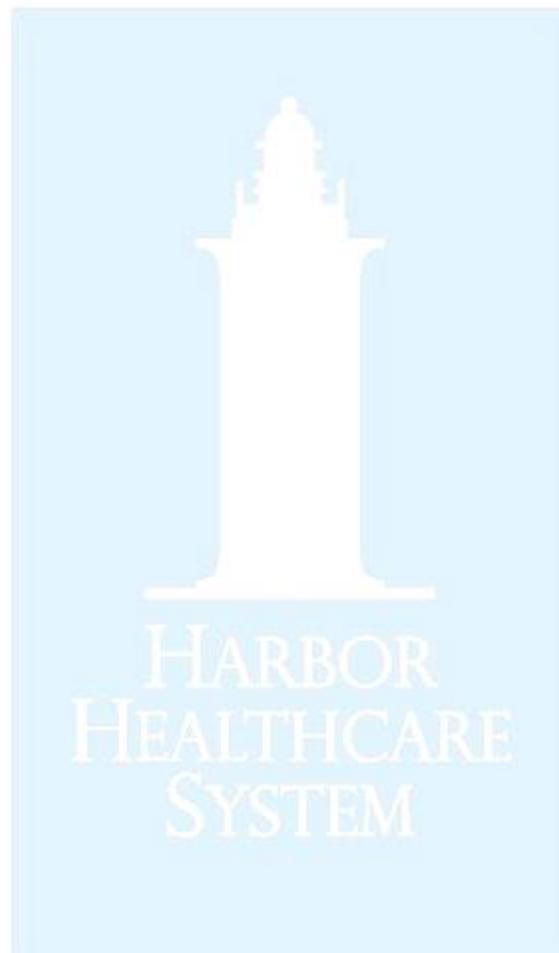


# EMPLOYEE HANDBOOK



**Harbor Healthcare System  
(to include Harbor Hospice and Harbor Home Health)  
Harbor Hospital of Southeast Texas  
Diagnostic Group  
(to include Newton Family Clinic)  
Alliance Medical Services  
Beacon Hospice**

**Effective: January 2015**

## Employee Handbook

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## THE AGENCY

“Eligible employees” refers to full-time employees who have completed the 90-day introductory period.

“The Agency” refers to any and all Harbor Healthcare System affiliated entities.

### Introductory Statement

The contents of this handbook are for general information and represent general guidelines of Harbor hereafter referred to as the Agency. The Agency reserves the right to modify or terminate any plans, policies, rules, and procedures at any time, with or without notice. The language used in this manual is not intended to make an offer or create a contract of any kind between the Agency and its employees.

Nothing contained in this handbook is intended to be or should be construed as a guarantee that employment will be continued for any length of time. No representative of the Agency has the authority to make such an offer or create such a contract. No oral statement by the Administrator or any other employees of the Agency shall be considered binding unless reduced to writing and signed by the Administrator.

Due to changing conditions in Human Resource Management, expanding and changing employment benefits, increasing government regulations, and continual changes in labor law, the contents of this handbook are subject to change at any time. Changes are at the discretion of Executive Management Team. Personnel will be notified in the form of document revisions when changes occur.

### Mission Statement

The Agency is committed to providing quality, private health care by maintaining the health and quality of life for our patients in a cost effective manner. As part of its mission, the Agency is also committed to providing a work place which is healthy and conducive to personal growth and development for all employees.

### Management Objectives

In its continuing efforts to implement fair and effective personnel policies, the Agency endeavors to:

1. Employ all applicants on the basis of qualifications and provide equal opportunity employment without regard to race, color, religion, sex, national origin, age, physical and mental disability unrelated to job performance, and any other characteristic protected by law;
2. Provide salary and benefits that are fair, reasonable, and competitive within the community;
3. Maintain a safe and healthy work environment;
4. Establish reasonable hours of work;
5. Place employees in positions suited to their abilities and the needs of Agency,
6. Provide training and development opportunities as funding allows;
7. Provide a grievance procedure for employees to present their concerns to management;
8. Encourage qualified employees to apply for promotional opportunities whenever possible; and
9. Use compassion toward employees when making decisions.

### Management Rights

The Agency Management Team retains the right to exercise customary managerial functions, including the right to:

1. Assign, supervise, dismiss, and discipline employees;
2. Evaluate employees' performances;
3. Determine and change reporting times, quitting times, and shifts;
4. Transfer employees within departments or into other departments and job classifications;
5. Determine and change the size and qualifications of the work force;
6. Determine and change methods by which operations are carried out;

7. Assign duties to employees according to the Agency's needs and requirements in order to carry out administrative functions; and
8. Establish, enforce, change, and abolish policies, procedures, rules, and regulations as needed.

### **Employee Obligations**

The Agency expects employees to work productively to the best of their skills and abilities:

1. Arrive at assigned department and begin working on time.
2. Demonstrate a considerate, friendly, and constructive attitude toward co-workers, supervisors, and managers.
3. Refrain from holding any public office or employment that could create a conflict of interest as determined by the Agency.
4. Hold in complete confidence anything that pertains to the Agency's patients, internal operations, employee salaries, and/or financial data.
5. Adhere to policies adopted by the Agency.
6. Comply with the following principles to which the Agency, its partners and management are committed:
  - a) Avoiding profane and vulgar language
  - b) Avoiding the use of alcoholic beverage during work.
  - c) Avoiding conversations, jokes, comments or innuendos which have sexual, prejudicial or inflammatory meanings, implications or suggestions.

### **Equal Opportunity Employer**

The Agency recruits, hires, trains, and promotes employees at all levels regardless of race, color, religion, sex, age, national origin, veteran status, physical or mental disability unrelated to job performance, and any other characteristics protected by law.

The Agency makes good faith efforts to identify obstacles and barriers to individuals in the work place who have disabilities. Reasonable accommodations are made to provide individuals with disabilities effective opportunity to perform their jobs, providing such actions do not cause undue hardship on the business. If an individual has indicated that he or she has a disability, the supervisor should notify the Human Resources Department.

## **EMPLOYMENT**

### **Immigration Law Policy**

The Agency is committed to full compliance with the immigration laws and employs only persons who are authorized to work in the United States. As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Service Form I-9 and return it to the Human Resources Department. Before starting work, rehired employees must also complete an I-9 if they have not previously filed one with this company, if their previous I-9 is over (3) years old, or if their previous I-9 is no longer valid.

### **Licensure/Certification and Registration**

All licensed certified and registered personnel must furnish evidence of proper licensures and certifications at the time of employment as required by the state of the facility they are employed. These employees must also maintain their licensures and certifications and keep them in good standing for the duration of employment. Failure to do so will result in suspension without pay and may result in termination.

Driving records on employees may be checked upon hire and on an annual basis. Employees who are uninsured or uninsurable may be terminated. All tickets are to be reported to the Human Resource Department within 24 hours of the occurrence, no matter how minor.

## Employment Documents

### 1. Employment Applications

The Agency relies on the accuracy of information in employment applications and other documents presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any application may exclude the applicant from further consideration for employment. If the individual who submitted the information has been hired, employment will be terminated.

### 2. Employment References

To ensure candidates are well qualified and have a strong potential to be productive and successful, the Agency checks the employment references of all applicants.

## Employee Classification

### 1. Full Time

Employees regularly scheduled to work forty (40) hours per week or an agreed amount over thirty (30) hours per week or a part-time employee who has worked 60 consecutive days averaging 30 hours or more per week is considered a full-time employee.

### 2. Part Time

Employees not regularly scheduled to work forty (40) hours per week or an agreed amount under thirty (30) hours per week. Employees hired as interim replacements to supplement the work force or to assist in the completion of specific projects or on an "as needed" basis. Employment assignments in this category are limited in duration.

Employees wishing to change classification must request the change from their immediate supervisors who will request the approval of Executive Management and approval is based on current staffing needs.

## Employee Status

### 1. Exempt Employees

Employees who are not subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

### 2. Non-Exempt Employees

Employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

## Introductory Period

During the first (90) ninety days of employment or promotion, job performance will determine an employee's suitability for continued employment in a new position. After successfully completing the introductory period, new full-time employees are eligible for all employee benefits. The health insurance and cafeteria plans are available on the first day of the month following their first 60 days of employment (per Affordable Care Act) if all necessary and required documentation is completed and submitted by that date. Current employees placed in new positions retain their benefits during the introductory period. After the completion of the introductory period and through continuous employment, all employees are eligible to participate in the 401-K plan. To join the plan, eligible employees can contact the Human Resources Department. The following procedures apply to the introductory period:

1. During the introductory period, the employee's work is planned and observed by the supervisor. Unsatisfactory performance is brought to the employee's attention for corrective action. This is monitored by a 30-60-85/90 day Employee Progress Review.
2. At the end of the introductory period, the supervisor submits a recommendation for continued employment if job performance is satisfactory.
3. The Agency may extend the introductory period up to three (3) months if the employee is making progress but has not yet reached a satisfactory performance level. The employee is notified in writing of this decision.
4. The introductory period may also be extended by the number of days the employee is absent from scheduled work during that period.

5. A new employee whose job performance is unsatisfactory may be terminated at any time prior to completion of the introductory period. The employee will be notified of this decision on or before the effective date.
6. A promoted employee who is unable to perform satisfactorily in a new position is demoted, without prejudice or loss of any rights or privileges, to his/her former position if it is still available. If the position is not available, management will place the employee in a comparable position for which he/she is qualified. The employee then serves a new introductory period and retains all benefits.
7. During the introductory period, new employees are not eligible for leaves of absence, vacation time, paid holidays, personal days, or sick days.
8. New full time employees are eligible for The Agency's health insurance and cafeteria plans on the first day of the month following their first 60 days of employment (per Affordable Care Act) if all necessary and required documentation is completed and submitted by that date.
9. Any regular full-time or part-time employee may be placed on probationary status by management for up to one month when his/her performance has deteriorated. An employee who improves during this period may be restored to regular status. Failure to achieve a satisfactory rating during this new introductory period may result in demotion or termination. The employee retains all benefits unless employment is terminated.

## Hours of Work

The Agency establishes work hours to meet workload, fulfill staffing requirements, and manage operations efficiently. The Agency provides 24-hour patient care, seven days a week, 365 days a year. Regular office hours are 8:00AM to 5:00PM, Monday through Friday.

### 1. Hours of Work Procedures

- a) The standard work week begins on Sunday at 12:01 AM and ends on Saturday at 12:00 AM. Standard work hours are eight hours per day, excluding lunch and meal periods. Depending on operational needs, the work hours may be altered to go beyond the regular scheduled hours, from time to time, to meet patients needs.
- b) Non-exempt employees are required to keep time records, which may include clocking in at the beginning of each shift or lunch period and clocking out at the end of each shift or lunch period. Intentional or carelessly working off the clock is prohibited. Employees are required to punch in before performing any work and are not permitted to punch out before they actually stop working. Once an employee clocks out they must not perform any duties associated with their job.
- c) Excessive tardies or early departures (a combination of 3 or more days in a 30 day period) will result in Disciplinary Action. If being late is unavoidable, the employee is to contact his/her immediate supervisor or management personnel.
- d) Unexcused absences or call-ins will result in Disciplinary Action and will be monitored closely by management.
- e) Falsifying any time card will result in termination.
- f) Exempt executive, professional, and administrative personnel are not required to complete detailed time sheets and are not eligible to receive overtime. The Human Resources Department tracks time for exempt personnel's base salaries, vacations, sick leave, etc. with a bi-weekly timesheet and/or proper documentation of any/all missed time.
- g) Rest breaks are considered a privilege and a part of total hours worked and are to be taken only in the designated Break Room. Full-time employees are granted one fifteen- (15) minute break in the morning and one fifteen- (15) minute break in the afternoon when patient schedules and workloads permit. Since rest breaks are part of the total hours worked, employees are not to leave the premises during this time. Additionally, rest breaks cannot be used to extend normal lunch periods or combined to substitute for required lunch break.
- h) Employees are informed of their daily work schedule, including lunch periods, rest breaks, and any changes deemed necessary by management.
- i) Lunch periods are thirty minutes to an hour long, as determined by Management. The length of lunch periods depends on each employee's work schedule. Lunch periods are not included in the hours of work used to determine the length of the workday. All employees are required to take a lunch break.

Under 4 Hours = no lunch required  
4-6 Hours = 30 minute lunch required  
6+ Hours = 1 hour lunch required

- j) Under the Family Medical Leave Act (FMLA), leaves of absence are a maximum of twelve (12) weeks (within a rolling year) long under any circumstances.

## 2. **Work Schedule Policy**

Work schedules for employees vary throughout the organization. Supervisors will advise employees of their individual schedules. Staffing needs and demands may necessitate variations in starting and ending times, as well as variations in the total number of hours scheduled each day and week.

## **Promotion/ Transfer Request Policy**

The Agency fills vacancies from within whenever possible. Promotions are made based on current job performance records, performance evaluations, experience, education, knowledge, skills, abilities, and other qualifications. Seniority is considered only when two or more applicants possess equal qualifications.

### 1. **Promotion Review Period**

Employees selected for promotion serve an introductory period for ninety days and retain all benefits in place at the time of promotion. If the promoted employee proves incapable of holding the position, he/she is reinstated, without prejudice or loss of any rights or privileges, to the former position. Pay will be reduced to the rate prior to the promotion. If the former position is not available, the employee will be placed in a comparable position for which management believes he/she is qualified and will be compensated accordingly.

### 2. **Special Promotion Provisions**

The promotion policy is not applicable in the following situations:

- a) Temporary positions;
- b) Reassignment of personnel, which is not a promotion but a reorganization of a department within the Agency.

### 3. **Transfer Request**

Employees who desire to be considered for other positions in the company must submit an application for the position in which they are interested in. The employees must have been in their current position for no less than six months to be considered. Human Resources will then:

- a) Review prior performance evaluations and ensure that the employee has met or exceeded in all areas.
- b) Review the qualifications of the employee and ensure that they meet the qualifications of the open position.
- c) Contact the employee's current supervisor to determine if there is a valid reason the employee should not be considered for the position requested.
- d) Discuss with the Agency's Executive Management Team or his/her designee when appropriate.
- e) In most cases an interview will be set up with the direct supervisor of the position in which the employee is interested.
- f) The employee is then notified of the decision.

## **Performance Evaluation**

The Agency plans, reviews, and evaluates each employee's performance annually in an objective, consistent, and uniform manner. The evaluation consists of a performance plan written according to a standard format, discussing the plan with the employee, and then reviewing the evaluation with employee. The following procedures apply to the Performance Evaluation Policy:

- 1. At the beginning of the performance period, management will establish and document performance objectives and standards outlined in a job description. The job description is given to the staff member upon hire and are used as the performance guide.
- 2. Information derived from performance evaluations is used to identify training needs of employees and determine eligibility for salary increase, promotions, transfers, layoffs, or retention.

3. In addition to annual reviews, performance appraisals are completed when an overall evaluation is below standard. In such cases, additional evaluations may be performed every three (3) months until an acceptable performance level is reached. If performance does not improve to an acceptable level within 90 days, the employee is subject to termination.

### **Phone and Mail Systems Use**

Employees may be required to reimburse the Agency for any charges resulting from their personal use of the telephone. The mail system is reserved for business purposes only, and employees should refrain from sending or receiving personal mail at the workplace. To insure effective telephone communications, employees should always use the approved greeting, speak in a courteous and professional manner, confirm information received from the caller, and then hang up only after the caller has done so.

### **Outside Employment Policy**

The Agency does allow its employees to hold second jobs, subject to certain restrictions outlined below. Since outside employment can cause problems, the employee must discuss the situation with management before accepting an outside position. Under all circumstances, the Agency is considered the employee's primary employer. The following procedures apply to the Outside Employment Policy:

1. The Agency recognizes the right of its employees to do as they please outside of regular work hours. However, employee rights are balanced against the Agency need to ensure full productivity during work hours.
2. The employee submits an outside employment request to management and Human Resources via email, who approves or denies the request.
3. In considering requests to accept outside employment, the following standards are used:
  - a) Will the outside employment in any way lessen the employee's productivity?
  - b) Does the outside employer do business with the Agency, or is the outside employer a competitor of the Agency?
  - c) Will the nature of the outside employment adversely affect the Agency's image?
  - d) Will the employee be distracted from committing to the efforts needed to achieve the strategic goals of the Agency?
4. Outside employment is not considered an excuse for poor job performance, absenteeism, tardiness, or refusal to work overtime. Should outside employment contribute to any of these conditions, it must be discontinued or the employee will be asked to resign from the Agency.
5. Employees who violate the policy are subject to disciplinary action and/or dismissal.
6. Employees who accept outside employment are not eligible for paid absences when the absence is the result of injury on the second job.

### **Confidentiality of Records**

The Agency will protect and hold in confidence all information relating to patients, physicians, productivity, operations, finances, policies, employees, costs, salaries, etc. This policy applies to inquiries concerning all Agency records. Records are handled in the following manner:

1. **Verbal Inquiries**

All verbal inquiries to employees concerning Agency physicians, productivity, operations, finances, internal policies, employees, costs, salaries, etc. are to be brought to the immediate attention of Human Resources.

2. **Written Inquiries**

The Agency responds, in writing, to appropriate written inquiries regarding data, only if the employee, former employee, or patient has signed a release. No verbal response is given.

3. **Release Authorization**

If an employee or patient wants certain information released, he/she should submit to management in writing precisely what information the facility is authorized to release and give permission to the Agency to do so.

#### 4. **Payroll Information for Employees**

If an employee requests paystubs that are not available to them through the Employee Self Service (ESS) the employee can email a request for this information to Human Resources. The turn around time for this process is seven (7) to ten (10) business days for this information to be released.

The Agency complies with all legal requests for employee data. If the Agency is subpoenaed, management will notify the employee and give him/her the opportunity to object to the subpoena before releasing the requested information.

Due to Federal Law, it is necessary that each employee that has access to Agency information is to ensure that the data they access is protected at all times. This includes securing a computer system after accessing it with your password, locking files when you are not in your assigned area and not allowing your assigned password to be used/known by anyone in the Agency. Failure to adhere to these guidelines will result in disciplinary action up to and including termination.

#### **Disciplinary Action**

Every employee is responsible for observing Agency policies, procedures, and standards of conduct. The primary purpose of the disciplinary policy is to ensure compliance with the established rules and regulations of the Agency and promote efficient and effective patient care.

While the Agency believes that progressive, corrective action is a very important tool, employment with the Agency is at-will. This means that either party to the employment relationship, the Agency or the employee, has the right to terminate the relationship at anytime and for any reason, with or without notice.

Occasionally, disciplining an employee becomes necessary because of poor performance, attitude, appearance, attendance, behavior, or other reasons. Depending on the circumstances and the employee's record, these disciplinary actions may include oral or written warning, suspension without pay, or dismissal. Management and/or the Executive Management Team determine the level of discipline used after reviewing the conduct, the surrounding circumstances, and the employee's records. Listed below are infractions resulting in disciplinary action up to and including dismissal. This does not include all infractions.

##### 1. **Work Hours**

- a) Loitering around the office before, after or during scheduled work hours.
- b) Taking more than one-hour for lunch without written approval from the Department Manager.
- c) Excessive abuses of break periods.
- d) Failing to begin and resume work at the scheduled time.
- e) Excessive tardies or early departures (i.e. 3 or more tardies/early departures in a 30 day period).
- f) Distracting or disturbing other employees who are not on a work break while on a break.
- g) Failing to notify immediate supervisor of absence.

##### 2. **Confidential Information**

- a) Releasing or misusing Agency data regarding physicians, employees, productivity, operations, policies, salaries, cost reporting, etc.
- b) Releasing or misusing confidential information concerning patients and their families, fellow employees, other personnel associated with the Agency, or medical and business affairs of the Agency.
- c) No electronically stored and/or submitted report, analysis, list, data or other materials related to Agency are to be forwarded to a non-Agency owned computer, a personal computer, or any other means of storing such information or data which is not owned by, controlled by or authorized in writing by the Agency without the expressed, written permission of the Executive Management Team of the Agency.

##### 3. **Agency Property**

- a) Destroying or abusing property that belongs to the Agency, patients, visitors, or fellow employees .

- b) Stealing property or money that belongs to the Agency, patients, visitors, or fellow co-workers.
- c) Conducting any type of personal business or enterprise on Agency property without permission during the business day, including promoting, selling, or soliciting contributions to any cause.
- d) Posting notices or signs on official Agency bulletin boards without permission or removing official notices already posted.
- e) Using Agency supplies or equipment for unauthorized personal use, including using telephones for personal calls.
- f) Gambling on Agency property.

**4. Alcohol, Drugs, and Firearms**

- a) Possessing, using, or working under the influence of non-prescribed drugs, controlled substances, or alcohol on company time or property.
- b) Misuse of prescribed drugs.
- c) Refusing to be tested for alcohol, drugs, or controlled substances.
- d) Possessing or concealing unauthorized weapons during Agency time or on Agency property.

**5. Falsifying**

- a) Forging, altering, or falsifying any document, authorization, time card, or record used by the Agency.

*NOTE: See the Falsification Policy Amendment located at the end of the Employee Handbook.*

**6. Conduct**

- a) Engaging in conduct that is unlawful, violent, abusive, indecent, or considered by management or the Board of Directors as immoral or inappropriate.
- b) Refusing to obey instruction of supervisor, management, and/or the Board of Directors (insubordination).
- c) Concealing an employee's misconduct or inadequate performance.
- d) Being discourteous or rude to patients, physicians, visitors, employees, or others affiliated with the Agency.
- e) Using obscene or abusive language towards physicians, patients, supervisors, or fellow workers.
- f) Accepting or soliciting tips, gifts, or other donations from patients, physicians, fellow employees, and/or visitors.
- g) Being absent three days without prior notification.
- h) Failing to maintain standards of performance, dress and hygiene.
- i) Failing to perform work duties involving the care of HIV/AIDS patients.
- j) Refusing to work with employees known or suspected to be HIV positive.
- k) Failure to maintain an acceptable level of performance for the position.
- l) Demonstrating discourteous, rude, prejudicial or unkind conduct toward anyone due to race, creed, color, gender, national origin, religion, physical impairment or sexual orientation.

**7. Safety**

- a) Violating safety rules, doing anything to create a safety hazard, or contributing to unsanitary conditions.
- b) Failing to follow safety guidelines as set in the Safety Manual.
- c) Failure to report an incident to supervisor immediately, before the end of a shift or within 24 hours of its occurrence.
- d) Failure to report driving infractions e.g., tickets etc. to the Human Resource Department within 24 hours of its occurrence.

*NOTE: See Harbor Employee Safety Manual (including Fleet Policy) located on iHarbor.*

## Employee Termination

The Agency strives to maintain continuous employment for all regular employees. The Agency also recognizes that conditions may develop which preclude continuous employment. These conditions include employee resignation, retirement, discharge, or a reduction in the work force (layoff). The final pay will be in the form of a written check that is to be picked up from the Human Resource Department and/or mailed to the employee's last known address on file; with the exception that when all company property is turned in, the employee could still receive direct deposit for final pay (NOTE: in order to receive direct deposit for final pay written documentation is required to be submitted to Human Resources by management). Exit Interviews may be conducted by mailing the form to the former employee or by a representative of the Human Resources Department contacting them either by phone or face-to-face to gain insight to the Agency's practices.

### 1. Discharge Procedures

- a) An employee may be discharged for poor performance and/or misconduct when there is a reasonable basis for the termination. Relevant factors and circumstances may include the individual's conduct, employment records and the appropriateness of the termination.
- b) Awarded but unused vacation time is not considered a dismissal benefit and will not be paid when an employee is terminated for misconduct and/or performance.
- c) It is the responsibility of the Administrator or the designee to interpret and administer policy of the Agency fairly and impartially. The Administrator or designee will be responsible for treating violations of the Agency's policy by verbal counseling, written counseling, disciplinary actions, suspension, or dismissal/ termination according to the seriousness and/or frequency of the violation.
- d) No set rules or regulations can possibly be complete enough to cover every violation, and therefore, reasonable interpretation must be applied in identifying appropriate on-the-job conduct. (For examples, please refer to Disciplinary Action).

### 2. Resignation Procedures

- a) Employees are expected to give written notice of their intention to resign. Supervisors, Managers, Licensed Nurses, and non-invasive technicians are expected to give four (4) weeks notice. All other employees are expected to give two (2) weeks notice.
- b) Failure to give the required notice results in a loss of awarded vacation benefits. Additionally, paid time off or any other benefits cannot be used during the resignation period of notice to ensure proper staffing coverage.
- c) Employees who are absent from work for three consecutive days without approval of their immediate supervisors are considered to have abandoned the job and resigned.
- d) Employees must return identification badges, office keys, and other property belonging to the Agency upon resignation. Failure to do so will result in a pay deduction for the replacement cost of the property.
- e) The Agency will pay a resigned employee on the next regularly scheduled payday after the resignation.
- f) The employee's final pay will be in the form of a written check that is to be picked up from the Human Resource Department and/or mailed to the employee's last known address on file; with the exception that when all company property is turned in, the employee could still receive direct deposit for final pay (NOTE: in order to receive direct deposit for final pay written documentation is required to be submitted to Human Resources by management).

### 3. Layoff Procedures

- a) The Agency is an at-will employer, and it reserves the right to reduce its current work force either temporarily or indefinitely.
- b) Layoffs may occur on a departmental basis or throughout the Agency.
- c) Staffing decisions are at the discretion of the Executive Management Team. Each position is reviewed on a case by case basis.
- d) The Administrator informs employees of the reason for the layoff, its estimated length, and the chances of recall.

- e) Recalls are based on:
  - 1) The date of the layoff; the last laid off are the first recalled; and
  - 2) Performance appraisals. The Agency brings back the most competent personnel.
- f) No paid absences, vacation days, or other employee benefits are earned during layoff.

### **Personnel Records**

The Agency maintains a set of personnel files on each employee. The personnel files include such information as the employee's job application, resume, records or training, documentation of performance appraisals and salary increases, disciplinary actions and other employment records.

Personnel files are the property of the Agency, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the Agency who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Human Resources. With reasonable advance notice, employees may review their own personnel files in the Human Resources Department while the individual appointed by the Agency to maintain the files is present. Any breach of this policy is cause for immediate termination.

### **Conflicts of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest as determined by the Administrator. This policy establishes the framework in which the Agency operates. The purpose of the guidelines is to provide general direction so employees can seek further clarification on acceptable standards of operation. The Administrator and the Executive Management Team retains sole authority to determine if a conflict of interest exists.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in personal gain for that employee or a relative from Agency business dealings. For purposes of this policy, a relative is any person who is related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside companies. However, any employee who becomes involved in a conflict of interest situation should submit a letter containing all relevant information to the Administrator and the Human Resource Department as soon as possible so that safeguards can be established to protect all parties.

Some activities that might cause conflicts of interest are:

1. An employee or member of the employee's family owns a substantial financial interest in any outside organization that does business with the Agency. This excludes securities of any publicly owned corporation that are regularly traded on the open markets.
2. An employee offers and renders directional, managerial, or consulting services to any outside organization that does business with the Agency without the Agency's full knowledge and consent.
3. An employee or member of the employee's family accepts gifts of more than token value, loans, excessive entertainment, or other substantial favors from any outside organization that does business with or seeks to do business with the Agency. This excludes loans obtained from banks and other established financial institutions.
4. An employee uses confidential company information for personal profit or advantage or discloses information to any other third party.

### **Employee Owned Business**

To prevent conflicts of interest and protect the reputations of employees, the Agency will not conduct business with employees. This includes companies that are owned by employees or that may purchase or lease any type of goods from employees or members of their families.

## Personnel Data

It is the responsibility of each employee to notify the Human Resources Department promptly of any changes in personal data. This includes status (full-time or part-time), job title, personal mailing addresses, telephone numbers, name changes, number or names of dependents, marital status, individuals contacted in an emergency, educational accomplishments, professional licenses, and professional affiliation memberships.

Failure to notify the Agency that personal data has changed can affect an employee's benefit status, affecting medical coverage, life insurance coverage, beneficiaries, etc.

## Criminal History Checks

A criminal history check (CHC) is completed on all employees of the Agency. The employee's name is submitted to the Department of Public Services or a private agency that obtains criminal history checks. The Agency will also search the nurse aide registry, the employee misconduct registry and the OIG exclusion listing, if applicable, to verify that an applicant/employee is not listed as having committed an act that constitutes a "reportable conduct". The CHC will be requested prior to offering employment of all personnel.

The Agency will discharge an employee at any time the Agency determines that a person has been convicted of an offense listed which bars employment or if the Agency becomes informed of a person's conviction under the laws of another state, federal law or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in section 97.223.; determines that a person is listed in the nurse aide registry as unemployable due to findings of abuse, neglect or mistreatment of a consumer of any Agency or facility licensed under the Health and Safety Code or misappropriation of a consumer's property or determines a person is listed in the employee misconduct registry. A person convicted of an offense under Chapter 31, Penal Code, that is punishable as a felony is not employable by this Agency.

The Agency may determine that any charge that warrants posting on the Department of Public Services web site may warrant an employee's discharge, no matter its relation to the felony convictions listed in Section 97.223. An Agency may request a criminal history conviction check on employees at any time the agency determines appropriate. The employability of persons with criminal history records is determined by Agency Management using the following criteria and the written documentation submitted by the individual.

It is the employee's responsibility to report any arrests or charges that occur during the course of their employment with Harbor. Failure to report the event within 24 hours can result in immediate termination regardless of the official charges.

### 1. Criteria For Hire of a Non-Licensed Person With a Criminal Record

- a) The individual will submit written information related to:
  - 1) The convicted offense(s) as it applies as a possible threat to the health and safety of clients, their families, or their visitors.
  - 2) The date the conviction occurred and any subsequent convictions since that date.
  - 3) If the conviction was a single occurrence, the date of that occurrence. The length of time that has transpired since the conviction (e.g. a conviction that occurred over ten years ago) may have impact on the decision of the administrative review panel.
  - 4) If the conviction involved an offense(s) that violated the Controlled Substance Act, evidence of rehabilitation.
  - 5) The mitigating circumstances surrounding the conviction(s).
  - 6) The individual's personal and professional achievements following the conviction(s).
  - 7) The individual's contributions to society following the conviction(s).
- b) A person convicted of an offense as specified in Convictions Barring Employment, will not be employed by the Agency. The following section contains the list of misdemeanor and felony convictions that may constitute a bar to Agency employment.

- c) Permanent conviction list, regardless of the date of the conviction, the following may constitute a bar to Agency employment:
  - 1) An offense under Section 21.12, Penal Code (Improper relationship between educator and student)
  - 2) An offense under Section 21.15, Penal Code (Improper photography or visual recording)
  - 3) An offense under Section 22.015, Penal Code (Coercing, soliciting or inducing gang membership)
  - 4) An offense under Section 22.021, Penal Code (Aggravated sexual assault)
  - 5) An offense under Section 22.05, Penal Code (Deadly conduct)
  - 6) An offense under Section 22.07, Penal Code (Terroristic threat)
  - 7) An offense under Section 22.09, Penal Code (Tampering with consumer product)
  - 8) An offense under Section 22.10, Penal Code (Leaving a child in a vehicle)
  - 9) An offense under Section 32.42, Penal Code (Deceptive business practices)
  - 10) An offense under Section 32.51, Penal Code (Fraudulent use or possession of identifying information)
  - 11) An offense under Section 46.13, Penal Code (Making a firearm accessible to a child)
  - 12) An offense under Section 48.02, Penal Code (Prohibition of the purchase and sale of human organs)
  - 13) An offense under Section 49.07, Penal Code (Intoxication assault)
  - 14) An offense under Section 49.08, Penal Code (Intoxication manslaughter)
- d) Five-year conviction list. Convictions for the following misdemeanor or felony offenses under the Texas Penal code may constitute a bar to Agency licensure or participation in Agency management if the final date of the conviction is within the last five years.
  - 1) An offense under Section 30.03, Penal Code (Burglary of coin-operated or coin collection machines)
  - 2) An offense under Section 30.04, Penal Code (Burglary of vehicles)
  - 3) An offense under Section 31.03, Penal Code (Theft)
  - 4) An offense under Section 31.04, Penal Code (Theft of service)
  - 5) An offense under Section 32.21, Penal Code (Forgery)
  - 6) An offense under Section 32.31, Penal Code (Credit card or debit card abuse)
  - 7) An offense under Section 32.33, Penal Code (Hindering secured creditors)
  - 8) An offense under Section 32.48, Penal Code (Simulating legal process)
  - 9) An offense under Section 33.02, Penal Code (Breach of computer security)
  - 10) An offense under Section 42.061, Penal Code (Silent or abusive calls to 911 service)
  - 11) An offense under Section 42.07, Penal Code (Harassment)
  - 12) An offense under Section 42.091, Penal Code (Attack on assistance animal)
- e) The Agency will not employ a person convicted of an offense if the Agency determines there is a contraindication to employment.
- f) Individuals may appeal directly to the DPS Error Resolution Center if the information on the criminal history is inaccurate.

**Each employee has an affirmative duty to report background issues while employed and failure to do so could result in termination.**

### **Grievance**

All work related concerns and complaints are to be brought to the attention of the immediate supervisor. When an employee believes, a situation is unjust, inequitable, or a hindrance to the effective operation, or perceives that a problem exists, the employee shall be allowed to voice such opinions without fear of recrimination through a grievance process.

1. This process begins when an employee believes that their concern has not been properly addressed by their supervisor, they can then verbally address their grievance with the Department Manager. The Department Manager will respond in writing to the employee within three working days.
2. If the grievance is not resolved by the Department Manager, the employee can contact Human Resources. The Chief Human Resources Officer will respond.

The aggrieved employee must ensure that the facts, as presented in the grievance, are truthful and accurate to the best of his/her knowledge. Because of the seriousness and concern with which management reviews a grievance, the use of this grievance system in an untruthful or capricious manner can result in a range of disciplinary action being taken.

## Attendance

This policy is established to maintain appropriate staffing levels and insure the orderly reporting and processing of absences, tardies and early leaves.

Each employee shall be required to report any absences to their immediate supervisor in an appropriate timeframe prior to the start of the schedule work shift. The employee must state the reason for the absence and the anticipated duration of the absence. If the absence is for more than one day, the employee shall notify their supervisor each day prior to the scheduled work assignment unless other arrangements have been made.

1. Occurrences are each tardy, early dismissal, abuse of lunch or rest break, absence or period of absences that have not been prearranged and approved by the employee's supervisor or designee at the site level (i.e. most sites function on a minimum of two weeks required for approval on pre-arranged and scheduled time off)
2. Occurrences of any kind can lead to Disciplinary Action, Performance Improvement or up to and including termination. All forms of Disciplinary Action are at the discretion of management specific to the occurrence and their frequency. (i.e. An accumulation of three occurrences in a one month period will result in progressive disciplinary action up to and including termination.)
3. Unexcused Absence is when an employee does not report to work as scheduled, fails to report the absence to their immediate supervisor and/or fails to produce documentation related to the reasoning for the absence. Progressive disciplinary action, up to and including termination will occur with unexcused absences.

*NOTE: See Attendance Amendment located at the end of the Employee Handbook.*

## Pay Practices

### Payroll Procedures

Pay periods are biweekly, Sunday through Saturday. Pay is issued according to the time reported for each pay period, including overtime and on-call. Should paychecks reflect an error, the error must be brought to the Human Resource Department's attention by 5:00 p.m. on payday in order for the error to be corrected timely, otherwise the error will be corrected on the next pay day.

#### 1. Employees Submit Records of Time Worked

##### a) Outpatient - Patient Care Employees

- 1) Daily Time and Mileage Reports are submitted with nursing notes to the supervisor by 10:00AM the morning after visits are performed. This includes RNs, LVNs, Certified Nurse Aides, Continuous Care nurses, etc.
- 2) On-call time must be noted on the Daily Time and Mileage Report. On-call is paid along with the normal payroll.
- 3) Daily Time and Mileage Reports are verified by the QAPI Department and/or management for correctness and total amounts to pay are noted in red.
- 4) The approved Daily Time and Mileage Reports are then sent to payroll for processing by 2:00PM daily.

**b) Inpatient – Patient Care Employees**

- 1) A time clock will be used to capture time worked. A password and work schedule will be identified in the computer to coincide with the employees assigned time.
- 2) All hours worked outside the schedule hours will be disallowed for time paid. If schedule differs from the hours worked, immediately discuss with the supervisor to insure accurate capture of authorized time.
- 3) Any missed time is required to be submitted to Human Resources ONCE approved for each pay period.

**c) Hourly Non-Exempt Employees**

- 1) If not using the online time keeping system, time is recorded using the Biweekly timesheet and forwarded to the supervisor for approval.
- 2) Time sheets are submitted to the Supervisor for the previous two weeks of work to the Payroll Department by 10:00 AM on the Monday before payday.

**d) Exempt Employees**

- 1) Exempt employees are not required to record hours worked but is highly suggested to submit a Biweekly timesheet reflecting days worked to their supervisor. This timesheet is then submitted to the Payroll Department.
- 2) Scheduled hours not worked must be documented on a Time-Off Request Form and submitted to Payroll by 10:00 AM on the Monday before payday.

**2. Direct Deposit**

- a) Direct deposit is required for all Harbor employees. Any exception to this will have to be submitted in writing to Human Resources for review and approval.
- b) Direct Deposit is scheduled by noon on payday.
- c) A remittance, similar to a check stub, detailing the amount that will be credited to the employee's account is provided.
- d) Payday is every other Friday, and payroll stubs are available on the Employee Self Service (ESS) portal.
- e) If the Agency's accounting firm erroneously deposits funds into an employee's account, the employee authorizes the company to initiate the debit entries necessary to correct the error.
- f) No payroll stubs/checks are mailed unless approved by Human Resources.
- g) An employee may designate a family member to pick up a payroll stub/check.
  - 1) The employee must sign and date a request stating the name of the person who has permission to pick up the payroll check. (NOTE: The signature will be reviewed by the signature held in the employee's personnel file.)
  - 2) The person picking up the check will have to show positive identification to the authorized Agency representative and sign for the payroll check.
  - 3) Payroll stubs/checks may not be designated for pickup more often than one time a month.
- h) Staff members pick up final payroll checks at Human Resources and/or will be mailed to the last known address on file.
- i) Checks are available to terminated staff members within six days after termination. Staff members who resign may pick up checks on the following payday.
- j) Final pay is issued in a payroll check and are to be picked up at the Human Resources Department with the exception that Direct Deposit can be submitted for final pay with written notice from a manager disclosing that all company property has been returned.

*NOTE: See Harbor Payroll Policies and Procedures located on iHarbor.*

**Overtime Policy**

The Agency pays non-exempt staff members overtime for hours worked exceeding 40 hours a week. Staff members work schedule is designed to inhibit overtime. All deviations from the work schedules are to be approved, in advance of the change with the supervisor. Any deviation from the work schedule without supervisor's approval will result in disciplinary action and possible termination.

1. Hourly Staff - Must maintain scheduled hours as directed by your supervisor. Hourly staff is responsible for informing their supervisor in advance of potential overtime. Advance notice of overtime will assist the supervisor to determine adjustments in the schedule, should the situation warrant change.
2. Salary Staff - Are responsible for ensuring no more than 40 hours per week are routinely worked. Overtime is unnecessary since Salary Staff are responsible for ensuring the hourly staff they supervise and their own schedule maintains 40 hours per week or less.
3. Salary Exempt Staff - Are not eligible for overtime.

### **Compensation Policy**

The Agency pays a competitive rate for similar jobs in our geographical area. Similarities include shift hours, days of week worked and other factors that may affect the amount being paid.

## **ACCOUNTING AND FINANCE**

### **Petty Cash/Cash Box**

If The Agency assigns cash to certain positions as part of the job duties, The Agency will require the employee to sign a statement of responsibility when cash is assigned. The employee accepts full responsibility for the cash and authorizes a payroll deduction for the difference in the cash at the time of surrender, should there be one.

*NOTE: See Accounting/Finance policies and forms located on iHarbor.*

## **BENEFITS**

### **Time-Off Requests**

1. **Clinical Staff Procedures**
  - a) Employees submit time-off requests to their supervisors for approval.
  - b) If a request is approved, the supervisor forwards it to the Office Coordinator for calendaring for the site level and then forward to Human Resources for payroll processing.
  - c) For Providers, the Office Coordinator forwards the request to the Executive Management Team to insure the provider's schedule is blocked and then forwarded to Human Resources for payroll processing.
2. **Staff Procedures**
  - a) Employees submit time-off requests to their supervisors for approval.
  - b) If a request is approved, the supervisor forwards it to the Office Coordinator for calendaring for the site level and then forward to Human Resources for payroll processing.

Time Off Requests for an hour or more will require PTO to be used before non-paid time is approved. If PTO is available, PTO must be used.

No more than 40 hours can be taken at one time for a non-shift scheduled clinical employee. No more than 48 hours can be taken at one time for a shift scheduled clinical employees (specific to in-patient facilities with rotating 12 hour shift schedules).

Management may deny requests for time-off to insure proper coverage for the Agency. Reasons for denial may include no benefit time available, previously submitted time-off requests from other staff or other reasons as identified by management. Once benefit time has been exhausted, unpaid leave is considered, but approval is subject to change at managements' discretion based on staffing needs.

## **Paid Time Off/PTO**

The Agency compensates eligible employees (at their existing rate of pay) up to an established limit during absences. Vacation, sick and personal time are all accrued hourly as paid time off (PTO) for full-time employees. During the 90 day probationary period a full-time employee will accrue, but will not be allowed to use the accrued PTO until they have successfully completed their probation. Each employee accrues based on hours worked. Employees will also accrue if they use their PTO, but will not accrue for unpaid absences. *(NOTE: This system does NOT apply to physicians.)*

Accrued Schedule (based on years of service):

0-1: 0.055288 hours of PTO is accrued for every hour worked, limited to 115 hours of PTO annually.

1-2: 0.059615 hours of PTO is accrued for every hour worked, limited to 124 hours of PTO annually.

3-4: 0.063942 hours of PTO is accrued for every hour worked, limited to 133 hours of PTO annually.

4-5: 0.068269 hours of PTO is accrued for every hour worked, limited to 142 hours of PTO annually.

5-6: 0.072596 hours of PTO is accrued for every hour worked, limited to 151 hours of PTO annually.

7-8: 0.076923 hours of PTO is accrued for every hour worked, limited to 160 hours of PTO annually.

9-10: 0.08125 hours of PTO is accrued for every hour worked, limited to 169 hours of PTO annually.

**The ten year service accrue is the limit for any additional years of service.**

Each year employees that have unused PTO will be allowed to roll-over 40 hours into the next year, anything additional will not carry-over. PTO cannot be sold back to the company and will not be paid out.

PTO is not paid out in the event of termination, it is only paid out to those employees that resign and full-fill their two or four week notice requirements. Failure to follow the notice requirements/guidelines will result in forfeiture of PTO benefits. Employees who qualify for PTO pay out will be paid any accrued PTO hours, not to exceed 40 hours.

- Excessive use of PTO may be cause for disciplinary action, including dismissal. Excessive use of PTO is defined as using more than the employee has accrued per anniversary year, except for major illness for which Family Medical Leave must be requested.
- For absences resulting from illness in excess of three (3) consecutive working days, a doctor's excuse (including prognosis) satisfactory to management will be required upon returning to work. The excuse must state that the employee was physically unable to perform his/her duties during this period and is now physically able to return to work. In the case of a serious medical condition, a Medical Leave must be requested and submitted in writing to Human Resources for approval up to two weeks maximum.
- Any physician statement may be reviewed by department management and/or the Executive Management Team.
- Management makes the final decision whether to approve any PTO request. PTO can be denied for any unexcused absence.
- As a condition of eligibility for PTO benefits, an employee on an extended leave of absence must apply for any other available compensation and benefits, such as worker's compensation or family medical leave. Sick leave benefits will be used to supplement any payments an employee is eligible to receive from state disability insurance, worker's compensation, or Agency-provided disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings. Sick leave is not paid immediately before, during or after vacation leave.
- Eligible employees may use PTO for an absence due to their own illness or injury or that of a family member who resides in the employee's household.
  - Ill employees must call their immediate supervisors before their scheduled time so that coverage can be arranged. Compensation will be paid only when employees comply with this procedure.
  - If requested by management, an employee may be required to furnish a physician statement supporting any sick leave request.
- No more than 40 hours can be taken at one time for a non-shift scheduled clinical employee. No more than 48 hours can be taken at one time for a shift scheduled clinical employees (specific to in-patient facilities with rotating 12 hour shift schedules).

## Bereavement

The Agency grants every eligible full-time employee up to three (3) normal business hour days of bereavement leave, paid at the regular hourly or salary rate, whichever applies to the individual employee. Additional time may be requested and taken without pay if approved by management.

Part time employees are allowed to take up to (3) days for bereavement, without pay, if workload permits. (Time for bereavement may be made up at the regularly hourly rate regardless of what pay period the make-up time falls in.)

Since bereavement needs cannot be predetermined, requests for bereavement leave must be submitted in as timely a manner possible to allow adequate personnel coverage.

The Agency acknowledges the closeness of family ties and allows bereavement leave to be granted for the following family members:

- Spouse
- Child
- Mother
- Grandmother
- Mother-in-law
- Father-in-law
- Father
- Grandfather
- Foster Child
- Grandchild
- Step children
- Legal Guardian
- Brother
- Sister
- Brother-in-law
- Sister-in-law

## Holiday

The Agency grants all full-time eligible employees paid holidays. Make-up time may be worked so no pay is lost, but it is not required. Holiday pay will be eight (8) hours reflecting a normal office day.

The Agency observes the following holidays:

1. New Year's Day
2. Good Friday
3. Memorial Day
4. Independence Day
5. Labor Day
6. Thanksgiving Day
7. Day after Thanksgiving
8. Christmas Day

The Administrator will notify employees of any changes in the holiday schedule. The working schedules of these holidays are subject to change at the discretion of the Executive Management Team depending on the day of the week they fall on. A holiday that occurs on a Saturday is observed on the preceding Friday. A holiday that occurs on a Sunday is observed on the following Monday.

To receive holiday pay, an eligible employee must be at work or on authorized absence on the work days immediately preceding and following the day on which the holiday is observed. If an employee submits a request for PTO on these days, the employee must provide this request in advance (2 weeks prior). If an employee calls-in due to illness, they must provide a physician's statement to receive PTO or holiday pay. If an employee does not have PTO time accrued prior to the absence then both the PTO and the holiday will not be paid. Management reserves the right to approve or disapprove the PTO request. Employees on leaves of absence or on disability covered by worker's compensation do not accrue holiday pay. If an unpaid absence is requested for these days immediately preceding and following the day on which the holiday is observed holiday pay will not be allocated.

The Agency recognizes that some employees may wish to observe certain days not included in the holiday schedule, such as religious holidays. In these instances, employees may request personal time allotted instead of a designated holiday. Management makes every effort to accommodate these requests if such absences do not result in undue hardship on the Agency.

### **Leave of Absence**

The Agency grants eligible employees unpaid leaves of absence when it is required by law or in the best interests of the employee and the Agency. A Leave of Absence may be granted at the discretion of Executive Management of the Agency. Although no request is unreasonably denied, each request is considered on its merit. Extensions are granted only in extenuating circumstances and must be approved in writing by Executive Management or Human Resources.

#### **1. Types of Leaves of Absence**

- a) Military Leave - Employees who enter the military will be given Leaves of Absence in accordance with prevailing federal laws and regulations. Reservists and National Guardsman will also be granted short-term leaves for training and special active-duty assignments.
- b) Family Leave - Family Medical Leave (FMLA) may be granted to employees who have completed twelve (12) months and 1250 hours of employment. Eligible employees may take up to twelve (12) weeks per year for disability, pregnancy, childbirth, adoption, or care of a seriously ill dependent, parent, or spouse.
- c) Personal Leave - Leaves of Absence for valid personal reasons may be granted for two (2) weeks, or fourteen (14) calendar days, or more to employees who have completed 1250 hours and twelve (12) months of continuous employment. Management makes every effort to grant personal leaves of absence that are properly justified and in the best interests of employees and the Agency.

#### **2. Procedures for Leaves of Absence**

- a) Military Leave
  - 1) Employees who must report for military training or assignments must request military leave as soon as they receive their orders.
  - 2) Military Leave Requests are submitted to the Administrator.
  - 3) Employees who fail to return to work after military leaves are terminated.
- b) Family Leave
  - 1) Employees must submit a formal leave request, a physician's statement with prognosis, and verification of relationship to the disabled, if applicable, to management and Human Resources for approval. Unless a leave is for an emergency, requests are submitted at least thirty (30) days in advance.
  - 2) Before employees take FMLA leave, unused vacation and sick time must first be exhausted.
  - 3) When an employee returns to work, he/she is restored to the same position or to an equivalent position with equal pay and benefit eligibility, and similar duties and responsibilities.
  - 4) Employees who fail to return to work after FMLA leaves are terminated.

Leaves of Absence, other than military leave will require that all accrued PTO be exhausted at the beginning of the leave period and will result in an adjustment to the benefit eligibility date based on the number of days/weeks the employee is absent due to leave.

### **Health Benefits**

The Agency provides full-time employees with economic and personal security benefits as part of their employment. Available benefits may be utilized at the discretion of the Agency to insure the economic security of the employee when time is lost. Employee benefits may include paid time off utilizing available Paid Time Off or medical benefits through employee purchased supplemental insurance. Medical group benefits are designed to meet employees' needs in a fair and equitable manner consistent with group objectives. Requests for additional information should be directed to the Human Resources Department, where the summary plan description and benefit summaries are available. The Agency reserves the right to modify or terminate any benefits provided to employees at any time, consistent with the terms of the plans.

### **401(k) Plan**

The Agency provides full-time eligible employees a 401(k) plan to allow employees to contribute to a retirement plan. For all eligible employees of the Harbor Healthcare System 401(k) Plan the company will provide a dollar for dollar match up to \$1000 matching your employee pre-tax deferrals to the plan. This matching contribution will be subject to a vesting scale which means that per your cumulative years of service you will become vested in this money in the following manner:

- 0-1 years of service - 0%
- 2 years of service - 20%
- 3 years of service - 40%
- 4 years of service - 60%
- 5 years of service - 80%
- 6 or more years of service - 100%

The matching contribution will be submitted approximately at the end of the first quarter of every year.

A year of service is measured for each 12 month anniversary of your date of hire, during which you are employed.

### **Tuition Reimbursement**

It is the policy of Harbor healthcare System to encourage all employee to improve their effectiveness in their job performance and to prepare themselves for future career opportunities with The Agency. Therefore, eligible full-time employees may receive reimbursement toward tuition at an accredited educational institution or program according to the conditions established in this policy. "Accredited" is defined as a program or certification that is nationally or regionally recognized by the United States Department of Education.

The tuition reimbursement program and budget are reviewed annually and are subject to change when in the best interested of The Agency.

The Tuition Reimbursement Policy and Application can be requested from the Human Resources Department . This program is subject to approval of Executive Management.

### **Jury Duty**

The Agency grants jury duty to eligible employees who are summoned to report to any federal, state, or municipal court, or who are subpoenaed to testify as witnesses concerning matters arising out of their professional job responsibilities. The following procedures apply to the Jury Duty Leave Policy:

1. Full-time employees who submit a jury summons or a subpoena from a federal, state, or municipal court along with proof of attendance (attendance form or a check/check stub) are granted court leave with full pay for the hours submitted by the proof of attendance up to 8 hours per work day/shift.
2. Employees must report the jury duty summons to supervisors as soon as possible so that arrangements can be made to accommodate the absences, and they will work whenever the court schedule permits.
3. The time spent on jury duty will not be counted as hours worked for the purpose of overtime calculations and will not be counted in determining excessive absences.
4. Employees who are summoned for jury duty or subpoenaed as witnesses must present the original document from the court to their supervisors to qualify for paid court leave.
5. When employees are excused from court service, they must return to work.
6. A signed statement from the court clerk or other evidence (attendance form or a copy of the check) showing the actual time of attendance must be turned in with time sheet information at the conclusion of the court duty in order to receive Jury Duty pay.

### **Worker's Compensation Insurance**

The Agency provides a comprehensive worker's compensation insurance program at no cost to the employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who are injured or ill on the job should inform their supervisors immediately. Accidents must be reported on the same day they occur before the end of the shift to ensure employees qualify for coverage. No matter how minor on-the-job injuries appear, they should be reported immediately so eligible employees qualify for coverage as quickly as possible. Failure to report the injury to their supervisor within 12 hours of the incident can lead to written disciplinary action and/or termination.

Employees who miss three or more days and qualify for FMLA will fall under FMLA guidelines and are notified of their eligibility.

*NOTE: See Harbor Employee Safety Manual (including Fleet Policy) located on iHarbor.*

## **COMPANY PREMISE AND WORK AREA**

### **Employee Break Room**

An employee break room is provided by the Agency for the benefit of all employees. It is the responsibility of all employees to pick up after themselves and keep the break room clean and in order.

### **Smoking Policy**

The Agency is dedicated to promoting health and healing and to providing a safe and healthy environment for its patients, visitors, and personnel. Smoking is prohibited on Agency property, during Agency time, and at any time an employee is representing the Agency.

### **Visitors Policy**

Due to the potential disruption to patients and fellow co-workers, employees are prohibited from bringing visitors to their working areas during business hours. Visitors are to wait in the waiting room.

### **Inclement Weather Policy**

In emergency weather conditions, the Administrator can declare an official weather emergency.

#### **1. Early Closing**

If the Administrator/Designee declares an early closing, non-exempt employees are paid until time they clock out for the day.

#### **2. Delayed Opening**

Non-exempt employees who report to work after their designated time of arrival are paid from the time they clock-in up to the time they clock-out.

#### **3. Full Closing**

If the Administrator/Designee declares a full closing, employees are not to report to work. At Management's discretion, they may receive their regular pay for the day.

### **Eating And Drinking Policy**

In order to maintain a professional appearance, eating and drinking are not permitted in areas that can be seen by patients or visitors and where there is patient contact or other areas designated by the Executive Management Team. Employees will keep areas clean where eating and drinking are permitted. In addition, no gum chewing is allowed in patient care areas.

### **Security**

The last person to leave the office site at the end of the day is responsible for making sure all doors are locked and office equipment, computers, and appliances are turned off.

Employees are encouraged to avoid being in the building alone after hours and on weekends. Going to and from automobiles before and after hours in the dark requires two or more persons going together. Anything of a suspicious nature must immediately be reported to the local police department.

### **Solicitation**

The Agency prohibits solicitation or distribution of literature on its premises by anyone during working hours.

### **Work Area**

In order to maintain a professional appearance, it is important that the work area is kept clean, neat and personal items are limited. Management reserves the right to use their discretion in determining what constitutes a professional work area.

### **Equipment and Technology**

The Agency respects the privacy of its employees. However, privacy rights do not extend to the use of Agency-owned systems, property, equipment, supplies, or to work-related conduct.

Employees are prohibited from removing information maintained in company supply containers including computer files, computer databases, desks, lockers, cabinets, etc.

#### **1. Right to Access**

Employees may have individual passwords to e-mail, voice mail, and computer network systems. These systems are accessible to the Agency at all times and may be subject to unannounced, periodic inspections. This policy applies to all telephone, electronic, and computer files that are accessed on or from Agency premises and used in a manner that identifies the user as an employee of the Agency.

#### **2. Restrictions**

Employees are expected to use company e-mail, voice mail, and computer systems for Agency business, not personal reasons. Personal reasons include, but are not limited to, non-job-related communications, research, or solicitations, or soliciting for political or religious causes.

Employees are not to share files that have not been properly set-up for sharing through the IT Department.

Using the internet for purposes other than company related business is strictly prohibited. Failure to adhere to this policy will result in disciplinary action up to and including termination.

#### **3. Prohibited Content**

Employees are prohibited from using Agency telephones and electronic or computer systems in any manner that may be offensive or disruptive to others. This includes, but is not limited to, the transmission of messages that would offend others on the basis of their age, political beliefs, religious beliefs, disabilities, national origins, race, ethnicity, or sexual orientations, or messages that may be interpreted as harassing others. Inappropriate or excessive personal use of Agency property, telephones, or electronic or computer network systems will result in disciplinary action, including termination.

#### **4. Cell Phones**

Cell phone use for personal reasons is not allowed during work hours. No exception will be made for this policy. Should an emergency arise that requires using a company phone or cell phone for personal reasons, the employee is to immediately notify their supervisor that they are not available for work. The supervisor will determine if a replacement needs to be called in to ensure the care and well being of the patients.

### **Communications**

To ensure that information is communicated accurately, timely and efficiently the Agency depends on our internal e-mail system. All employees are assigned e-mail access upon hire and are expected to routinely read their received e-mails.

Routinely is described as daily unless otherwise specified by the job description.

The IT Department is responsible for alerting all e-mail users of viruses that pose a threat to our communications system. Therefore, each time you routinely review your e-mails, first look for e-mails titled "Virus Alert" and open and read the directions. The IT Department will take you step by step through the process of eliminating the virus before it poses a problem for the Agency.

Failure to routinely read your e-mails or deleting e-mails sent by the IT Department, a member of the Executive Committee or other members of management will result in disciplinary action up to and including termination.

Electronic mail is the principle means of communications with the employees and colleagues of the Agency. As such, all e-mails marked "high priority" must be read by all employees. Because of the strategic use of electronic communication within the Agency, failure to read mail marked "high priority" will result in counseling. Repeated failure of such offenses will result in disciplinary action, up to and including termination.

In addition, Agency electronic mail is not to be used for the distribution of chain mail, jokes or "interesting" materials. Forwarding of e-mail received from outside the Agency, which is not related to the Agency's business is not allowed. If an employee wishes to communicate with other employees about non-Agency business via Agency e-mail, prior permission must be obtained from the Executive Management Team.

## PERSONAL CONDUCT

### Drug and Alcohol Policy

The Agency has the right to determine if employees are under the influence, using, transporting, distributing, concealing, or are in possession of any prohibited substances. At the discretion of the Administrator/Designee, employees may be required to consent to unannounced medical tests, including hair, urine or blood tests.

#### 1. Condition of Employment

The Agency requires each potential candidate to complete a satisfactory drug screen. No formal offer will be made to the elected candidate until after the results are received however, the Agency reserves the right to make tentative offers of employment based on an acceptable result of the drug screen performed at a time convenient for the Agency or prior to direct patient care.

#### 2. For-Cause

A for-cause drug screen can be performed at any time on any current employee who appear to be under the influence of drugs and/or alcohol during working hours. The employee may then be suspended with pay until the results are received.

#### 3. Random

The Agency reserves the right to conduct random drug screens. Employees who test positive for alcohol or drugs (other than prescribed medications that have already been verified) will be terminated.

Possessing, distributing, selling, or being under the influence of any alcohol, inhalants, or drugs (illegal or controlled) while on Agency premises or in vehicles owned or operated for the Agency is prohibited. Employees are held accountable for unsafely operating equipment or placing patients or fellow employees in harms way due to their use of drugs or alcohol. Employees will not attend any Agency function or report to work under the influence of any substances. Violators are subject to discipline up to and including immediate termination.

## Sexual Harassment

The Agency is committed to providing a working environment in which its employees are treated with courtesy, respect, and dignity. The Agency does not tolerate or condone any actions that constitute harassment of any employees.

Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of any nature where such conduct is either an explicit or implicit term or condition of employment; is used as the basis for employment decisions; or has the purpose or effect of unreasonably interfering with an employee's work performance, creating an intimidating, hostile, or offensive working environment.

Deliberate, repeated, and unsolicited comments with offensive overtones, jokes or ridicule, physical gestures or actions of sexual nature, and solicitations or sexual favors are examples of violations of this policy. Offenders are subject to discipline up to and including termination.

Harassment complaints should be directed to Human Resources which investigates all complaints of harassment. The privacy of the persons involved must be protected, except to the extent necessary to conduct a proper investigation. If the investigation reveals that a complaint is valid, action is taken to stop the harassment immediately and prevent its recurrence. Disciplinary action is taken if necessary.

Any employee who has been or is being harassed, or who believes he/ she observed harassment should report the matter. No employee will be retaliated against or adversely treated, with respect to terms and conditions of employment, because of making a sexual harassment report.

Please see the Interpersonal Relationship and Fraternization Policy for additional guidelines.

## Dress Code/Appearance

Employees of the Agency are health professionals and are expected to look and act professionally. Employees should always be clean, well groomed, and dressed in a manner appropriate for their positions, including wearing name badges provided by the Agency. Due to the medical environment of the Agency, **wearing perfume, cologne, or other toiletry items containing scents is prohibited.** A medical condition can be affected by certain scents resulting in adverse health conditions for patient/employees. Chewing gum is unprofessional and is prohibited during working hours.

1. Staff members involved in patient care are required to wear scrubs. Solid color scrub pants are required of staff members. Staff involved in intermittent patient care including on call may wear street clothing with a white lab jacket. All staff members will wear a name badge provided by the Agency. The personal appearance and wearing of jewelry by patient care staff members is as follows:
  - a) Rings and bracelets should be removed before performing direct patient care to prevent the spread of bacteria to the patient.
  - b) Earrings are not acceptable for males.
  - c) Visible body piercing and tattoos are not acceptable and should be covered.
  - d) All jewelry should be discreet.
  - e) Makeup should be modest and reflect a image befitting the medical profession.
  - f) Fingernail length should be modest and moderate. Loud or extreme polish and nail art are inappropriate.
  - g) Shoes with slip resistant soles are to be worn. Open-toed shoes, open- back shoes, or sandals are not acceptable.
2. Non-clinical personnel are to dress professionally and appropriate for their position. Management establishes office dress standards and reserves the right to determine what is inappropriate. Some examples of inappropriate attire not permitted in the office are:
  - a) Overalls or form fitting leggings
  - b) Skirts shorter than three inches above the knee cap
  - c) T-shirts, sweat shirts, blouses that expose the cleavage or midriff and see-through shirts
  - d) Shorts of any kind

- e) Any shirt or dress that has no straps, spaghetti straps, expose the back or is worn too tight.
- f) Inappropriate leather or suede attire
- g) Hats and/or caps
- h) Earrings are not acceptable for males.
- i) Visible body piercing and tattoos are not acceptable and should be covered.
- j) All jewelry should be discreet.
- k) Makeup should be modest and reflect a image befitting the healthcare profession.
- l) Fingernail length should be modest and moderate. Loud or extreme polish and nail art are inappropriate.
- m) Loose floppy shoes or flip-flops are not acceptable.

### **Substance Abuse**

The Agency is entrusted with the responsibility of providing quality patient care and a safe, healthy work place. An employee's use of alcohol, drugs, and controlled substances that interfere with or adversely affects the employee's work performance is not tolerated and may result in termination.

### **On-The-Job Injury**

Staff members must immediately report work-connected injuries to their supervisors so injuries can be documented and medical attention can be sought, if needed.

1. Employees must report each incident immediately to their Supervisor and provide written notification prior to the end of a shift when an incident has occurred. Every injury must be reported regardless of how minor it is, including simple secondary needle sticks.
2. If an injury warrants treatment, or if an injured employee asks to be seen by a doctor, that employee's treatment will take priority.
3. Staff members who must leave work for medical attention should notify their supervisors and arrange for relief if their job requires it.
4. Supervisors must fill out accident/incident reports and submit them to the Human Resource Department immediately to ensure treatment is given.
5. It is routine for a drug screen to be performed on any employee involved in an accident on the job.
6. The employee is allowed to use sick, vacation or personal time for the first 1-7 days of lost time, unless your insurance adjuster communicates otherwise. Lost time after this will be handled through the workers compensation company based on the procedures they have in place.

*NOTE: See Harbor Employee Safety Manual (including Fleet Policy) located on iHarbor.*

### **Lifting**

All staff members should use body belts and harnesses when lifting loads, helping patients ambulate or change positions, or performing any other lifting, pushing, or tugging tasks. They should always anticipate and be prepared for these situations and any others that could put them at risk for injuries.

#### **1. Performing Work in Patients' Homes**

- a) LVNs, Nurse's Aides, and Home Sitters should wear body belts and harnesses as they deem necessary to safely perform their duties in patients' homes.
- b) The belt and harness should be worn loosely until the worker performs a task that requires their use.
- c) Although RNs are not required to wear body belts and harnesses all the time they are in the home, they are not to perform any lifting or patient handling without wearing a body belt and harness.
- d) Body belts and harnesses must be properly fitted and tightened before the workers do any pulling, pushing, or lifting.

- e) Examples of tasks requiring body belts and harnesses include:
  - 1) Helping a patient getting in or out of bed.
  - 2) Helping a patient ambulate.
  - 3) Helping a patient getting in or out of a chair.
  - 4) Helping a patient getting in or out of a bathtub.
- f) Refer to the Patient Handling Policy and Procedure in the Safety Handbook for complete details on lifting and handling patients.

## 2. Performing Work in the Office and Other Areas Outside Clients' Homes

- a) An office worker who needs any job done involving lifting, pulling, or pushing should determine if there is any risk involved or if there may be an alternate method of doing the job. For example, if material needs to be moved, it may be possible to divide the material into smaller portions before moving it.
- b) Staff members should understand how to protect themselves and consult with their supervisors before performing any tasks that may put them at risk for injury.
- c) If a supervisor decides a risk is involved in a task, the office worker must put on a body belt and a harness and perform the job using prescribed safe methods.
- d) When possible, tasks that involve handling heavy materials, such as delivering boxes of computer paper or moving furniture, should be left to inventory control or maintenance personnel.
- e) Inventory control clerks and maintenance workers are required to wear a body belt and harness only when doing any lifting. The body belt and harness must be properly fastened when a lifting task is performed.

*NOTE: See Harbor Employee Safety Manual (including Fleet Policy) located on iHarbor.*

### **Weapons**

The Agency does not permit any employee, agent, or representative of the Agency to carry a weapon on company premises during working hours, including concealed weapons. This includes any portion of the building, as well as any driveway, street, sidewalk, parking lot, parking garage, or any other area used by the Agency. Carrying a weapon while performing services, attending functions, or conducting business on the Agency's behalf is also prohibited. This includes carrying a weapon in any vehicle used by the Agency or brought upon Agency premises. This is a term and condition of continued employment.

If there is reasonable suspicion that a weapon has been brought onto company premises, a reasonable search may be conducted of the person or property suspected of possessing or containing the weapon.

### **Personal Electronic Equipment**

Personal cell phones, personal pagers and personal computers or other personal electronic equipment are not to be used while conducting business for the Agency. Personal cell phones and pagers are to be turned off to prevent distractions while performing work for the company.

The use of personal computers for business purposes is prohibited unless prior approval is provided by the Information Systems Department.

## Email Etiquette Policy

Please use the following guidelines when using the company email account:

1. Do not use abusive or explicit language – cursing is not acceptable
2. Do not use CAPS for words or sentences, use proper grammar
3. Include a subject in the subject line area, do not send a blank email
4. Do not use email to discuss confidential information or forward confidential information
5. Don't send or forward emails containing libelous, defamatory, offensive, racist or obscene remarks
6. Do not reply to spam
7. Do not use excessive punctuation as exclamation points, etc.

Failure to comply with this policy can result in disciplinary action up to and including termination.



## AMMENDMENTS

- I. **Falsification Policy**
- II. **Attendance Policy**
- III. **Religious Statement Policy**

### **Amendment to Disciplinary Policy – Effective 7/17/14**

#### **POLICY CONCERNING EMPLOYEE FALSIFICATIONS AND FALSE STATEMENTS**

**In Brief:** The falsification of documents and records, or the making of false statements related to timesheets, mileage, and/or reimbursement statements may be cause for immediate termination, depending on the severity of the falsification or false statement.

#### **Introduction**

As a health-care institution, Harbor Healthcare System (hereinafter HHCS) and all its affiliates, including all affiliated hospices, Diagnostic Group, Harbor Hospital of Southeast Texas, and all other entities affiliated with HHCS and Arfeen Properties, L.P., are acutely interested in issues relating to the integrity of its employees.

For purposes of this policy, falsification of records and documents exists when an employee is discovered to have provided false information on a time-sheet or mileage statement; to have failed to disclose requested information; to knowingly have recorded false information on any Harbor document and/or record, regardless of format and including electronic communications.

The following is a partial list of infractions which are specifically prohibited: falsifying information on an application for initial employment or for transfer; falsifying employee recruitment/credentialing records; falsifying employee expense account records or other reimbursement records; falsifying personnel/payroll documents (including, but not limited to, pay records, time sheets, mileage statements or other types of time records); clocking the time card/time record of another employee or completing and submitting for approval the time sheet/time record of another employee; and falsifying health records or vacation/sick leave records.

#### **Policy Statement**

Falsification of HHCS records and/or documents is prohibited. Any knowing or negligent misrepresentation of a material fact, or any failure to make a complete disclosure of any requested information, is cause for immediate termination. Any exception to the immediate and automatic discharge of the employee for these reasons must be approved in writing by the Chief Human Resources Officer.

#### **Implementation**

The Site Administrators are responsible to notify the Human Resources Department of any violations.

The Human Resources Department will then implement this policy, and assess the final disposition of the disciplinary action. Site Administrators will be held accountable and evaluated on their report, or failure to report, disciplinary violations.

### **Amendment to Attendance Policy – Effective 12/16/14**

#### **POLICY CONCERNING EMPLOYEE ATTENDANCE**

Every employee is expected to show up to work and be present at his or her workstation on time. This policy is established to maintain appropriate staffing levels and insure the orderly reporting and processing of absences, tardiness, and early leaves.

1. Each employee is required to report any absences, tardiness, and early leave to their immediate supervisor in an appropriate timeframe, prior to the start of the scheduled work shift. The employee must state the reason for the absence and the anticipated duration of the absence.
2. If the unplanned absence is for more than one day, the employee shall notify their supervisor each day prior to the scheduled work assignment unless other arrangements have been made.
3. Repeated absences, tardiness, or early leaves that have not been prearranged and approved by the employee's supervisor or designee, by noon of the workday prior to the beginning of the scheduled work shift, will be considered "Job Abandonment". Job Abandonment may lead to immediate termination.
4. While employees will have "Paid Time Off" (PTO) deducted in order to cover for their absence, tardiness, or early leave, employees may not use PTO in order to avoid disciplinary action in the event of unexcused absences, tardiness, or early leaves.

**This policy statement supersedes and replaces any prior policy statement issued in relation to absences, tardiness, and early leave.**

### **Amendment to Religious Statement – Effective 8/7/14**

#### **POLICY CONCERNING RELIGIOUS STATEMENTS**

This is an amendment to Harbor Hospice, DG, Harbor Healthcare System, Harbor Hospital of Southeast Texas, and all other affiliates' disciplinary policy.

#### **Synopsis:**

- (1) Employees at all levels shall NOT include any religious references in company documents, including email communications.
- (2) Your email signature should maintain a professional and official appearance, including only your contact information and Harbor/DG's official logo. All email accounts are the property of Harbor/DG, not the individual property of the employee.
- (3) Bereavement coordinators must ensure that spiritual counseling materials are non-denominational.

**Policy Statement:** Harbor is an all inclusive, multicultural, and secular entity. Our family of employees are of many different religious persuasions and beliefs. We do not all think alike, and that is part of the virtues of diversity. In an effort to respect our fellow coworkers, we shall not impose our beliefs and passions on others.

Specifically, we cannot make religious references or declarations when conducting company business. Emails are considered company documents. Company communications shall be free of any religious references or expressions.

### **Amendment to Leave of Absence Policy – Effective 3/9/15**

#### **POLICY CONCERNING FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The Company (Harbor Healthcare System, Harbor Hospital of Southeast Texas, Diagnostic Group, Alliance Medical Services, Beacon Hospice) will provide Family and Medical Leave to its eligible employees. The company posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act in the common area at each individual site.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact the Chief Legal and Human Resource Officer in writing at 3406 College Street, Suite 200, Beaumont, TX 77701.

### **A. General Provisions**

Under this policy, the Company will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

### **B. Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the company for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours does not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

### **C. Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a \*\*spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with the Human Resource Benefits Department.

If an employee takes PTO for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the company may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- a. short-notice deployment
- b. military events and activities
- c. child care and school activities
- d. financial and legal arrangements
- e. counseling
- f. rest and recuperation
- g. post-deployment activities, and
- h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered servicemember, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered servicemember.

- a) A “son or daughter of a covered servicemember” means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- b) A “parent of a covered servicemember” means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”
- c) Under the FMLA, a “spouse” means a husband or wife as defined under the law in the state where the employee resides. [Note: as of March 27, 2015, workers in legal, same-sex marriages, regardless of where they live, will now have the same rights as those in opposite-sex marriages to federal job-protected leave under the Family and Medical Leave Act (FMLA) to care for a spouse with a serious health condition.]
- d) The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to § 825.122(k).

“Covered active duty” means:

- (a) “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
- (b) (2) *Covered active duty or call to covered active duty status* in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.102.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.

An employee whose son, daughter, parent or next of kin is a covered servicemember may take up to 26 weeks in a single 12-month period to take care of leave to care for that servicemember.

Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

The term “covered servicemember” means:

- (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness” means:

- (a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
- (b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.
- (c) Outpatient status, with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

#### **D. Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The company will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the company will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the company and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent “in-law”) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the company and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

#### **E. Employee Status and Benefits During Leave**

While an employee is on leave, the company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the company will require the employee to reimburse the company the amount it paid for the employee's health insurance premium during the leave period.

Under current company policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment. Contact the Benefits Department to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

#### **F. Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The company may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

#### **G. Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave must use all paid time off (PTO) prior to being eligible for unpaid leave. PTO may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established PTO policy.

#### **H. Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill servicemember over a 12-month period).

The company may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the company and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the company before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

### **I. Certification for the Employee's Serious Health Condition**

The company will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition .

The company may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The company will not use the employee's direct supervisor for this contact. Before the company makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the company will obtain the employee's permission for clarification of individually identifiable health information.

The company has the right to ask for a second opinion if it has reason to doubt the certification. The company will pay for the employee to get a certification from a second doctor, which the company will select. The company may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the company will require the opinion of a third doctor. The company and the employee will mutually select the third doctor, and the company will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

### **J. Certification for the Family Member's Serious Health Condition**

The company will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition .

The company may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The company will not use the employee's direct supervisor for this contact. Before the company makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the company will obtain the employee's family member's permission for clarification of individually identifiable health information.

The company has the right to ask for a second opinion if it has reason to doubt the certification. The company will pay for the employee's family member to get a certification from a second doctor, which the company will select. The company may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the company will require the opinion of a third doctor. The company and the employee will mutually select the third doctor, and the company will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **K. Certification of Qualifying Exigency for Military Family Leave**

The company will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave .

#### **L. Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave**

The company will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember .

#### **M. Recertification**

The company may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the company may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The company may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

#### **N. Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR Benefits Department. Within five business days after the employee has provided this notice, the HR Benefits Department will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the company's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

#### **O. Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the HR Benefits Department will

complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

**P. Intent to Return to Work From FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, the company may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

**HR Benefits Department Contact Information**

Mail:

Harbor Healthcare System  
HR Benefits  
3406 College Street, Suite 200  
Beaumont, TX 77701

E-mail: [Benefits@harborhcs.com](mailto:Benefits@harborhcs.com)

Phone: (409) 813-2332



## EMPLOYEE ACKNOWLEDGEMENT

I \_\_\_\_\_ (Employee Printed Name), have received, read and understand the Employee Handbook including the additional company policies and procedures noted and/or explained within. I understand that these documents are available to me at all times through iHarbor and upon request from management and the Human Resources department.

I understand that my continued employment with Harbor is contingent upon my adherence to these policies.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

