in all modes of communication.

- Talk to the person directly, not others. Gossip negatively impacts positive

working relationships and accomplishes nothing. It is everyone's responsibility to stop gossip at the source.

- Deal with it. Don't avoid it or it festers.
- Handle others with respect and follow the Golden Rule.
- Choose the most effective and efficient method of communication given the situation.
- Timing is everything.
- Choose your battles. Let the rest go.
- Listen. You have two ears and one mouth.
- Understand the other view. Don't assume you know where someone is coming from.
- Investigate thoroughly before jumping to conclusions. Every situation has multiple points of view.
- Be certain that the information you share with others is accurate and appropriate.
- We all have strengths and weaknesses. Focus on others' gifts and help with the rest.
- Be creative with differences; they are a source of ideas.
- Remember: information about service participants is strictly on a need-to-know basis.

#### H. Adhere to the Gateway Media Policy

It is the policy of Gateway to maintain stability of programs while establishing consistency of information shared with or through the media or the public. "Media" is defined as any source of communication, requests for communication, or requests for information from such sources as, but not limited to:

- Newspapers
- Television
- Video Cameras
- Still Cameras
- Internet
- Telephone
- Telegraph
- Email
- Web Sites
- Magazines
- Facebook
- Snapchat
- Instagram
- Any social media outlet

All Gateway representatives are to refer any and all media requests to the Gateway CEO. All requests for information, data, photos, or any requests for paper, electronic, voice, or digitized information must be immediately forwarded to the Gateway CEO without comment. All requests for comments or opinions concerning individuals receiving services, Gateway employees, contractors, leaders, executives, owners, or partners are to be immediately forwarded to the Gateway CEO.

Any Gateway employee who discloses information to any form of “media” is subject to discipline, up to and including termination of employment. Gateway reserves the right to take legal action towards or against any person, contractor, employee or former employee who discloses information regarding Gateway to any form of “media”.

#### I. Adhere to the Gateway Social Media Policy

At Gateway, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all Gateway employees and representatives. Managers and supervisors should use the supplemental Social Media Management Guidelines for additional guidance in administering the policy.

#### SOCIAL MEDIA MANAGEMENT GUIDELINES

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with Gateway, as well as any other form of electronic communication. The same principles and guidelines found in Gateway policies and these basic beliefs apply to your activities online.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects customers and people who work on behalf of Gateway or Gateway’ legitimate business interests may result in disciplinary action up to and including termination.

#### **Know and follow the rules**

Carefully read these guidelines and ensure your postings are consistent with the guidelines and all other Gateway policies and procedures. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar

inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Posting any information about individuals receiving services to social media is strictly prohibited unless written permission is received from the Gateway CEO. What this means is that employees are not permitted to post names, locations, activity descriptions, photographs, videos, or any other information regarding individuals receiving services.

### **Be respectful**

Always be fair and courteous to fellow employees or people who work on behalf of Gateway. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our open-door policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment based on race, sex, disability, religion, or any other status protected by law or company policy.

### **Be honest and accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about Gateway, people working on behalf of Gateway, or competitors.

### **Post only appropriate and respectful content**

Maintain the confidentiality of Gateway trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, services, know-how, and technology. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.

Do not create a link from your blog, website, or other social networking site to a Gateway website without identifying yourself as a Gateway employee.

Express only your personal opinions. Never represent yourself as a spokesperson for Gateway. If Gateway is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of Gateway, fellow employees, customers, or people working on behalf of Gateway. If you do publish a blog or post online related to the work you do or subjects associated with Gateway, make it clear that you are not speaking on behalf of Gateway. It is best to include a disclaimer such as: "The postings on this site are my own

and do not necessarily reflect the views of Gateway.”

### **Using social media at work**

Refrain from using social media while on work time unless it is work-related as authorized by your manager. Do not use Gateway email addresses to register on social networks, blogs, or other online tools utilized for personal use.

### **Retaliation is prohibited**

Gateway prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

## Quality of Care

### A. Employee Training

Prior to working with individuals receiving services, employees who provide direct support services must complete an initial and annual orientation that provides training in core competencies including introduction to intellectual and developmental disabilities and dual diagnosis, individual rights, prevention of abuse and neglect, respect and dignity, meaningful day, diversity in the workplace, person-centered services, communicating with persons with disabilities including person-first language, medication administration, and crisis prevention and intervention. The training curriculum is designed to cultivate a culture that supports self-determination as well as community inclusion and integration, thereby improving the quality of services for individuals.

In addition to core competency training, employees who provide direct support services must complete individual-specific training including training on a person’s PCISP or Service Plan, supervision level, cultural considerations, means of communication and correspondence, dietary needs, mobility needs, meaningful day, goals/objectives/tasks, emergency plans, medications, healthcare procedures and risk protocols, and Behavior Support Plan.

Employees must demonstrate competency after each training opportunity and throughout their employment with Gateway. As part of the site visit process for residential services, a Gateway supervisor or Quality Specialist will complete a Competency Verification for each employee providing direct support services to individuals. The competency verification will be used to verify that the employee continues to demonstrate competency with the following training topics:

#### 1. DDRS Incident Reporting



2. Prevention of abuse, neglect, exploitation, and mistreatment of individuals
3. Prohibited interventions
4. Individual rights
5. Individual risk issues and plans
6. Individual behavior plans
7. Individual PCISP outcomes and strategies

If an employee is unable to demonstrate competency with any of the topics listed above, the Gateway supervisor will provide retraining and document on the On-Site Visit Record. At the discretion of the Gateway Director of Community Services, the employee may be removed from the schedule pending successful completion of full retraining and competency demonstrations.

#### B. Individual Rights

All Gateway representatives are expected to provide services that protect and promote the rights of individuals afforded through Indiana law and the Constitutions of the State of Indiana and the United States. Infringements on an individual's rights are considered abusive and must be reported immediately to a supervisor.

#### C. Preventing and Reporting Allegations of Abuse, Neglect, Exploitation, Mistreatment, and Violations of Individual Rights

It is the obligation of Gateway representatives to ensure that individuals receiving services are treated with respect and dignity and individuals are protected from abuse, neglect, exploitation, and violations of their rights. Immediate action will be taken for all allegations of abuse, neglect, exploitation, mistreatment, or violation of an individual's rights to ensure individuals' health and welfare.

Gateway representatives are responsible for reporting all observed and suspected incidents of abuse, neglect, exploitation, mistreatment, or violations of an individual's rights. Reports must be made immediately to the supervisor on call and documented following the Gateway *Incident Reporting* policy & procedure. These types of incidents will also be reported to the Division of Disability and Rehabilitative Services (DDRS) and Adult and/or Child Protective Services (APS, CPS) and will be investigated following the Gateway *Conducting Investigations* policy & procedure.

A staff person who is accused of abuse, neglect, exploitation, mistreatment, or a violation of an individual's rights will be suspended immediately pending the outcome of an investigation and will not be allowed to work with any individual receiving services until and unless the results of the investigation demonstrate the allegation is unsubstantiated. If the results of the investigation substantiate the allegation of abuse, neglect, exploitation or mistreatment, the employee will be terminated immediately

and will be ineligible for rehire. Any exception to this directive due to extenuating circumstances must be approved by the Gateway CEO.

***Gateway prohibits the following acts of abuse, neglect, exploitation, and mistreatment of individuals supported.***

Violation of an individual's rights.

Corporal punishment inflicted by the application of painful stimuli to the body, which includes:

- Forced physical activity
- Hitting
- Pinching
- The application of painful or noxious stimuli
- The use of electrical shock
- The infliction of physical pain

Seclusion by placing an individual alone in a room or other area from which exit is prevented.

Emotional/verbal abuse, including but not limited to communicating with words or actions in a person's presence with intent to:

- Cause the individual to be placed in fear of retaliation
- Cause the individual to be placed in fear of confinement or restraint
- Cause the individual to experience emotional distress or humiliation
- Cause others to view the individual with hatred, contempt, disgrace, or ridicule
- Cause the individual to react in a negative manner

A practice that denies any of the following without a physician's order:

- Sleep
- Shelter
- Food
- Drink
- Physical movement for prolonged periods of time
- Medical care or treatment
- Use of bathroom facilities

Work or chores benefitting others without pay unless:

- Gateway has obtained a certificate from the United States Department of Labor authorizing the employment of workers with a disability at special minimum wage rates
- The services are being performed by an individual in the individual's own residence as a normal and customary part of housekeeping and maintenance

duties

- An individual desire to perform volunteer work in the community

Any other act of abuse, neglect or exploitation, defined as:

*“Abuse”* means the following:

- Intentional or willful infliction of physical injury
- Touching another person in a rude, insolent or angry manner
- Unnecessary physical or chemical restraints or isolation; unauthorized restraint or confinement resulting from physical or chemical intervention
- Punishment with resulting physical harm or pain
- Nonconsensual sexual activity, sexual molestation, rape, sexual misconduct, sexual coercion, and sexual exploitation
- Verbal or demonstrative harm caused by oral or written language, or gestures with disparaging or derogatory implications
- Psychological, mental, or emotional harm caused by unreasonable confinement, intimidation, humiliation, harassment, threats of punishment, or deprivation
- Domestic abuse, including but not limited to physical violence, sexual/emotional/verbal abuse, intimidation, economic deprivation, or threats of violence from a spouse or cohabitant intimate partner.

*“Exploitation”* means:

- Unauthorized use of the personal services, the property, finances or the personal identity of an individual
- Any other type of criminal exploitation, including exploitation under IC 35-46-1-1, for one’s own profit or advantage or for the profit or advantage of another

*“Neglect”* means failure to provide supervision, training, appropriate care, food, medical care, or medical supervision to an individual. This includes:

- Failure to provide appropriate supervision, care, or training
- Failure to provide a safe, clean and sanitary environment
- Failure to provide food and medical services as needed
- Failure to provide medical supplies or safety equipment as indicated in the Person-Centered Individualized Support Plan (PCISP)

Any restraint used for convenience

Discipline (Using punishment to correct disobedience.)

Prone or supine restraint (Prone position is a body position in which one lies flat with the chest down and the back up. The supine position means lying horizontally with the face and torso facing up, as opposed to the prone position, which is face down.)

Mechanical restraint, unless ordered by a licensed physician or dentist (Any restrictive device

such as a straitjacket, vest, or physical confinement used to restrict a person's free movement.)

Any aversive technique, including

1. Contingent exercise (Contingent exercise is a positive punishment procedure sometimes used to decrease problem behaviors. In positive punishment, aversive events or activities are “added” or applied contingent on the occurrence of a behavior.)
2. Contingent noxious stimulation (A noxious stimulus is "an actually or potentially tissue damaging event.")
3. Corporal punishment (Physical punishment)
4. Negative practice (Negative practice means a person must repeatedly practice a *wrongly* displayed behavior.)
5. Overcorrection (Overcorrection procedures involve having a person engage in repetitive behavior as a penalty for having displayed an inappropriate action.)
6. Seclusion (Placing an individual alone in a room or other area from which exit is prevented.)
7. Visual or facial screening (Covering an individual's eyes or face, usually with a terry cloth towel or opaque bib, for a specific amount of time because of self-injurious or other problem behavior.)
8. Any other technique that incorporates the use of painful or noxious stimuli, the denial of any health-related necessity, or degrades the dignity of the individual.

#### D. Compliance with Person-Centered Individualized Support Plans and Service Plans

It is the responsibility of Gateway representatives to provide services that conform to everyone’s unique Person-Centered Individualized Support Plan (PCISP) or Service Plan. It is also expected that any Gateway representative discovering a needed change to the person’s plan communicate that change immediately to his or her supervisor. Supervisory staff is responsible for ensuring needed changes and modifications are communicated to the individual’s case manager or that changes to a Service Plan are made in a timely manner.

#### E. Maintaining Appropriate Interactions with Individuals

Gateway representatives are expected to maintain professional boundaries and relationships with individual receiving services. Gateway representatives should model appropriate behavior that reinforces Gateway’ vision, mission, and core values while in the presence of individuals receiving services.

Personal financial transactions between a Gateway representative and an individual

receiving services or their legal representative/family are prohibited. Personal financial transactions between a family member of a Gateway representative and individuals receiving services are also prohibited. Any financial transaction that could result in greater benefit for a Gateway representative than the person receiving services will be considered exploitation.

#### F. Hands-Off Philosophy and Physical Management Policy

Gateway Residential Services is committed to providing a safe, respectful, and person-centered environment for all individuals receiving services. As part of this commitment, Gateway maintains a strict "hands-off" philosophy and does not implement physical management techniques under any circumstances.

Staff are expected to:

- Use verbal de-escalation, redirection, and other approved non-physical strategies to support individuals during times of distress or behavioral challenges.
- Maintain appropriate boundaries and avoid any form of physical intervention, restraint, or contact that could be perceived as controlling or punitive.
- Immediately report any situation where safety is at risk or where physical intervention may have occurred, whether intentional or accidental.

All staff will receive training on approved behavioral support strategies and are expected to uphold this policy at all times.

#### G. Non-Discriminatory Service Provision

Gateway is committed to ensuring that all individuals served are treated with respect irrespective of their race, sex, age, color, religion, national origin, ancestry, disability, sexual orientation, or gender identity. All supervisors and employees are responsible for treating all persons served equally when providing service. All persons served will receive person-centered services.

### Workplace Safety

#### A. Maintaining a Safe Workplace

Gateway representatives will always adhere to the safety practices protocol during any type of emergency situation that requires evacuation, shelter, or other uncommon events. Should any type of dangerous condition or situation occur at the Gateway offices, including but not limited to fire, bomb threat, tornado, earthquake, violent or threatening situations, utility failures, or medical emergencies, Gateway representatives will be expected to follow the procedures outlined in the Gateway *Emergency Action Plan*.

Possession of any type of weapon or dangerous device on Gateway property or property owned or occupied by an individual receiving services is prohibited.

Loaning or permitting the duplication of keys, access devices, or security codes belonging to Gateway or individuals receiving services is prohibited.

### Human Resource Principles

#### A. Compliance with Labor and Employment Laws

Gateway fully complies with all labor laws regarding employee-employer relationships and workplace environment.

Gateway only employs persons who are legally authorized to work in the United States consistent with federal laws.

#### B. Compliance with Payroll Deductions

Gateway fully complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Gateway prohibits all supervisory and payroll staff from making improper deductions from the salaries of employees.

If an employee believes an improper deduction has been made, the employee should immediately report the information to his or her supervisor or Human Resources. Reports of improper deductions will be immediately investigated. If it is determined that an improper deduction was made, the employee will be promptly reimbursed.

#### C. Embracing Diversity

Gateway is committed to ensuring that appropriate diversity issues related to race, gender, age, disabilities, religion, job title, physical appearance, sexual orientation, nationality, multiculturalism, competency, training, experience, and personal habits are understood and valued. Gateway will abide by all applicable federal and state laws regarding diversity for all Gateway representatives and individuals receiving services. All newly hired employees will be trained regarding diversity standards and expectations during their new-hire orientation and at least annually thereafter.

Gateway will immediately investigate complaints relating to diversity issues and consider any person found to be in violation of the diversity policy to be in violation of workplace discrimination, thereby subjecting them to the Gateway disciplinary action procedures. Complaints of diversity policy violations must be submitted in written form and signed by the complainant(s) before the investigative process can begin.

Complaints will be fully investigated. Investigations will be conducted within five (5)

business days of receipt of the written complaint and the results of the investigation will be shared only with those parties that need to know.

#### D. Equal Opportunity

Gateway, as required by law, makes equal employment opportunities available to all persons without regard to race, sex, age, color, religion, national origin, disability, citizenship status, sexual orientation, gender identity, or any other category protected under federal, state, or local law.

Gateway will take appropriate steps to provide reasonable accommodations upon request to qualified individuals with disabilities so long as doing so does not cause an undue hardship. Gateway also will take appropriate steps to provide reasonable accommodations upon request to employees whose religious beliefs or restrictions create a conflict with Gateway's policies, practices, or procedures so long as doing so will not cause an undue hardship. If you need accommodation, please provide a written description of your situation and your needs to Human Resources, and someone will contact you to discuss your needs.

Gateway is committed to providing a workplace free from unlawful discrimination and inappropriate treatment, which includes sexual harassment and other forms of harassment. Any form of harassment undermines Gateway's insistence upon employee integrity, and it is considered serious misconduct. No employee, either male or female, should be subjected to offensive conduct or innuendo, either verbal or physical, from other employees or non-employees such as agency owners, visitors, vendors, parents, volunteers, and contractors.

Proven sexual harassment or harassment because of an individual's race, religion, gender, sexual orientation, color, age, national origin, disability, or genetic information will result in discipline, up to and including termination of employment.

Sexual harassment is defined as any unwelcome or unwanted sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature from someone in the workplace that creates discomfort and/or interferes with the job, if:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Such conduct may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender.

Harassment because of an individual's race, religion, gender, sexual orientation, color, age, national origin, disability, or genetic information is defined as verbal or physical conduct that:

1. Denigrates or shows hostility or aversion toward an individual because of his or her race, religion, gender, sexual orientation, color, age, national origin, disability, or genetic information, or that of an individual's relatives, friends or associates, and
2. Has the purpose or effect of creating an offensive work environment, unreasonably interferes with an individual's work performance, or otherwise adversely affects an individual's work performance.

Examples of sexual harassment include but are not limited to the following:

- Unsolicited and unwelcome comments or conduct of a sexual nature or that are demeaning to women or men as a group (for example, offensive or vulgar jokes, name-calling, comments about one's body or sex life, stereotyping based on a person's sex, touching, leering, ogling, patting, pinching, indecent exposure, physical gestures, or displaying sexually explicit photographs or objects that interfere with a reasonable person's work);
- Unsolicited and unwelcome demands or requests for sexual favors or social or sexual encounters;
- An explicit or implicit promise of preferential treatment with regard to a person's employment in exchange for sexual favors or sexual activity; and the use of an employee's or applicant's submission to or rejection of sexual conduct as the basis for making, influencing, or affecting an employment decision that has an impact upon the terms and conditions of the individual's employment (for example, hiring, firing, promotion, demotion, compensation, benefits, or working conditions).

Examples of harassment because of an individual's race, religion, gender, sexual orientation, color, age, national origin, disability, or genetic information include but are not limited to the following:

- Making derogatory ethnic or racial statements or belittling one's religion or religious practices.
- Perpetuating stereotypes about one's age, gender, etc. (You're too old to change your ways", "This is women's work".)
- Refusing to assist another employee or individual receiving services because of his or her race, gender, etc.
- Disparaging the sexual orientation of another employee, his or her associates, or a person supported.
- Threatening, intimidating, or hostile acts that relate to race, sex, age, religion, national origin, disability, sexual orientation, or gender identity.



- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, sex, age religion, national origin, disability, sexual orientation, or gender identity.

Given the nature of this type of conduct and the serious effects such conduct can have on the target of the conduct and the one accused of the conduct, Gateway treats alleged violations of this Policy seriously and, to the extent possible, confidentially. Gateway expects all individuals to treat alleged violations in the same confidential and responsible manner.

#### Internal Reporting Procedure

All claims of harassment will be investigated promptly and will be handled confidentially as circumstances permit.

If you believe you or any other employee is being harassed, you should take these steps:

1. Firmly and clearly tell the person who is harassing you that his or her behavior is unwelcome and should stop immediately. If possible, take a witness to this discussion. Write a statement about the incident and what you did to stop it, including dates, times, and places. This statement will be helpful if the harassment continues and Gateway needs to investigate. If you are uncomfortable telling the person who is harassing you to stop, proceed to the reporting procedure below.
2. Report the incident to the Director of Community Services, the CEO, or Human Resources. Your report should be as specific as possible, including the name of the person who is harassing you, a description of the conduct and the effect it is having on your work performance, and the names of any witnesses who could assist in the investigation.

Although Gateway's ability to take action as to a non-employee is limited, any employee who believes a non-employee's behavior violates this policy should promptly report the non-employee's conduct through this policy.

Supervisors who become aware of any potential violation of this policy must report the potential violation to the Director of Community Services, the CEO, or Human Resources. Failure to report potential violations may result in appropriate discipline, up to and including termination of employment.

Any person employed by Gateway who is found to have acted in a discriminatory manner will be subject to investigation and/or discipline up to and including termination from employment.

## E. Non-Discrimination

All persons hired, contracted, employed, promoted, demoted, or disciplined by Gateway shall be treated equally in all processes. No decision will be based on or due to that person's race, religion, gender, sexual orientation, color, age, nationality, national origin, disability, or genetic information concerning:

1. Hiring and firing decisions
2. Compensation, assignment, or classification of employees
3. Transfer, promotion, layoff, or recall
4. Job advertisements
5. Recruitment
6. Testing
7. Use of company facilities
8. Training and apprenticeship programs
9. Fringe benefits
10. Pay, retirement plans, and disability leave
11. Other terms and conditions of employment

Any person employed by Gateway who is found to have acted in a discriminatory manner will be subject to investigation and/or discipline, up to and including termination from employment.

**Non-discrimination laws, rules and guidelines that are provided by the EEOC will always be followed. No employee will suffer retaliation due to their reporting of alleged discrimination or discriminatory practices.**

## F. Substance Use

Gateway recognizes that the use and abuse of drugs and alcohol can seriously impair an employee's ability to perform safely and efficiently his or her duties. Drug and alcohol use and abuse not only jeopardizes safety, it undermines the public's confidence in Gateway.

Because a drug or alcohol-impaired employee can pose a significant threat to the safety of the public, persons supported, and co-workers, as well as the employee's own safety, Gateway has established a *Substance Abuse* policy as part of its ongoing efforts to maintain a drug and alcohol-free workplace.

All Gateway representatives are expected to report to work free of alcohol and illegal drugs and not to sell, purchase, distribute, dispense, possess, or use or conspire to sell, purchase, distribute, dispense, possess, or use an illegal drug or alcohol on Gateway's premises or during working time. Likewise, all Gateway employees are expected not to misuse or abuse any prescription or nonprescription medications. Gateway looks to all its employees to support this policy to ensure quality service to the public and to better the overall safety,

health, productivity, and welfare of Gateway employees. Employees are asked to discourage co-workers from violating this policy and are expected to cooperate in its efforts to enforce this policy and in any investigation of its violation.

The following are circumstances when an employee may be subject to a drug screening:

- Pre-employment
- Reasonable cause
- Post-accident/injury
- Return to work
- Random

An employee who refuses to submit to a drug or alcohol test as required by policy or to execute any relevant documentation such as consent or release of information forms will be terminated.

#### G. Personal Relationships

Gateway prohibits romantic relationships and/or cohabitation between anyone in a supervisory role and his or her immediate employees in their chain of command. The existence of such relationships must immediately be reported to the Gateway CEO so that appropriate steps may be taken, including reassignment of personnel, to avoid the potential for the personal relationship to adversely affect the individual's employment as well as the quality of service provided to the people we support in any manner. If reassignment is not possible, then Gateway will permit the two employees to decide which one will resign employment with Gateway. Any supervisor's failure to report a romantic relationship and/or cohabitation may result in disciplinary action up to and including termination.

Gateway also prohibits inappropriate relationships between all staff and persons served such as staff in dating relationships with persons served, staff providing babysitting for persons served, etc. In addition, all staff must always maintain appropriate personal boundaries with all persons served.

#### **Reporting Suspected or Known Violations**

It is the responsibility of all Gateway representatives to report known or suspected violations of the Code of Business Conduct and Ethics. The culture at Gateway encourages employees to discuss their concerns freely and frankly with management. Any constructive criticism, complaint, or problem which creates dissatisfaction should be brought to the attention of a representative's supervisor immediately.

If an agency representative is not satisfied with a supervisor's response, is not comfortable speaking with a supervisor, or if at any time the agency representative prefers, he or she can contact the Director of Community Services and/or the Gateway CEO directly.

If a report is made verbally, a written statement will be requested. The supervisor or other individual receiving the information will assist with documenting the information in writing and forwarding it to the Director of Community Services and/or the Gateway CEO.

### **Whistleblower Protection**

Gateway employees or representatives who observe a violation of federal or state law or regulation, Gateway policies and procedures, DDRS policies and procedures, the alleged abuse or neglect of an individual, or a misuse of public resources will submit a written report of such violation to the Director of Community Services or the Gateway CEO. If the violation involves the agency, employees may also submit a report to the Indiana Family and Social Services Administration, the state Ethics Commission, or the Office of the Inspector General.

An employee will not be dismissed from employment, have salary increases or employment related benefits withheld, be transferred or reassigned, be denied a promotion that the employee otherwise would have received, or be demoted as a result of submitting a report of such violation.

An employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by Gateway. However, any employee disciplined as a result of this process can appeal the disciplinary action as a civil action in a court of general jurisdiction.

### **Investigation and Corrective Actions**

All suspected violations will be investigated by appropriate personnel. Investigations will be handled confidentially to the extent possible while ensuring resolution of issues and concerns. Investigations will not be based on, nor will consider: age, gender, religion, affiliation, sexual orientation, race/color, disability, compensation, national origin, pregnancy, or genetic information. Gateway representatives involved in an investigation will not release or cause to be released any information regarding the issue being investigated except to Gateway supervisory staff conducting the investigation. If required, Gateway executive staff will determine what legal steps need to be taken and what agencies need to be advised. All investigations will be conducted in a timely manner, will be well-documented, unbiased, and include detailed information and documentation.

Issues requiring investigation include, but are not limited to, the following:

1. Allegations or suspicions of abuse, neglect, exploitation, or mistreatment of individuals receiving services, including alleged violations of an individual's rights or a reportable incident indicating such
2. Gateway employee or contractor misconduct
3. Gateway employee or contractor violation of the Gateway Code of Business Conduct and Ethics

Abuse and neglect investigations are prohibited from being conducted by friends or relatives in any degree to the alleged perpetrator.

Once an investigation is complete, an Investigation Report and supporting documentation and information will be submitted to Human Resources for review prior to any personnel action being taken.

Investigations will be conducted within five (5) business days of receipt of the written complaint and the results of the investigation will be shared only with those parties that need to know.

All employees are required to fully participate in and cooperate with investigations as requested by investigators. If an employee refuses to participate in an investigation, Gateway will accept the employee's voluntary resignation from his or her position with Gateway.

### **Response and Discipline for Violations**

Each Gateway representative has a responsibility for conducting themselves according to ethical and legal standards. No one has the authority to make another person violate the Corporate Compliance Plan. Any attempt to direct or otherwise influence someone else to commit a violation is a violation in itself. Gateway representatives who violate provisions could be subject to appropriate disciplinary action, up to and including termination.

### **Legal Proceedings and Requests**

Gateway employees must immediately notify the CEO when presented with a request for documents or information, such as a subpoena, a search warrant, deuces tecum, writ, or when being questioned by any law enforcement personnel regarding Gateway, any person supported by Gateway, or any person supported relationship. Gateway employees are expected to uphold the law and cooperate fully but are also expected to notify the CEO upon any such request, prior to releasing any information or documents.

### **Termination of Employment**

Employees who voluntarily leave Gateway are expected to provide at least two weeks' notice of their intention to terminate employment. Those who fail to give the required notice may not be considered for rehire. Employees who give four weeks' notice and work through the remainder of their notice will be eligible for an exit bonus.

If you resign or are dismissed, Gateway may require you to vacate your position and the agency premises any time after Gateway accepts your resignation notice or issues the dismissal notice.

Whenever you terminate employment, whether voluntarily or involuntarily, you must, on or

before your last day of work, return all Gateway property including all keys, computers, phones or communication devices, and uniforms if applicable. If you do not return Gateway property, your final paycheck will be held at the office until items are returned.

Gateway strongly discourages terminated employees from maintaining contact with persons Gateway supports. If this does occur and is not in the best interest of the person supported, Gateway will report the concern to the appropriate authorities.