



Striving to Educate Arizona Communities Against Poverty

# PERSONNEL POLICIES AND PROCEDURES MANUAL

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## **PURPOSE:**

The policies enacted herein shall constitute the official policy guide for Southeastern Arizona Community Action Program, Inc. hereinafter referred to as SEACAP or the "agency." The purpose of this manual is to provide SEACAP employees with a standardized guide to those policies and procedures which govern the actions of the agency and its employees.

This manual may require amendments periodically. When this becomes necessary, copies of the amendments will be provided to all SEACAP employees. These Policies and Procedures are subject and subordinate to:

1. The laws of the State of Arizona and the United States of America.
2. Any and all regulations promulgated pursuant thereto.
3. Any and all requirements or restrictions imposed or mandated by any Governmental source providing funding to SEACAP (collectively referred to herein as the "Laws and Regulations").

If any conflict exists between the Laws and Regulations and any provision hereinafter set forth, such provision shall be considered null and void. Furthermore, these Policies and Procedures are supplemented by the Laws and Regulations, which are incorporated herein by reference and shall automatically be deemed amended or supplemented from time to time after the adoption hereof.



## **MISSION STATEMENT:**

Southeastern Arizona Community Action Program, Inc. mission is to assist families in the movement, transition and achievement of self-sufficiency.

## **PROGRAM ADMINISTRATION:**

The responsibility of the agency and its performance ultimately lies with the SEACAP Board of Directors. The Board will delegate authority to the Executive Director to conduct day-to-day operations of the agency, however, final approval of all personnel matters will be the responsibility of the Board when the appeal procedure is initiated. The Executive Director shall function as the Chief Administrator of programs under the sponsorship of SEACAP. It shall be the responsibility of the Executive Director and/or Supervisors to see that all staff implement, adhere to, and enforce the SEACAP Personnel Policies and Procedures and its Affirmative Action Plan. Should there be any disputes on interpretation of policy or lack of policy, it will be the responsibility of the Executive Director to clarify the policy. Any clarification or setting of the interim policy will be ratified and approved by the Board.

## **OPEN DOOR POLICY:**

The agency wishes to do everything reasonable and proper to preserve an employee/supervisor relationship and to preserve a positive work environment.

The agency encourages two-way communication to discuss work-related problems and issues. Executive Director and/or Supervisors are responsible for listening in complete confidence and to respond, if necessary, in a timely manner.

If a meeting is dictated between employee and Executive Director and/or Supervisor, only the employee and appropriate agency personnel will be present during said meeting. Third parties from outside the agency will not be allowed to attend meeting.

# **PERSONNEL RECRUITMENT POLICY:**

## **A. Non-Discrimination:**

1. SEACAP is an Equal Opportunity and Affirmative Action employer. Therefore, SEACAP shall prohibit discrimination because of age, sex, race, religious beliefs, color, creed, national origin, political affiliation, or handicap in the hiring of employees or the provisions of services for which the agency is funded.

## **B. Advertisements of Vacancies:**

1. All advertisements shall contain the statement "An Equal Opportunity Employer," And "Americans with Disabilities Act Compliance."
2. With respect to new and vacant staff positions, SEACAP desires to encourage loyalty and continuity among SEACAP personnel by advertising such positions. New vacant staff positions will be announced by memorandum throughout the agency at least five (5) working days prior to any public announcement, giving existing employees who fulfill the minimum requirements for the given position an opportunity to apply for such position. The Executive Director and/or Supervisor may, in such person's sole discretion, fill the position from among the applications of existing employees or advertise the position and accept additional applications. Nothing herein stated or implied shall require the Executive Director and/or Supervisor to fill any new or vacant staff position solely from applications submitted by existing employees, even if such employee or employees satisfy the basic qualifications for the position. Promotions or transfer of present staff to vacancies or new positions may be made by the appropriate Supervisor, where applicable. Employees will still be eligible to apply for position openings after the public announcement is made.
3. Public announcements shall include but not be limited to the Arizona Department of Economic Security Job Service and the Arizona Workforce Connection. The Executive Director and appropriate Supervisor may review files of recent applicants in order to increase the pool of candidates being considered.
4. Based on past experience, there are times when an emergency hire may be deemed necessary to ensure services or activities are not disrupted or hampered; therefore, the Executive Director in conjunction with the recommendation of the appropriate Supervisor may authorize the hiring of an individual without following regular hiring procedures.



### C. Application for Employment:

1. The following statement shall appear on SEACAP's application for employment forms:

*I certify that all information given in this application is true, complete, and correct to the best of my knowledge and belief and is made in good faith. I understand that false or misrepresented answers will be grounds for not being considered for employment." Providing false information or failing to provide information on employment applications also constitutes grounds for discharge of SEACAP employees.*

2. Applicants may be subject to satisfactory completion of a performance examination when deemed necessary for job performance.
3. SEACAP requires all applicants for employment to fully disclose any criminal convictions or pending criminal charges. Failure to disclose a criminal record will automatically disqualify the applicant. SEACAP will permit employment of persons with criminal records when the agency determines that the criminal record does not disqualify the applicant for the position under consideration.
  - a) Fingerprint Clearance Card – At the time of hire, every SEACAP employee will fill out an Arizona Department of Public Safety Application for a fingerprint clearance card. The employee must obtain a Level One Fingerprint Clearance Card. Permanent positions are subject to the provisions of the Arizona Level One Clearance Card program, issued pursuant to Section 41-1758.07. The employee shall complete the Certification of Criminal Offenses form and have it notarized.
  - b) Central Registry and Background Check – At the time of hire, every SEACAP employee will fill out a Request for Search of Central Registry for Background Check. Permanent positions are subject to the provisions of the DCYF Contracts Unit.
4. When reference checks are made by telephone or mail contact, they shall be documented and made a part of the applicant's file prior to an offer of employment.
5. Agency staff shall use the following procedures for filing a position:
  - (a.) All applications shall be reviewed for minimum qualifications by the Executive Director and/or appropriate Supervisor.
  - (b.) Qualified applicants selected for interviews shall be contacted by telephone or letter to set a time and date for interview.
  - (c.) All applicants not selected for an interview shall be notified by mail as soon as possible.
  - (d.) At least three (3) of the most qualified applicants will be interviewed by the Executive Director and/or Supervisor.

- (e.) SEACAP will give consideration to hiring service area residents of underprivileged status and who exhibit a willingness and ability to learn the required duties and responsibilities.
- (f.) SEACAP will conduct recruitment efforts within its service area, but may exceed the limits of the service area if necessary to select qualified applicants.
- (g.) All applications will remain on active file for a period of (6) months.

## **POLICIES:**

### **A. Compensation Policy:**

1. SEACAP will pay no employee less than the prevailing Federal Minimum Wage. Salaries and wages will frequently be established by Federal or State grantors.

### **B. Solicitation Policy:**

1. No SEACAP employee, may solicit for commercial purposes nor be solicited for those purposes, during duty hours.

### **C. Public Appearance/Statement Policy:**

1. No employee of the agency should presume to speak or appear on behalf of the agency or on any matter concerning the agency without the prior written approval of the Executive Director.
2. In matters relating to internal problems, disputes, etc., employees will refrain from making public statements or discussing a situation with others until the agency has an opportunity to correct the situation internally.

### **D. Gifts and Gratuities Policy:**

1. Employees of SEACAP are strictly prohibited from accepting gifts, favors, kickback, gratuities or any other form of the above from persons receiving benefits or services under contract to SEACAP or from persons performing services under contract to SEACAP or otherwise in a position to benefit from an employee's action. Employees receiving any of the above will be subject to disciplinary action up to and including termination.

### **E. Disabled Non-Discrimination Policy:**

1. SEACAP will comply with the non-discriminating provisions of the Rehabilitation Act of 1973 as amended, Section 504, entitled Non-Discrimination on the Basis of Handicap. (Title 45, Part 85).
2. All Older Americans Act activities will be operated without discrimination on the basis of disability. These provisions specifically include persons affected by AIDS (Acquired Immune Deficiency Syndrome) (Title VI of the Civil Rights Act of 1964).

**F. Subversive Groups and Activities Policy:**

1. SEACAP will not employ anyone who is a member of any organization that advocates the overthrow of the Government of the United States by force or violence.

# EMPLOYMENT:

## A. Authority:

1. The Executive Director is employed by the SEACAP Board of Directors.
2. Supervisors shall be employed by the Executive Director.
3. Supervisors will hire personnel under their supervision in consultation with the Executive Director.

## B. Nepotism:

1. No person shall be employed by SEACAP while he/she or a member of his/her family is a member of the SEACAP Board of Directors.
2. No persons shall be employed by SEACAP while he/she or any member of his/her family (as defined below) serves on any board, committee, or council which, either by rule or by practice nominates, recommends, or screens candidates for the agency, program, or components by which he/she is employed.
3. No employee shall hold a job over which a member of his/her family exercises supervisory authority.
4. For purposes of this policy, relatives is defined as follows:

|                     |                              |
|---------------------|------------------------------|
| Parents             | Spouse's Parents             |
| Children            | Spouse's Children            |
| Grandchildren       | Spouse's Grandchildren       |
| Great Grandchildren | Spouse's Great Grandchildren |
| Grandparents        | Spouse's Grandparents        |
| Great Grandparents  | Spouse's Great Grandparents  |
| Brother/Sister      | Spouse's Brother/Sister      |
| Uncle/Aunt          | Spouse's Uncle/Aunt          |
| Nephew/Niece        | Spouse's Nephew/Niece        |
| Son-In-Law          | Daughter-in-Law              |
| Spouse              | *PSLQ                        |

\*Persons Sharing Living Quarters.

- (a.) Spouse of someone related to Board Member by marriage is eligible for employment;
- (b.) Spouse of someone related to Board Member by blood is ineligible for employment;
- (c.) "Children" includes adopted children and step-children.

**C. Medical Examinations:**

1. The foundation may require a medical examination as a condition for employment.

## **CONTRACT SERVICES:**

- A. No person shall be on contract with SEACAP while he/she or a member of his/her family is a member of the SEACAP Board of Directors or is any family member of the Executive Director as defined in B(4) above. Relatives signing a contract with the agency prior to the selection or election of the Board member, Executive Director, or the appointing authority may complete the contracted obligation prior to termination. However, such contracts shall not be renewed.
  
- B. No contracts shall be supervised by a member of his/her family if the family member is an employee of SEACAP.
  
- C. All contracts must be approved and signed by the Executive Director unless the Executive Director delegates authority in writing to the Fiscal and/or Program Manager to act on behalf of SEACAP.

## **ORIENTATION OF NEW EMPLOYEES:**

- A. Orientation of each new employee is the responsibility of the appropriate Supervisor and the Fiscal Manager and will be conducted before or during the employees first week of work, if possible. All new employees will report to the Administrative Office for orientation.
  
- B. Employee orientation will include the following:
  - 1. Review employee on the following:
    - (a.) Personnel Policies and Procedures Manual
    - (b.) Affirmative Action Plan
    - (c.) Employee Code of Conduct
    - (d.) Drug Free Work Place
    - (e.) Organizational Structures of the Agency
    - (f.) Fringe Benefit Package Plans
  
  - 2. Preparation of an individual personnel file to include the following:
    - (a.) Employment Application/Resume/Interview/Reference
    - (b.) Affidavit of Employment
    - (c.) Code of Conduct
    - (d.) Employment Eligibility Verification (I-9)
    - (e.) Withholding Exemptions Certificate (W-4)
    - (f.) Drug Free Workplace
    - (g.) Payroll Status Form
    - (h.) Insurance Enrollment Applications
    - (i.) Employee Job Description (s)
    - (j.) Time and Attendance Record/Leave Report
    - (k.) Any other information which may be dictated by funding agency.



## **EMPLOYEE CLASSIFICATION:**

### **A. Permanent Full-Time Position:**

Permanent Full-Time Position requires a normal week of forty (40) hours for a twelve (12) month period. This position entitles employees to all benefits of the agency after completion of a ninety (90) day probationary period.

### **B. Permanent Part-Time Position:**

Permanent Part-Time Position requires at least a twenty-four (24) hour week for a twelve (12) month period. This position is not considered to be of a temporary nature. Permanent Part-Time employees will accrue annual leave and sick leave on a basis proportionate to the hours they work. This position entitles employees to all benefits of the agency after completion of a ninety (90) day probationary period.

## CONDITIONS OF EMPLOYMENT:

### A. Probation:

1. All new staff members will serve a three (3) calendar month probationary period. During such period, SEACAP or the individual may terminate the employment relationship without showing detailed cause. Such termination is not subject to appeal unless the individual alleges discrimination.

**PLEASE NOTE:** Any employee may be terminated at any time during a probationary period should it be determined to be in the best interest of the agency; the employee is not showing sufficient improvement in job performance, or the employee is not complying with agency policy or meeting agency's expectations.

2. Each probationary employee will be evaluated monthly by his/her immediate supervisor using the program's Employee Evaluation Form and where needed, amplification by further written comment. Each report will include recommendation as to whether or not the employee should be retained, potential for continued growth and value to the agency. These reports shall be submitted to the Executive Director. After review, evaluation will be forwarded to the Administrative Office to be filed in employee's personnel folder.
3. Probationary employees will be advised as to their employment status after the completion of their ninety (90) day probationary period.

# **POSITIONS, COMPENSATIONS AND SALARIES:**

## **A. Policy Statement:**

1. Agency employees will be compensated at rates consistent with those paid by comparable agencies within the community whenever adequate funding exists to do so, and whenever the rate for a specific position has not been previously established by a Federal or State grantor.

## **B. Job Description:**

1. Job Descriptions will be published for each job position within the agency. Job descriptions must include the following:
  - (a.) Title of Position
  - (b.) Supervision Received
  - (c.) Duties and Responsibilities
  - (d.) Qualifications
  - (e.) Exempt or Non-Exempt Status

## **C. Compensation:**

Compensation will be in accordance with prescribed State or Federal salary scales where they exist. Where no State or Federal salary wage scale is in force, the agency will establish a salary schedule commensurate with prevalent local rates.

1. No employee will receive less than the Federal Minimum Wage Standard.
2. Wage increases will be dependent on the availability of funds.
3. The agency will maintain a standardized salary/wage schedule. This schedule will be made available to all employees.

## **D. Salary and Wage Changes:**

All pay increases and/or decreases are not automatic, but dependent on the availability of funds.

## **Performance Evaluation:**

- A.** A performance evaluation is designed to let the employees know if the employer's expectations and job responsibilities are being met at a satisfactory level. It provides supervisors the knowledge and opportunity to recommend changes and acknowledge good job performance. The spirit of the evaluation is to promote personal growth and professional development. Performance evaluations will be conducted for permanent and part-time employees.
- B.** Written performance evaluations of each new employee will be completed by the immediate Supervisor at the end of the probationary period. The Supervisor and employee will discuss the evaluation, and the Supervisor will counsel the employee on areas needing improvement to insure that the employee clearly understands what is expected of the position. New employees receiving unsatisfactory evaluations at the end of their probationary period may be terminated on the basis of the evaluation.
- C.** All employees will be evaluated annually.
- D.** Anniversary date is defined as the first day employed by the agency.
- E.** Each evaluation will be reviewed by the Supervisor and the Executive Director. The employee being evaluated will have the opportunity to comment upon and sign his/her evaluation.
- F.** An employee whose work performance and evaluation is below an acceptable standard shall be counseled by their Supervisor and/or Executive Director who will establish a realistic and acceptable expectation of performance for the employee which will be given to him/her in writing. It shall be understood by both parties that a second formal evaluation shall occur in six (6) months after the unfavorable performance evaluation.
- G.** All evaluations shall be made a permanent part of the employee's personnel record.
- H.** Any permanent employee dissatisfied with the evaluation may appeal through the established appeals procedures. The appeal does not apply to new employees during their probationary period.
- I.** If permanent employees feel the negative evaluation is the result of discrimination, the appeal should follow the procedure established in the Affirmative Action Plan.
- J.** While formal evaluations will be written using established procedure and format, informal evaluations shall be an on-going process via oral discussion with the employees.
- K.** Employee and Supervisor must sign the evaluation before the evaluation becomes official.

# PERSONNEL RECORDS AND PRIVACY:

## A. Personnel Action:

1. No action shall be authorized unless the standard form, Payroll Status Form, has been duly authorized and approved through a signature of the Executive Director. This includes fiscal matters, promotions, demotions, transfers, and disciplinary action.
2. Any personnel action taken shall be made a part of the employee's personnel record, and each employee shall receive a copy of any personnel action taken.

## B. Personnel Record:

1. A personnel record file for each employee will be maintained centrally by SEACAP. Each file will contain the complete history of the person's employment with SEACAP starting with the application of employment and including all subsequent actions.
2. The individual personnel file will be regarded as confidential material and will be treated as such. Only authorized personnel shall have access to locked files.
3. Change of address, telephone number, and/or family status (births, marriage, death, divorce, legal separation, etc.) must be reported immediately to the Administrative Office in writing, via Payroll Status form, as an employee's income tax status and group insurance may be affected by these changes.
4. Access to personnel files is restricted to Executive Director, Fiscal Manager, Program Manager or their authorized personnel. Personnel files are the property of the agency and may not be removed from the administrative department.
5. Requests for information from the employee files received from outside the agency, including requests for references on former employees, will be directed to the appropriate Fiscal Manager or the Executive Director.

## C. Personnel File Content:

1. When an employee is hired by the agency, a personnel file will be established containing the following:
  - (a.) Application for Employment and related hiring documents, such as resumes, reference checks, interview documents, etc.
  - (b.) Affidavit of Employment
  - (c.) Employee's signed Code of Conduct
  - (d.) Employment Eligibility Verification
  - (e.) Withholding Exemption Certificate

- (f.) Drug Free Workplace Plan
- (g.) Payroll Status Form
- (h.) Insurance Enrollment Applications
- (i.) Job Description (exemption/non-exemption status)
- (j.) Employee Evaluation Form
- (k.) Any other information dictated by funding source

**D. Examination of an Employee's Personnel File:**

Inspection of an employee's personnel file may be allowed at reasonable times during office hours under the following conditions:

1. **Employee** - Employees may request to review any specific item placed in their file upon prior notice to the Fiscal Manager or representative present. Employees are restricted from obtaining the entire personnel folder in their possession. Employees may obtain a copy of documents in their file.
2. **Supervisory Staff** - Supervisors may examine active and separated employees files on a "need to know" basis.
3. **Government Inquiries** - The agency will cooperate with Federal, State, or local government agencies investigating an employee if the investigators furnish proper identification and proof of legal authority to investigate. However, the agency may permit a government investigator to review a personnel file in the presence of the Executive Director or representative on agency premises, but the investigator will not be allowed to remove or reproduce this information without the written consent of the Executive Director.
4. **Information Requests and Employee References** - If employee wishes the agency to verify information requested by outside sources for credit or other purposes, a release form with the employee's signature must accompany the request.
5. **Employment References on Former Employees** - Employment references on former employees will be provided by Executive Director, Fiscal Manager or Program Manager as follows:
  - (a.) **References With Written Approval:**  
Salary history and job chronology may be released with written approval of the employee or ex-employee. This information will be released in writing and a copy retained in the employee's personnel file.
  - (b.) **Telephone Inquiries:**  
Information will be verified via telephone (after a reasonable caller identification) but will be limited to the following:

- Date of hire and date of separation
- Job title(s)
- Confirmation of salary stated by caller

(c.) Written Inquiries:

If the request for information is in writing, salary information will be verified in addition to the above. This verification will be in writing and a copy retained in employee's file.

## ATTENDANCE CONTROL:

Attendance Control is designed to provide a method to control employee attendance and maintain efficient operations. Every employee has the responsibility to maintain a good attendance record.

Supervisors will exercise the primary management-level responsibility to control employee attendance. Excessive employee lateness and/or absences are undesirable performance factors and will be monitored by supervisors according to the procedures defined below:

1. **Advance Notices** - Supervisors will require employees to give advance notice, when possible, of lateness or absence. If advance notice is not possible, notification by telephone must be given by the employee to his/her supervisor.
2. **Timing of Notice** - Notification calls should be made before the start of the employee's assigned shift or as soon as possible thereafter.
3. **Employees to Maintain Contact** - Supervisors will require employees to maintain contact for the period of absence beyond one day, unless employee has provided a doctor's certification covering a specified period.
4. **Absence Without Notice** - After two (2) consecutive working days of absence without notice, the employee will be terminated. The employee will be eligible for reinstatement only if exceptional circumstances explain why the employee could not have called. This decision will be at the discretion of the Executive Director.
5. **Scheduling Absences** – Employees who must be absent for personal reasons or medical appointments must notify supervisor, if known, in advance.
6. **Performance Appraisal** - Employee attendance will be evaluated by each supervisor in connection with employee performance appraisals. The records of employees with attendance problems will be reviewed more frequently and will be addressed on their employee evaluation.
7. **Agency Action** - Chronic absenteeism, lateness, or other unusual infractions of attendance can be cause for termination.



# WORK SCHEDULES AND PAYROLL:

## A. Work Schedule:

1. All permanent full-time employees will work an eighty (80) hour pay period. Permanent part-time employees are required to work at least a forty-eight (48) hour pay period. **The workday for all SEACAP offices, centers, and programs that operate on a full-time basis will cover as follows: Transportation employees will work the eight (8) hour period of 8:00 am – 5:00 pm., Monday – Friday, with a one hour lunch anytime between 11:00 am - 2:00 pm.; all other employees will work the ten (10) hour period of 7:00 am – 6:00 pm, Monday – Thursday with a 1 hour lunch anytime between 11:00 am - 2:00 pm.** Each Supervisor and/or Executive Director shall ensure all employees comply with the established workday hours.
2. The normal work week will consists of (5) consecutive days.
3. Employees are expected to report to work on time and to be regular in attendance.
4. All employees have a responsibility to report to their supervisor if they will be late to work or unable to get to work as scheduled. Unless a sufficient and acceptable reason for being late or absent can be provided, there is the possibility of being in a non-pay status.
6. Continued violation of the work schedule will lead to disciplinary action or termination.
7. All unauthorized absences by employees will be thoroughly investigated by the appropriate Supervisor and/or Executive Director and documented.

## B. Payroll

1. Pay periods are bi-weekly.
2. There are twenty-six (26) pay periods in a fiscal year (July 1 – June 30).
3. Time and Attendance Reports will be compiled by each staff member on a daily basis, but submitted on a pay period basis.
4. Time and Attendance Reports will be signed by each employee and the appropriate Supervisor and will certify the time reported as accurately reflecting hours worked by signing the report.
5. Payroll checks will be issued no later than five (5) working days following the close of the pay period. Checks that are mailed to employees within the five-day period but have not been received by an employee will require an additional two days before stop payment on said check can be made and reissuance of replacement check.
6. Payroll checks will not be released to anyone other than the employee unless the employee personally authorizes the release to someone else in writing.

7. Payroll functions are the responsibility of the Fiscal Manager and Payroll Manager.

**C. Deductions:**

1. Payroll deductions are of two (2) types:
  - (a.) Mandatory (Federal, State and social security taxes and court ordered garnishment).
  - (b.) Voluntary (Upon written authorization of employee) dependent health/dental insurance, extra state & federal taxes, etc.

**D. Overtime:**

1. Employees subject to the provisions of the Fair Labor Standards Act, as amended, (non-exempt employees) will be paid overtime for all hours worked in excess of regular hours worked in a work week at a rate not less than 1-1/2 times the employee's regular rate of pay. Supervisors will not permit overtime to be worked by non-exempt employees without proper written authorization from the Executive Director.
2. SEACAP shall have two (2) categories of employees for the purpose of overtime and compensatory time, and they shall be exempt and non-exempt.
  - (a) An exempt employee is an individual who is exempt from receiving pay or compensatory time for any overtime which may be earned. Exempt employees meet specific tests established by the Fair Labor Standards Act (FLSA) and state law and are exempt from overtime pay requirements. Employees covered under this exempt category are those who are considered Directors, Managers or Supervisors by title or by the nature of their work.
  - (b.) Non-exempt employees will be all other employees who fall under the direct or indirect supervision of Project Directors or Executive Director. Non-exempt employees do not meet FLSA exemption tests. Non-exempt employees will receive compensation for each hour worked in excess of regular hours worked.

**E. Compensatory Time:**

1. Employees subject to provisions of the FLSA may be compensated for overtime by being granted leave in the form of compensatory time off, subject to the following conditions as defined below:
  - (a.) Non-exempt employees will not work more than their **regular scheduled hours** without the written permission from the Executive Director.

- (b.) Non-exempt employees must use all compensatory time by the end of the following pay period in which time was earned, if possible.
- (c.) Compensatory time cannot be accrued if employee is off work due to illness, annual leave, etc., during the week of accrued compensatory time.

# EMPLOYEE BENEFITS:

## A. Annual Leave:

1. Annual Leave rates are earned in the following manner:
  - (a.) Permanent full-time employee: One (1) to three (3) years with the agency – eight (8) hours per month.
  - (b.) Permanent full-time employee: Three (3) to five (5) years with the agency – ten (10) hours per month.
  - (c.) Permanent full-time employee: Five (5) years or more with the agency – twelve (12) hours per month.
  - (d.) Permanent part-time employee: One (1) to three (3) years with the agency – four point eight (4.8) hours per month.
  - (e.) Permanent part-time employee: Three (3) to five (5) years with the agency - six (6) hours per month.
  - (f.) Permanent part-time employee: Five (5) years or more with the agency – seven point two (7.2) hours per month.
  
2. Annual Leave Policies
  - (a.) Annual leave is authorized for use by employees for vacation, personal and/or family business and for other matters requiring absence from duty.
  - (b.) Annual leave must be authorized in advance.
  - (c.) Employees are permitted to accumulate annual leave within certain limitations. **The maximum number of accumulated days of leave that can be carried over from year to year will be determined based on the number of hours accrued each pay period, multiplied by the number of pay periods for that State fiscal year. The number of leave days identified (not to exceed the maximum number identified above) is the maximum for which lump sum payments can be paid when an employee becomes no longer employed by the agency.**
  - (d.) Holidays occurring during the time of annual leave WILL NOT be charged against such leave.
  - (e.) Should an employee become ill during the period of annual leave, he/she may be charged with sick leave rather than annual leave provided he/she has certification from a physician if sick for three or more days.

## **B. Sick Leave:**

1. Sick Leave rates are earned in the following manner as defined below:

- (a.) Permanent full-time employee: One (1) to three (3) years with the agency – eight (8) hours per month.
- (b.) Permanent full-time employee: Three (3) to five (5) years with the agency – ten (10) hours per month.
- (c.) Permanent full-time employee: Five (5) years or more with the agency – twelve (12) hours per month.
- (d.) Permanent part-time employee: One (1) to three (3) years with the agency – four point eight (4.8) hours per month.
- (e.) Permanent part-time employee: Three (3) to five (5) years with the agency - six (6) hours per month.
- (f.) Permanent part-time employee: Five (5) years or more with the agency – seven point two (7.2) hours per month.

2. Sick Leave Policies:

- (a.) Sick leave will not be earned when an employee is on an extended leave without pay status or suspension.
- (b.) There shall be a ceiling on the accumulation of sick leave at 960 hours (120 days).
- (c.) Illness extending beyond accrued sick leave will be charged against earned annual leave, compensatory time, or leave without pay. Should an employee exhaust his/her sick leave, annual leave, and compensatory time, the employee may be donated (for employee use only) earned accrued annual from SEACAP employee(s) for up to thirty (30) working days donated. This leave can only be donated to employees who are off sick with no other form of paid leave. Should employee exhaust all of the above, employee may be terminated or be granted a leave of absence for a period not to exceed ninety (90) calendar days. This must be approved by the Executive Director, but will not ensure re-employment.
- (d.) Employees who are off work on extended sick leave will accrue sick leave if in a "paid leave" status. If employee is off on sick leave and not in a "paid leave" status, employee cannot accrue sick leave. Donated sick leave can only be used for employees who are off due to illness and are not in a "paid leave" status.
- (e.) Employees are required to report their absence from duty due to illness (or any reason necessitating use of sick leave) to their immediate supervisor by the time they would normally be reporting for duty or as soon as possible. All sick leave will be reported to the Administrative office via a time sheet.

- (f.) Anticipated request for sick leave, i.e., surgery, dental treatment, etc., covering three or more consecutive working days, must be accompanied by a physician's certification. Pre-scheduled sick leave, medical/dental appointments, treatments or prolonged convalescence should be requested at least twenty-four (24) hours in advance.
- (g.) No payment shall be made for unused earned sick leave at termination of employment.
- (h.) Any employees absent for three or more consecutive working days due to illness are required to present a physician's statement to their supervisor before returning to work.

### **C. Administrative Leave:**

1. Administrative leave is defined as absence at no charge to an employee's earned leave. Conditions by which employees are excused from duty without charge to their leave are:
  - (a.) Hazardous weather or road conditions, training or career development.
  - (b.) An employee may also be placed on Administrative Leave with or without pay at the total discretion of Executive Director.

### **E. Maternity Leave:**

1. The purpose of maternity leave is to enable employees to receive up to 6 weeks extended time away from work due to pregnancy. This policy applies to permanent full-time permanent part-time employees.
2. As a general policy, an employee will be permitted to work at all times during pregnancy as long as she is able to perform her job.
3. Maternity leave is leave with pay granted for maternity reasons for a period of time to be determined by attending physician. The employee must use accrued annual leave or sick leave, but no advance leave will be authorized for this purpose.
4. Unless the employee on leave has informed her supervisor she does not intend to return to her original position, any replacement for said employee would be on a temporary basis only.
5. An employee will be given the option of authorizing from her last salary, prior to the beginning of her maternity leave, deductions to pay health insurance costs and all other fringe benefits she has payroll deducted for the period of temporary disability.

**F. Unauthorized Leave:**

1. An employee who is absent from duty without approval shall receive no pay for the duration of absence and shall be subject to dismissal or other appropriate disciplinary action. It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given each case. Failure of an employee to report to work at the expiration of an authorized leave or to request an extension of such leave shall be considered an absence without leave and subject to appropriate disciplinary action as determined by the Supervisor in consultation with Executive Director.

**G. Leave Without Pay:**

1. This type of leave may be granted at the Executive Director's sole discretion only at the employee's request and be used irrespective of whether the employee has annual or sick leave to his/her credit. Time off during normal duty hours not chargeable to any of the other leave categories will be charged to leave without pay. All leave without pay will be recorded in the appropriate section of the time sheet.
2. Absence without leave is any absence of an employee without proper notification of his/her supervisor. However, when an employee fails to notify his/her supervisor that he/she will be late to work or absent from work and later appears and requests another type of leave at this time, the supervisor should use discretion in making a determination.
3. No type of earned leave can be taken in the same pay period for which it was earned.

**H. Emergency Leave:**

1. Emergency Leave may be granted without advance notice. It may be granted for a death in the immediate family or if an immediate family member has suffered a serious injury. This leave may be up to three (3) days for death in immediate family (in-state) and five (5) days for death in immediate family (out-of state) which will be determined by the Executive Director.
2. Immediate family is as defined below:

|                |                         |
|----------------|-------------------------|
| Parents        | Children                |
| Spouse         | Spouse's Parents        |
| Brother/Sister | Spouse's Brother/Sister |
| Grandchildren  | Spouse's Grandchildren  |
| Grandparents   | Spouse's Grandparents   |
| Son-In-Law     | Daughter-In-Law         |

## **I. Military Leave:**

1. Any employee who presents official orders requiring his/her attendance for a period of training or other active duty as a member of the United States Armed Forces, Reserves, Corps, or National Guard shall use their earned leave time. The agency will be responsible for the deficit between his/her military base pay. If the military pay is higher, there will be no compensation by the agency.
2. Military call-ups are subject to the U.S. Selective Code for guaranteed reinstatement if the call-up does not exceed twenty-four (24) months. A break in service with the agency of more than one (1) year shall cancel previous service credit toward earned leave eligibility except military leave as covered by Federal guidelines.

## **J. Jury Duty Leave:**

1. Leave with full pay, less that paid for jury services, will be granted for those days on jury duty. The employee must provide verification for jury duty and jury pay. This provision applies to all SEACAP employees.

## **K. Court Leave:**

1. If an employee is summoned to appear in court as a witness on behalf of the United States, or a political sub-division thereof, or on behalf of SEACAP, leave of absence with full pay will be granted.
2. Verification from the court must be provided.
3. Court leave for personal matters will be charged against annual leave, compensatory time, or leave without pay, and must be requested in advance.

## **L. Holidays:**

1. The following days shall be observed as official paid holidays for eligible SEACAP personnel:

NEW YEAR'S DAY  
MARTIN LUTHER KING JR'S BIRTHDAY  
LINCOLN'S BIRTHDAY & STATEHOOD  
PRESIDENT'S DAY  
GOOD FRIDAY  
MEMORIAL DAY  
INDEPENDENCE DAY  
LABOR DAY  
COLUMBUS DAY  
VETERAN'S DAY  
THANKSGIVING DAY  
CHRISTMAS DAY



2. In order to receive pay for a legal holiday, an employee must be in a work or paid leave status the workday immediately preceding and immediately following the holiday.
3. Holidays occurring within the period of authorized leave will not be charged to earn leave time.
4. If a holiday occurs on Saturday, the preceding Friday will be observed; if on Sunday, the following Monday will be observed.

**M. Fringe Benefits:**

1. Only permanent full-time and permanent part-time employees (working minimum of 48 hours every two weeks) are eligible to receive full fringe benefits offered by the agency.

**N. Unemployment Insurance:**

1. Unemployment is paid by the agency as required by law.

**O. Health, Dental and Life Insurance:**

1. SEACAP shall provide funds as may be available for basic medical, dental, and life insurance coverage for permanent full-time and permanent part-time (working 48 hours every two weeks) employees, subject to insurance contract requirements (after the employee had been with the agency for ninety (90) calendar days). Dependent coverage, if desired, will be an employee payroll deduction.
2. An employee on an extended leave of absence without pay shall not be covered by SEACAP provided health/dental insurance nor dependent coverage. Provisions may be made by the employee to have necessary health insurance funds to provide coverage.
3. Dependent coverage shall be available at the employee's option and expense.
4. Life Insurance premiums will be paid by the agency. Refer to your current medical insurance policy regarding individual coverage.
5. Employees who leave SEACAP's employment may through COBRA elect to continue coverage at their own expense.

**P. Worker's Compensation Insurance:**

1. All employees shall be covered by Worker's Compensation Insurance for injuries incurred on the job.
2. All on-the-job injuries must be reported to the supervisor immediately. If an immediate report is not feasible, it is the responsibility of the supervisor to investigate thoroughly all reports of on-the-job injuries. A written report of all such investigations must be made and will be included in the employee's personnel file

and forwarded within twenty-four (24) hours to SEACAP's Fiscal Manager, who will forward a report to the appropriate insurance carrier.

**R. Social Security/Medicare:**

1. Social security and Medicare will be paid by both the employee and the agency as required by law.

# **EMPLOYEE EXPENSES:**

## **A. Travel Expenses:**

1. Within budget limitations, job related travel expenses will be paid subject to the authorization of the Executive Director. Travel and per diem payments may not exceed the limits established by the board, subject to limitations of the fund-source and/or United States Government standard travel regulations.

## **B. Types of Travel/Procedure for Requesting Travel:**

1. Local Travel: Local travel constitutes traveling within the source area not requiring overnight stay. Local travel forms should be completed at the end of each month and forwarded through supervisory channels to the Administrative office for payment within five (5) days after the end of each month. All expenditures should be itemized by date. Beginning and ending odometer readings should be furnished for each segment of travel, along with points visited each day. Claims not timely filed will not be processed until the next regular processing period. Incomplete claims will not be processed. In addition, employees may be reimbursed for local parking. Parking claims should be listed separately on the travel statement and should be accompanied by validated parking tickets. Parking claims will not be honored without tickets. Local travel claims submitted by staff will be approved by their Supervisor. Local travel shall be reimbursable not to exceed U.S. Government standard and current funding agency travel regulations. When deemed feasible and for budgeting reasons, the Executive Director may impose restrictions upon the aggregate number of miles traveled by staff.
2. Out of Town/State Travel: Employees may request mileage and per diem travel advancements via "Travel Advance" form for travel which is not of daily or routine nature or within the immediate geographical area. Per Diem will be payable to all employees having official approval for out of town/state travel not to exceed the U.S. Government standard and/or current funding source agency travel regulations. Employees will be required to furnish hotel or motel receipts for lodging, etc. Upon completion of the trip, employees will fill out the required forms along with supporting documentation and make necessary adjustments.

## **C. Air Travel:**

1. All domestic air travel will be coach class.
2. Executive Director or Supervisor will select the carrier based on a combination of service available and rate structure. Travel arrangement should be made as far in advance as possible to take advantage of the most economical rate.
3. If there are penalties associated with changing reservations, the agency will pay for these, provided the agency required change or the change was beyond the control of the employee or benefits the agency.

#### **D. Automobile Expenses:**

1. Employees using their personal automobiles in connection with authorized job responsibilities, will be reimbursed on an established mileage rate authorized by the Board (**\$.44 per mile**). Such reimbursement will not exceed the cost of commercial airfare for the same trip.
2. All employees using their personal automobiles for the purpose of transporting passengers or supplies of official SEACAP business are required to carry, at the employee's expense, public liability and property damage insurance at the minimum required by law.

#### **E. Rental Car:**

1. The use of a rental car can only be authorized by the Executive Director.
2. If rental cars are retained over a weekend, such expenses are personal, except when used to travel on a weekend for agency business.
3. Rental charges must be supported by a receipt.
4. Any employee authorized the use of a rental car must possess a valid Arizona drivers license.
5. Any employee authorized the use of a rental car must provide insurance at the minimum required by law, at the agency's expense.

#### **F. Travel to and from Terminal:**

1. Travel to and from airport terminals will be by the least costly method available consistent with business requirements; e.g., airport bus or limousine, taxi, air commuter, or personal automobile (including parking or storage fees). On trips of more than one day's duration, long-term parking must be used and receipts must be attached to the expense report.

#### **G. Lodging:**

1. Employees lodging expense will be provided by the agency when traveling on agency business.
2. Lodging expenses will be paid at rate approved by the funding source.
3. All incidentals (telephone charge, meals ordered, etc.) will be at the expense of the employee.

**H. Laundry and Valet:**

1. All laundry and valet costs will be at the expense of the employee.

**I. Insurance – Travel:**

1. Travel insurance purchased by an employee will be at the expense of the employee.

**J. Telephone:**

1. Any charges incurred for telephone usage will be at the expense of the employee.
2. If an employee has need to contact one of the agency's offices, said employee must call the agency 1-800 number if he/she does not have access to the agency's credit card.

# **EMPLOYEE CONDUCT:**

## **A. Purpose:**

To define the agency's policy regarding standards of personal conduct to be maintained by the agency employees. Any violation of this section may be grounds for immediate termination as dictated by Executive Director.

## **B. General Rule of Conduct:**

Every employee of the agency will conduct himself/herself in a manner as to be a credit to the agency.

## **C. Breaches of Standards of Conduct:**

1. The following is a partial list of breaches that may be immediate grounds for termination:
  - (a.) Falsifying employment application, time and attendance, daily activity travel, or personnel, or other foundation documents or records.
  - (b.) Unauthorized possession of agency or employee property, gambling, carrying weapons or explosives, or violating criminal laws on agency premises.
  - (c.) Fighting, throwing things, horseplay, practical jokes or other disorderly conduct which may endanger the well-being of any employee or agency operations.
  - (d.) Engaging in acts of dishonesty, fraud, theft, or sabotage.
  - (e.) Threatening, intimidating, coercing, using abusive or vulgar language, or interfering with the performance of other employees.
  - (f.) Insubordination or refusal to comply with instructions or failure to perform reasonable duties which are assigned.
  - (g.) Unauthorized use of agency material, time, equipment or property.
  - (h.) Damaging or destroying agency equipment through careless or willful acts.
  - (i.) Conduct which the agency feels reflects adversely on the employee or the Agency.
  - (j.) Unsatisfactory performance, which in the agency's opinion, does not meet the requirements of the position.
  - (k.) Engaging in such other practices as the agency determines may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the agency, its employees or clients.

(I.) Negligence in observing fire prevention and safety rules.

- Other circumstances for which the agency feels that corrective action is warranted. This list is intended to be representative of the types of activities which may result in corrective action. It is not intended to be comprehensive and does not alter the employment “at will” relationship between employees and the agency.

**D. Attitude:**

One primary function of the agency is to be of service to the community. Therefore, it is vitally important that all employees project to the community a friendly attitude and a feeling of concern. It is desired that each employee will be an ambassador for the program and will conduct himself/herself in such a manner so as not to bring reproach upon himself / herself or the agency.

**E. Standard of Dress and Personal Appearance:**

Employees will be expected to dress in a professional manner appropriate to their position and proper in respect to specific occasions. The nature of the agency is such that employees dress and conduct should serve as a model for the client and community. The determination of appropriate dress shall be within the sole discretion of the Supervisor and/or Executive Director.

1. The Supervisor or Executive Director is responsible to evaluate the dress and appearance of employees under their supervision. If an employee is not dressed appropriately, the following steps should be taken:
  - (a) On the first occasion, an oral warning should be given to the employee, and the agency’s dress and appearance standards should be reviewed with the employee.
  - (b) On the second occasion, the employee should be sent home to change clothes immediately as well as given a written warning.
  - (c) Further violations may result in termination.

**F. Confidential Information:**

1. Discussion of confidential aspects of the agency or disclosure of salary or other confidential matters whether to another employee not entitled to the information or to a person outside the agency without specific written approval of the Executive Director is prohibited.
2. Employees will not disclose any information which is of a confidential nature about clients or employees to unauthorized personnel.
3. Federal and/or State government instructions regarding confidentiality of client information shall be adhered to at all times.

4. Failure to adhere to the above policy at any time will be grounds for disciplinary action up to and including termination.

#### **G. Relations with Others:**

1. Employees shall treat respectfully differences of opinions between themselves and their colleagues. Employees should express their complaints and dissatisfactions only to their supervisors or to the Executive Director so as not to create dissension among fellow employees. Wherever possible employees will attempt to settle differences, disputes, etc., among themselves in a respectable and professional manner.
2. Employees shall treat all colleagues and clients without discrimination. Evidence of discrimination on the basis of race, color, age, religion, national origin, handicap, political affiliation, or sex is strictly prohibited.
3. Employees shall act as to support rather than to obstruct colleagues in fulfillment of their responsibilities.
4. Employees shall respect the privacy and the human dignity of all persons with whom they have contact.
5. Each employee of the foundation shall, among other things, perform all duties assigned to him/her in a manner that will:
  - (a.) Maintain loyalty to the agency.
  - (b.) Uphold with integrity the relations of trust and confidence imposed in him/her as an employee of the agency.
  - (c.) Give ready responses to and enthusiastically comply with the directions and instructions of his/her immediate supervisor in the service of the agency.
  - (d.) Show courtesy, cooperativeness, diligence, and tact in dealings with fellow workers and the general public.
  - (e.) Give full, efficient, and industrious service so as to promote economical and effective accomplishment of agency goals and objectives.

#### **H. Limitations on Employees and Conduct:**

1. Employees should be aware of the following limitations which affect them:
  - (a.) Employees are expected to maintain standards of conduct both on and off duty that will not reflect any discredit on the agency. In this connection, the use of intoxicants on the job site, during normal work hours and excluding personal time, will not be tolerated. Violation of this policy will be considered cause for immediate termination.



- (b.) All employees shall be required to meet their financial obligations at the time and in the manner which they have contracted to pay them.
- (c.) The agency is not responsible or accountable for loss or theft of personal property of employees.
- (d.) Employees shall be responsible for loss of agency monies or property for which they are responsible where the loss is due to wrongful intentions, negligence, or carelessness.
- (e.) All official correspondence of the agency shall be conducted and received in its office and not the personal address of employees.
- (f.) No permanent employee shall operate a vehicle for the agency without having in his/her possession a valid Arizona driver's license and of the appropriate classification, which may be necessary especially for Transportation and/or Weatherization programs. Employees must also provide SEACAP's insurance carrier with appropriate information before driving for the agency.
- (g.) An employee who desires to run for a non-partisan political office shall be granted leave of absence from his/her position not to exceed sixty (60) days prior to date of election for the purpose of making his/her campaign. Such a leave of absence shall consist of annual leave or leave without pay. Job retention rights will be determined on the same basis as maternity and extended leave section.
- (i.) Any employee elected to and accepting a paid, political office of the City Council, County, State or Federal Government shall immediately be terminated from any compensated position he/she may hold with the agency.
- (j.) Employees are not allowed to campaign during business hours.
- (k.) Employees can actively campaign after business hours.
- (l.) Employees cannot use official authority or influence for the purpose of interfering with, or affecting the result of, an election or a nomination for office.

## **SAFETY:**

You are a valuable asset to your program and Southeastern Arizona Community Action Program, Inc. and we do not want you injured in an on-the-job accident. SEACAP wants to provide you with a place of employment that is free of recognized hazards that could cause accidents and injuries. You are expected to perform your job in the safest way possible.

To be SAFE is to be secure from the threat of danger, harm, or loss. Ninety-eight (98) percent of all accidents are the result of unsafe conditions and unsafe acts or practices. Many accidents are caused by the use of unsafe equipment and by neglecting to follow the safe methods of doing your job.

Careful inspection and monitoring are necessary if employees are to reduce the hazards that contribute to accidents and injuries. Study and know your Safety Handbook and remember that "No hazard is too small for the attention of anyone who can have it corrected before someone is hurt."

Correct or report all unsafe conditions and unsafe practices that are observed to your supervisor. If you have an accident prevention suggestion, please inform your supervisor.

The Supervisor of each department is responsible for the establishment of an effective safety program within their department. Management is responsible for providing a place of employment that is free from recognized hazards that could result in injury.

All employees will comply with the rules and regulations of the employee Safety Handbook.

**REMEMBER: YOU ARE RESPONSIBLE FOR SAFETY**

## **DISCIPLINARY ACTION:**

### **A. Policy:**

1. As the basic standard of justice, employees are to be informed by their immediate supervisor of the behavior expected of them and the rules, regulations, policies, procedures, and practices by which they must abide.

### **B. Practice:**

1. It shall be the practice of SEACAP to put in writing its rules, regulations, policies, procedures, and practices. All new employees will be oriented by their immediate supervisor and Fiscal Manager of such written regulations at the time of employment.

### **C. Disciplinary Actions:**

1. Disciplinary action will include four (4) basic steps. If the offense is serious enough, as determined by the Supervisor or the Executive Director in their sole discretion, any or all of the first three (3) steps may be by-passed. In all cases and with respect to all steps a Supervisor may take, he/she shall keep the Executive Director advised of the action being taken. The four (4) steps are as follows:
  - (a.) Disciplinary Counseling
  - (b.) Written Reprimand
  - (c.) Suspension with or without Pay
  - (d.) Termination

### **D. Disciplinary Counseling:**

When it appears that an employee has failed to perform his/her work or to display conduct in accordance with acceptable standards, the employee's Supervisor or Executive Director should counsel with the employee to find out whether the employee understands the rules involved or the standards of work expected. The counseling session should communicate an expectation of change and improvement rather than an expectation of future problems. The Supervisor or Executive Director is encouraged to maintain a record of such counseling, including date and substance.

### **E. Written Reprimand:**

If the problem continues after counseling, the Supervisor or Executive Director shall then have a more formal discussion with the employee confirmed by a letter to the employee which details how performance or conduct has failed to meet program standards and how work performance must be changed to meet acceptable standards. A copy of the letter shall be placed in the employee's personnel file for record and documentation.

## **F. Suspension With or Without Pay:**

This is an ordered absence from duty with or without pay for a prescribed period of time. This type of suspension allows the employee time to think over his/her situation and decide if he/she wishes to conform to the standards and expectations set forth by their Supervisor or Executive Director. If the employee is allowed to return, close supervision will be imposed and evaluated weekly. At the time an employee is placed on suspension, he/she shall receive in writing the following:

1. The specifics of the conduct for which the employee is being placed on suspension and;
2. The specific criteria, which must be met for the employee to continue employment.

## **TERMINATION:**

Although SEACAP operates under the “at will” policy for its employees; good, sound and professional judgment shall be used in terminating an employee with or without cause. When the progressive disciplinary process has been used without favorable results, or if in the sole discretion of the Supervisor or Executive Director and an employee commits a serious non-remedial offense, the employee may be terminated. In all phases of this process, the Executive Director shall be kept advised of all action taken.

NOTE: In all cases, employees have the right to appeal any action taken against them. See Section entitled “Grievance and Appeals Procedures” for proper procedures.

Employees terminated involuntarily will receive pay for any unused annual leave, but will not receive severance pay and if appropriate funds are available.

Upon termination, all employees are required to return all keys, files, paperwork, books, etc., pertaining to the agency and belonging to the agency prior to their last day of employment. All monies due employee (if any) will be held until such items are returned to agency.

Termination is considered to be the cessation of employment with the agency and falls within one of the following categories:

### **A. Voluntary Termination:**

1. Employees may at any time terminate their employment voluntarily. An employee is encouraged to give at least thirty (30) days written notice of his/her intention to the appropriate Supervisor or Executive Director.

### **B. Involuntary Termination Without Cause:**

1. The involuntary termination of an employee’s service with SEACAP for reasons beyond the control of the agency or the employee. Such termination should not reflect adversely on the employee’s performance and/or conduct.
2. Involuntary termination without cause may be due to the reduction in force, a separation in which the employee is not qualified or adaptable for the type of work assigned and no other assignment is available, or for extended illness. Employees who are unable to perform satisfactorily during the probationary period will be considered as such. Extended illness of employee must require the employee’s absence from duty for a period in excess of accrued annual and sick leave combined, plus six (6) months, unless extended by the Executive Director. The employee must not accept employment with any other agency or business during this period.
3. Involuntary termination must be authorized by the Executive Director.

### **C. Involuntary Termination With Cause:**

1. The termination of an employee contrary to his/her will for justifiable reasons. Termination with cause is an adverse action.
2. Termination with cause should be considered a severe action and should be made only when it becomes necessary to protect the effectiveness of the

agency in the performance of its functions.

3. Termination with cause may be made for but not restricted to the following reasons:

- (a.) Incompetence in assigned duties.
- (b.) Neglect of assigned duties.
- (c.) Refusal to perform assigned duties.
- (d.) Habitual tardiness.
- (e.) Habitual absence without leave.
- (f.) Disrespect to other staff, volunteers and/or participant in agency activities.
- (g.) Major insubordination or repeated instances of minor insubordination.
- (h.) Refusal to cooperate in assigned duties.
- (i.) Fighting or excessive quarrelling.
- (j.) Intended disruption of agency activities.
- (k.) Repeated or intended performance that produces hazards to personnel, property or equipment.
- (l.) Three or more letters of reprimand within a twelve month period.
- (m.) Abuse of job position/authority.
- (n.) Unauthorized alcohol or chemical abuse in the workplace or being under the influence of alcohol or other drugs while on the job.
- (o.) Theft or pilferage.
- (p.) Acceptance of money or other consideration given with the intent of influencing the employee in the performance of official duties.
- (q.) Unlawful conduct.
- (r.) Moral turpitude.
- (s.) Embezzlement
- (t.) Acts of violence or threatened acts of violence against staff members, volunteers or participants in agency activities.
- (u.) Destruction, abuse, or arson to agency property, equipment, or supplies.
- (v.) Weapons i.e., guns or other destructive devices will not be permitted in the work place.

5. Deceased: In the event of death, all compensations and accrued annual leave shall be paid to the beneficiary specified as per employee's life insurance.

## **HARASSMENT/SEXUAL HARASSMENT:**

Harassment/Sexual Harassment is a violation of Federal Law. Title VII of the Civil Rights Act of 1964 specifically prohibits employment discriminations based on age, sex, color, race, handicap, religious belief, creed, political beliefs, or national origin.

The purpose of this policy is to establish an agency-wide policy prohibiting harassment/sexual harassment and establish procedures for filing complaints about harassment/sexual harassment. SEACAP holds the position that all employees, male or female, will not be subject to unsolicited and unwelcome sexual overtures, or conduct either verbal or physical.

The Equal Employment Opportunity Commission (EEOC), a Federal agency, has codified the definition of harassment/sexual harassment as follows:

- A.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment/sexual harassment when:
  - 1. Submission to or rejection of such conduct is made either explicitly or implicitly a term of condition of an individual's employment.
  - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
  - 3. Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- B.** The EEOC enforces harassment/sexual harassment guidelines.
- C.** Harassment/Sexual Harassment is a serious offense and any employee found to have engaged in such a conduct is subject to severe disciplinary measures up to and including termination. Discipline will be based on a scale or degree of severity of the harassment.
- D.** It is contrary to policy for a supervisor to retaliate against an employee who files a charge of harassment/sexual harassment. All possible steps will be taken to eliminate the possibility of retaliation resulting from the filing of a complaint.
- E.** In the event that a complaint of harassment/sexual harassment is found to be totally and completely without basis, appropriate disciplinary measures may be taken against the employee filing a false complaint. While this is in no way intended to discourage any employee who believes that he/she has been the victim of harassment/sexual harassment from filing a complaint, the agency recognizes that a charge of harassment/sexual harassment can cause serious damage to an individual's personal reputation and professional career.
- F.** The agency also recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a determination based on all facts in each case.

## **SUBSTANCE ABUSE:**

- A.** The agency prohibits the use, possession, manufacture, sale, purchase, transfer, or being under the influence of alcoholic beverages, illegal drugs, or other intoxicants at any time on agency premises or while on agency business.
- B.** This policy applies to employees and applicants for employment.
- C.** The agency has an obligation to its employees, clients, program participants, and the public at large to reasonably ensure safety in the workplace, as well as safety and quality in its products. Consequently, the following are strictly prohibited and will result in immediate disciplinary action, including termination:
  - 1. Reporting to work under the influence of intoxicating liquor or illegal drugs.
  - 2. The use, possession, manufacture, purchase or transfer by an employee on foundation premises or property (including storage in a desk, locker, car, etc.) or during work time, of an intoxicating liquor, controlled or illegal substance, a drug not medically authorized, or any other substances which impair job performance or pose a hazard to the safety and welfare of the employee, the public, or other employees; or the sale of such item.
- D.** Upon reasonable suspicion, the Executive Director may require an employee to be tested for substance abuse when it appears that the employee's work performance or on-the-job behavior is being affected in any way by drugs or alcohol, or when, in the agency's judgment, an employee may have contributed to an accident involving bodily injury or damage to property.
- E.** The agency reserves the right to inspect and/or search all agency property, as well as any employee's personal property on agency premises, for intoxicating liquor, controlled or illegal substances, or any other substances which impair job performance. Refusal to submit at any such inspection or refusal to cooperate in any investigation will subject employee to disciplinary action including suspension or termination.

### **DEFINITION:**

**Reasonable Suspicion:** *Specific observations concerning such circumstances as work performance, appearance (including, for example, noticeable odor of an alcoholic beverage), behavior or speech of the employee, or being involved in an accident on agency premises or business which results in physical injury or property damage.*

- F.** Employees are encouraged to seek voluntary treatment for substance abuse. If an employee wishes assistance or referral information, he/she may contact the personnel office. Voluntary inquiries will be maintained in confidence.
- G.** Supervisors must receive approval by the Executive Director prior to requiring that an employee undergo substance abuse testing.
- H.** All substance abuse testing will be conducted using recognized procedural safeguards and confidentiality requirements.
- I.** Refusal by an employee to submit to a drug or alcohol test as required by the agency, or testing positive for illegal drugs or alcohol, will result in disciplinary action, depending upon the facts and circumstances involved in each situation.



# GRIEVANCE AND APPEALS PROCEDURES:

## A. Definitions:

1. Grievance - An action initiated by an employee resulting from the employee's dissatisfaction with working conditions.
2. Appeal - An employee's request to supervisors to reconsider an adverse action, which may include a full and impartial hearing, if requested.
3. Discrimination Grievance/Appeal - An action that is based on alleged discrimination due to age, sex, race, beliefs, color, creed, national origin, political affiliation, handicap, or any other areas so classified under civil rights or executive orders related to discrimination.

## B. Procedures:

Procedures must be specifically followed. Failure by employee filing grievance to meet time periods will invalidate the appeal and no further actions or appeal will be allowed or required to be taken by the agency.

1. A formal written grievance/appeal must be presented to the employee's immediate supervisor within five (5) working days of the occurrence of the action.
2. The immediate supervisor will have five (5) working days in which to resolve the grievance/appeal to the satisfaction of the employee and the supervisor.
3. If it not resolved to the satisfaction of the employee, he/she will then transmit it to the next higher level of the supervision, within five (5) working days.
4. The next level of supervision will have ten (10) working days in which to review and make a decision.
5. If the employee is not satisfied with the review and resolution in step 4 above, the employee will, within five (5) working days, formally request in writing that the Executive Director hear/review the grievance/appeal.
6. The Executive Director will have ten (10) working days in which to review the grievance/appeal and to make a final administrative decision resolving the grievance/appeal.
7. If the Executive Director's decision does not satisfy the employee or no action has been taken within the ten (10) working days in step 6, the employee will have five (5) working days to submit a written appeal to the SEACAP Board President.
8. The SEACAP Board President will have ten (10) working days in which to review documentation related to the matter and make a decision resolving the employee's grievance/appeal.

9. If the employee is not satisfied with the SEACAP Board President's decision, the employee can take the grievance/appeal to the final step within SEACAP. The employee will submit a written appeal to the Board of Directors within five (5) working days after receiving notice of the SEACAP Board President's decision.
10. The Board of Directors will have until their next regularly scheduled meeting to review the information and documentation submitted by employee and the Executive Director related to the grievance/appeal and to make a final decision.

**Note:**

The Board of Directors reserves the right to have a hearing and to identify parties to be present for the hearing.

The Board of Directors also reserves the right to make a decision based on the information submitted by the employee and the Executive Director.

Throughout the ten (10) step procedure any and all documentation related to the grievance/appeal will be forwarded to appropriate individuals from one step to the next. Copies of documentation, materials, and other supporting information will be made available to the employee.

Further, any decision or resolution made in Step 2, 4, 6, 8, and 10 will be in writing and made a part of the employee's personnel file.

**C. Discrimination:**

1. An employee who feels that an adverse personnel action has been taken against him/her, based on discrimination, will have the right to elect to utilize the "Complaint Procedure" identified in the Grievance and Appeals Procedure.

# AMENDMENTS:

## A. Operational Statement:

1. This policy supersedes and rescinds all previous personnel policy and procedures manuals and becomes the official policy manual of the Southeastern Arizona Community Action Program, Inc. This Policies and Procedures Manual and any rules, laws, regulations or statements referred to herein or incorporated herein by reference constitute the entire personnel policies and procedures for SEACAP and supersede any inconsistent or conflicting provisions or statements, whether written or oral, and whenever made. This Policies and Procedures Manual may not be changed or modified except in the manner hereinafter set forth. No waiver or any provision of this Policies and Procedures Manual shall be deemed to be a continuing waiver of such provision in the event the same or similar conditions giving rise to such waiver thereafter occur. Whenever possible, each provision of this Policies and Procedures Manual shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Policies and Procedures Manual shall be prohibited by or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Policies and Procedures Manual.

## B. Amendment Process:

1. Amendments may be recommended at any regular meeting of the SEACAP Board of Directors.
2. After study by the Board of Directors and opportunity for comment by the Executive Director, an amendment may be passed by two-thirds (2/3) of the members of the Board at any regular meeting.

The above stated policies shall be the Rules and Regulations by which Southeastern Arizona Community Action Program, Inc., shall operate. When the above Rules and Regulations are in conflict with State or Federal regulations which govern our contract(s), such State or Federal regulations shall supersede.

These revised Personnel and Policies and Procedures supersede all other previously written regulations which may exist.

Approved by the Southeastern Arizona Community Action Program Inc., Board of Directors on this 13th day December, 2012.

These policies and procedures shall become effective this 13th day of December, 2012.

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Steve Rutherford, Board President

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Ed Green, Board Vice-President

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Kirk Gray, Board Secretary/Treasurer

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Librado M. Ramirez, Executive Director

## **APPLICANT'S APPEAL:**

- A.** Southeastern Arizona Community Action Program Inc., shall establish and maintain an applicant appeals procedure to answer equal access to services and resources available under all programs.

### **B. PROCEDURES:**

1. The notice of right to appeal shall appear on all application forms used to determine eligibility for services.
2. The Executive Director of Southeastern Arizona Community Action Program, Inc., Shall initiate an appeals procedure upon request by an applicant within ten (10) days after request.
3. After all local appeals have been exhausted, the applicant may appeal the decision of Southeastern Arizona Community Action Program, Inc. to the Arizona Department of Economic Security, Division of Aging and Adult Services (ADES; DAAS). In such cases, SEACAP will provide ADES; DAAS with all relevant information.
4. The applicant appeals procedure shall:
  - a. Have the right to file formal application for service upon request;
  - b. Be afforded an opportunity to have private and confidential interviews pertaining to the case;
  - c. Will not be denied assistance on the basis of race, color, gender, creed, religion, age, political preference or physical affliction;
  - d. Receive timely approval or disapproval of the action;
  - e. Receive written notification or grievance procedures;
    - (h.) All aggrieved parties shall be afforded a reasonable opportunity for a fair hearing;
    - (ii.) The applicant or the representative of the applicant shall have access to records relevant to the appeal process;
    - (iii.) The applicant shall have the right to a timely determination and prompt notice of hearing decisions.

**SOUTHEASTERN ARIZONA COMMUNITY ACTION PROGRAM**  
**283 W. 5<sup>th</sup> Street**  
**Safford, Arizona 85546**  
**Phone: (928) 428-2872 Fax: (928) 428-0859**  
**Toll Free: 1-800-293-1144**

**“GRIEVANCE PROCEDURE”**

Any client having a complaint regarding services performed by an employee of SouthEastern Arizona Community Action Program (SEACAP) has the right to appeal according to the following procedure:

1. A verbal and/or written complaint will be made to the local office Regional Coordinator, Virginia Avila, 928-428-2872, regarding the employee and/or issue involved. The Regional Coordinator and appropriate Case Manager will discuss the issue with you and provide you with written notice of the decision made within 2 working days from receipt of complaint. If you are not satisfied with the solution, please follow the steps below.
2. A written complaint must be made to the Director of SouthEastern Arizona Community Action Program r regarding the employee/issue involved. The complaint should be hand delivered or mailed within ten (10) working days from the date of response from the Regional Coordinator to:

**LIBRADO M. RAMIREZ, EXECUTIVE DIRECTOR**  
**283 West 5<sup>th</sup> Street**  
**Safford, Arizona 85546**

3. Within five (5) working days of receipt of the written complain, the Director, appropriate Coordinator and/or immediate Supervisor will discuss the issue with the client as well as with the employee. The Director will approve or modify said findings and action taken as deemed appropriate. Written notification to all concerned will take place within a reasonable time not to exceed five (5) working days from date complaint is received.
4. A file will be retained at SEACAP on each and every complaint to include all documentation.
5. If the solution provided by the Executive Director is not to the satisfaction of all parties concerned, please forward your written complaint to the SEACAP Board President for final disposition to:

**Steve Rutherford, Board President**  
**283 W. 5<sup>th</sup> Street**  
**Safford, Arizona 85546**

6. Within five (5) working days after receipt of the complaint, the Board President will provide a written notice of the decision made.
7. If the final disposition provided by the Board of Directors is not to the satisfaction of the parties concerned, the parties are encouraged to contact the Arizona Department of Economic Security (DES), Division of Aging and Adult Services (DAAS), Community Action Unit at:

**Arizona Department of Economic Security**  
**Division of Aging and Adult Services**  
**PO Box 6123, Site Code 086Z**  
**Phoenix, Arizona 85005**  
**1-800-582-5706**

I have read the grievance procedure, understand my rights to appeal, and I have also received a copy.

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Case Manager

\_\_\_\_\_  
Date

## EMPLOYEE CODE OF CONDUCT:

In the process of serving our clients, regardless if they are walk-ins or telephone calls, the staff of Southeastern Arizona Community Action Program, Inc., (SEACAP) shall conduct themselves in a most professional manner while extending a warm and courteous welcome to everyone. In order to maintain and project this harmonious environment, we shall extend this practice to all staff. To accomplish this task, the following guidelines shall be followed:

1. Walk-ins shall be assisted immediately.
2. Telephones shall be answered promptly and courteously.
3. Never tell a client "I can't help you, it's not my job", or "Sorry, but I don't know." If you don't know, attempt to find out and provide some assistance.
4. If you set an appointment with a client, keep it. Do not keep a client waiting.
5. As important as documentation is, the client comes first.
6. Communicate differences of opinions or concerns in a dignified, honest, straightforward manner.
7. Ensure that confidentiality of clients, volunteers and employee information, along with SEACAP internal affairs is maintained at all times.
8. Gossip, rumors, and innuendoes of clients, volunteers, or employees of SACAP will not be tolerated. Such behavior may be grounds for immediate dismissal.
9. If you have problems, concerns, etc., follow the chain of command when bringing your concerns to the attention of the agency. If the immediate Supervisor or Executive Director are not given the opportunity to address the concern(s) and the employee takes it upon him/herself to directly contact a board member (s) or to discuss pertinent issues as gossip, this action is considered gross misconduct and insubordination. Such action is ground for termination.
10. Employees of SEACAP are strictly prohibited from accepting gifts, favors, kickbacks, gratuities or any other form of the above from persons performing services under contract to SEACAP or otherwise in a position to benefit from an employee's action. Employees receiving any of the above will be subject to disciplinary action up to and including termination.
11. No employee of the agency should presume to speak or appear on behalf of the agency or on any matter concerning the agency without the written and/or verbal approval of the Executive Director. In matters relating to internal problems, disputes, etc., employees will refrain from making public statements or discussing a situation internally.

A signed copy of this code of conduct will be place in all employees' personnel files.

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Employee Signature

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Date

## **EQUAL EMPLOYMENT OPPORTUNITY:**

The agency maintains a policy of non-discrimination with employees and applicants for employment. No aspect of employment within the agency will be influenced in any manner by race, color, religion, sex, age, national origin, veteran status, mental or physical disability, or any other basis prohibited by statute.

This policy applies to all employees of this agency.

## **AMERICANS WITH DISABILITIES ACT:**

The agency policy and practice is to comply with the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities.

Disability includes a physical or mental impairment that substantially limits one or more life activities, a record of such impairment, or being regarded as having such an impairment. Physical or mental impairment includes orthopedic disorders, visual, speech and hearing impairment, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, HIV infection, cancer, heart disease, mental retardation, emotional illness, specific learning disabilities, drug addictions, and alcoholism.

The agency is committed to ensuring non-discrimination in all terms, conditions and privileges of employment. Reasonable accommodation is available to all employees and applicants, including work site accessibility as long as the accommodation doesn't cause undue hardship on the foundation. Individuals should contact their supervisor, program director, or personnel officer concerning an accommodation.

## **ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) ANTI-DISCRIMINATION PROVISIONS FOR U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) PROGRAMS:**

The office of Civil Rights (OCR) of HHS has determined that persons with AIDS or AIDS-related conditions are to be considered handicapped and cannot be discriminated against in employment/personnel matters or in the provision of services where HHS funds are involved.

## **SECTION 504 OF THE REHABILITATION ACT OF 1973**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified handicapped persons or activities receiving Federal financial assistance. Accordingly, persons who have or are perceived as having AIDS or AIDS-related conditions or who are otherwise protected under this statute may not be discriminated against under any federally assisted program or activity. A recipient of Federal financial assistance may not discriminate against such persons by taking any of the prohibited actions set out below.

A recipient may not:

Exclude a qualified handicapped person from aids benefits or services provided under its program or activity.

Provide a qualified individual with handicaps with an aid, benefit or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.

Provide different or separate aids, benefits, or services to individuals with handicaps than is provided to others unless such action is necessary to provide qualified individuals with handicaps with aids, benefits, or services that are as effective as those provided to others.

Make decisions concerning any term, condition, or privilege of employment under any program or activity in a manner that discriminates on the basis of handicap; e.g., in recruitment, hiring, transfers, layoffs, termination, rates of pay, job assignments, leaves of absences, sick leave or any other leave, or fringe benefits available by virtue of employment.

Limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

This list is not intended to be all-inclusive but provides examples of common areas of prohibited discrimination.

Any action taken by a recipient with respect to persons protected by Section 504 which is premised on the risk of transmission of AIDS must be based on the reasonable medical judgment of public health officials that there is a material risk of transmission, even after taking into account appropriate reasonable accommodation.

Recipients of Federal financial assistance are encouraged to take the following steps to ensure that violations do not occur:

Evaluate their policies and practices. Such an evaluation should be undertaken in light of information and recommendations published by the Centers for Disease Control. See e.g., "Recommendation for Prevention of HIV Transmission in Health Care Settings," Morbidity and Mortality Weekly Report, August 21, 1987, vol. 36, no. 2s (Supplement); and "Recommendations and Guidelines Concerning Aids," published in the Morbidity and Mortality Weekly Report, November 1982 through December 1987.



# **DRUG FREE WORKPLACE PLAN:**

## POLICY STATEMENT

In order to assure a safe and efficient work environment, in accordance with the Drug-Free Workplace Act of 1988, the following policy has been adopted and will supplement existing personnel policies, practices and procedures.

The agency will take action against employees who unlawfully use, distribute, or possess controlled substances on the job, and who violate agency rules in reference to possession of alcohol on the job; employees must report to work in a fit condition for duty. Being under the influence of alcohol or unlawful drugs is prohibited.

The agency realizes alcoholism and drug abuse affect job performance, work environment, and undermine public confidence in the agency. It also recognizes these as illnesses or “disorders”; therefore, the agency accepts responsibility for providing channels of help, but it is the employee’s responsibility to seek help.

If the employee(s) seeks help prior to discovery then confidentiality, job security, and promotional opportunities will be protected. But if the employee(s) does not seek help and the problem, in the same way, comes to the attention of the agency, then disciplinary action will result.

If an employee is under treatment with a drug that could limit his/her ability to do the job, the employee’s job assignment will be re-evaluated by the agency.

Employee(s) who unlawfully use or distribute drugs on the job are subject to termination.

Employee(s) of the agency, as conditions of employment under a federal grant, will abide by the terms of the above statement and will notify the agency of any criminal drug statute conviction for a violation occurring on the job no later than five (5) days after such conviction.

The agency will notify the grants officer of the appropriate funding source within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such conviction.

The agency will then take one of the following actions, within thirty (30) days of receiving notice of such conviction, with respect to any employee who is so convicted.

- (a) Take appropriate personnel action against such an employee, up to and including termination; or
- (b) Require such employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

# **RECOMMENDATION/SELECTION SYSTEM FOR HIRING NEW PERSONNEL:**

## **A. Advertise:**

1. In-House - With respect to new and vacant staff positions, SEACAP desires to encourage loyalty and continuity among SEACAP personnel by advertising such position openings first to existing employees and by providing the opportunity for existing employees to apply first for such positions.
- 2.. Public Announcement: - Shall be advertised at the local Arizona Department of Economic Security Job Service and Arizona Workforce Connection.

## **B. Review Applications:**

The Executive Director and Supervisor will review all new applications as well as recent applications to increase the pool of candidates being considered. There are times when an emergency hire may be deemed necessary to ensure that services or activities are not disrupted or hampered; therefore, the Executive Director may authorize the hiring of an Individual without following regular hiring procedures.

## **C. Application Selection/Reference Check:**

A minimum of three (3) most qualified applicants will be selected and telephone or written references will be completed for each applicant selected.

## **D. Interview Procedure:**

1. Qualified applicants selected for interviews shall be contacted by either telephone or letter to set a time and date for interview.
2. All applicants not selected for an interview shall be notified by mail as soon as possible.
3. Three (3) most qualified applicants will be interviewed by the Supervisor and Executive (or designated representative).

SEACAP will give every consideration to hiring service area residents of underprivileged status and who exhibit a willingness and ability to learn the required duties and responsibilities.

SEACAP will conduct recruitment efforts within its service area, but may exceed the limits of the service area if necessary to select qualified applicants.

All applications will remain on active file for six (6) months.

## **CERTIFICATION REGARDING LOBBYING:**

### **NO FEDERAL APPROPRIATED FUNDS WILL BE PAID:**

- By or on behalf of any employee
- To any person for influencing (or attempting to influence) an officer or employee of any agency
- A member of congress
- An officer or employee of congress
- An employee or member of congress

### **IN CONNECTION WITH**

- The awarding of any federal contract
- The making of any federal grant
- The making of any federal loan
- The entering into of any cooperative agreements
- The extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement

This certification is a material representation of fact. Any employee who fails to abide shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## **SMOKE FREE POLICY:**

Smoking will be prohibited at all times in all spaces utilized by Southeastern Arizona Community Action Program, Inc. This includes staff offices, restrooms, lobbies, hallways, staff meeting rooms (used in the evening as well as during the day) and vehicles used for transportation of clients or for the Weatherization program.

Tobacco use is prohibited in personal vehicles while transporting clients.

Smoking is prohibited during both indoor and outdoor activities involving children and clients.

All off-site activities involving clients or children will be smoke-free to the fullest extent possible. There will be no smoking by staff or volunteers during off-site activities. Staff will not smoke during meetings or training sessions conducted on agency premises.

Designated smoking areas at agency facilities will be located outside of building, out of the client sight, and at least fifty (50) feet away from the main entrance to the center.

Staff is prohibited from smoking at designated smoking areas when clients are present. The Executive Director will designate smoking areas for agency offices.

At designated smoking areas, all smoking trash (to include cigarette butts, matches and lighters) will be extinguished and disposed of in appropriate containers. Supervisors will ensure periodic clean-up of the designated smoking areas. If the designated smoking area is not properly maintained (for example, cigarette butts, etc. are found), Executive Director has the discretion to eliminate the smoking area.

Supervisors will ensure their employees are fully aware of this policy.

Non-smoking signs will be posted at each center and agency office.

Failure to comply with this policy will result in disciplinary action administered in accordance with Southeastern Arizona Community Action Program, Inc. Personnel Policies and Procedures Manual as per "Disciplinary Action Policy."

# CONFLICT OF INTEREST:

## A. CONTRACTUAL REQUIREMENT

No persons who have exercised any functions or responsibilities with respect to activities assisted with SEACAP funds may obtain a financial interest in or benefit from an agency activity or have an interest in any contract, subcontract or agreement, either for themselves or for those with whom they have family or business ties, during their tenure or for one year thereafter.

1. **Persons Covered:** The conflict of interest provisions apply to any person who is an employee, agent, consultant, officer or elected or appointed official of the agency receiving SEACAP funds or in a decision making position.
2. **Exceptions:** Upon the written request of SEACAP, the funding source may grant an exception on a case-by- case basis when it determines the exception will serve to further the purposes of the agency program and the effective and efficient administration of the program or project. An exception may be considered only after Southeastern Arizona Community Action Program, Inc. has provided the following to our funding source:
  - (a.) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made, (i.e. local newspaper).
  - (b.) An opinion of an attorney that the interest for which the exception is sought would not violate State or Local law.
3. **Factors to be Considered for Exceptions:** In determining whether to grant a requested exception after the agency has satisfactorily met the requirements of paragraph B of this Requirement, the funding source will consider the cumulative effect of the following factors, where applicable:
  - (a.) whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
  - (c.) whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity. If that person is a member of such a class or group, the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
  - (d.) whether the affected person has withdrawn from his or her functions or responsibilities or the decision-making process with respect to the specific assisted activity in question;

- (e.) whether the interest or benefit was present before the affected person was in a position as described in Paragraph A of the Requirement;
- (f.) whether undue hardship will result either to the Contractor or the person affected when weighted against the public interest served by avoiding the prohibited conflict; and
- (g.) any other relevant considerations.

## **PROHIBITED POLITICAL ACTIVITIES:**

SEACAP staff, volunteers and Board Members, while performing Agency activities and functions, shall adhere to restrictions against certain types of political activity, as specified in the Community Services Block Grant (CSBG) Act, State legislation and other related requirements.

1. SEACAP or its employees will not use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Any SEACAP employee who desires to run for a political office shall be granted leave of absence from his/her position not to exceed sixty (60) days prior to date of election for the purpose of making his/her campaign. such a leave of absence shall consist of annual leave or leave without pay. Job retention rights will be determined on the same basis as maternity and extended leave.
3. SEACAP employees are not allowed to campaign during business hours but can actively campaign after business hours.
4. Any employee elected to and accepting a paid, political office of the city council, county, State, or Federal Government shall immediately be terminated from any compensated position he/she may hold with the foundation.
5. SEACAP staff will not directly or indirectly coerce, attempt to coerce, command, or advise a state local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
6. SEACAP will not use program funds for any political purpose.
6. SEACAP will not permit the use of equipment or premises that are purchased or leased with program funds for a political purpose.
7. SEACAP will not discriminate against or in favor of any employee or customer because of his/her political affiliation.
9. SEACAP will not offer employment, promotion or benefits as a reward for the support of defeat of any political party or candidate for the public or party office, not will SEACAP create or threaten a disadvantage in employment or deprivation of benefits as a penalty for such support.