Bayside Community Network Inc.

Employee Handbook

Art Courtesy of Patrick Webb

"Envisioning a world where all people are valued and supported to live fulfilling lives."

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Purpose of the Employee Handbook

This handbook will provide you with general information concerning the Company and your responsibilities. It cannot anticipate every question you may have and it is not designed to provide specific practices or policies for every situation. Questions concerning specific practices and policies, or how the general rules and policies apply, should be discussed with your supervisor. Read this handbook carefully and keep it for future reference.

This handbook is prepared for informational purposes only. The Company reserves the right to interpret, modify, revoke, suspend, amend, terminate, or change any or all such plans, policies and procedures, in whole or in part, at any time without notice.

Except as to the "at will" policy which is a contractual terms of employment, this Employee Handbook is not a contract, and does not guarantee your employment, nor your wages, benefits, or any other aspect of your employment.

The Company will not have policies and/or procedures, nor make any decisions, that are contrary to any federal, state, or local laws.

Some subjects, such as benefits described in this handbook, are covered in detail in official policy documents. Refer to these documents for specific information because the handbook only briefly summarizes those guidelines and benefits.

The Company shall have the right to unilaterally review and revise this employee handbook periodically, including changes necessary for clarification or as recommended by legal counsel. Changes to this handbook will be communicated to the staff as soon as approved and available.

DISCLAIMER

Nothing in this Employee Handbook shall be construed to restrict an employee's rights under Sections 7 and 8(a)(1) of the National Labor Relations Act. No policy set forth in this Employee Handbook shall be construed or understood to prevent an employee to engage in discussions or activities involving the terms and conditions of employment, wages, hours, and working conditions.

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WELCOME

Welcome to Bayside Community Network, Inc. (hereinafter referred to as BCN or the "Agency"). The BCN Employee Handbook is provided as a resource to a better understanding of our Agency.

This Employee Handbook provides general information regarding BCN policies and procedures. Obviously, BCN cannot begin to explain every Agency policy, rule, or benefit in this Handbook. The provisions contained in the Handbook are no more than general summaries of the benefits, work rules and policies they address. This Handbook does not create a contract, either express or implied for continued employment with the Agency or any particular benefit; rather it is intended for informational purposes only. This Employee Handbook replaces all prior handbooks, policy manuals, benefits or practices of BCN.

This Handbook neither implies nor establishes a contract between BCN and any employee for continued employment with the Agency or any particular benefit. The Agency retains the right to change, modify, suspend, interpret or cancel, in whole or in part, any of the published or unpublished personnel and benefits policies of BCN, with or without advance notices, in its sole discretion, without having to give cause or justification to any employee. Recognition of these rights and prerogatives is a term and condition of employment and continued employment with BCN.

About Us

At Bayside Community Network, caring is the essence of our philosophy. Our dedicated staff combines training, education, therapy and a positive learning environment to offer personalized services to each individual.

For over 50 years, we have embraced the belief that all persons with disabilities should be treated with dignity. We strive to assist the individuals we serve to become as independent as possible by focusing on the principles of Employment First.

Our comprehensive services and care give each individual the opportunity to learn and grow, to maintain the highest level of function and dignity, and the hope of leading a healthy, meaningful, happy life.

Mission

To promote individual happiness, fulfillment, and independence in the community workplace through services centered around empowerment, human dignity, growth, and equality.

Employment Policies

Employment At-Will

It is the policy of BCN that all employees are employed at the will of the Agency. Accordingly, either the Agency or the employee can terminate this relationship at any time, for any reason or for no reason, with or without cause and with or without advance notice.

Nothing contained in this Handbook, employment applications, Agency memoranda or any other materials provided to employees in connection with their employment shall restrict BCN's right to terminate an employee at any time for any reason. Any statements of specific grounds for termination set forth in this Handbook or elsewhere are not all-inclusive and are not intended to restrict the Agency's right to terminate at-will.

No Agency representative is authorized to modify this policy for any employee or to make any representation to employees or applicants concerning the terms or conditions of employment with the Agency that are not consistent with BCN's "at-will" policy except the Executive Director of BCN, and then by written agreement only.

Equal Employment Opportunity

BCN is an equal opportunity employer. It is the Agency's policy to recruit, hire, train, and promote individuals, as well as to administer any and all personnel actions, compensation and benefits, without regard to race, color, creed, religion, age, gender, sexual orientation, genetic information, national origin, veteran status, physical or mental disability, marital status, familial status, pregnancy, including childbirth or any other category covered by applicable law. This policy extends to all employees and to all aspects of the employment relationship. Any employee or supervisor who violates this policy will be subject to disciplinary action up to and including termination.

Americans with Disabilities Act (ADA)

BCN is committed to principles of equal opportunity for all job applicants and employees. In keeping with this policy, it does not engage in impermissible discrimination based on any protected characteristic, including an individual's disability. BCN will also make reasonable accommodations that are necessary to comply with the state and federal disability discrimination laws. This means the BCN will make reasonable accommodations for the known physical or mental disability or known medical condition of an applicant or employee, consistent with its legal obligations to do so.

As part of its commitment to make reasonable accommodations, BCN also wishes to participate in a timely, good faith, interactive process with the disabled applicant or employee to determine effective reasonable accommodations, if any, that can be made in response to a request for accommodations. Applicants and employees are invited to identify reasonable accommodations that can be made to assist them to perform the essential functions of the position they seek or occupy. They should contact the Human Resources Department as soon as possible to request the opportunity to participate in a timely interactive process. By working together in good faith, BCN hopes to implement any reasonable accommodations that are appropriate and consistent with its legal obligations.

Pregnancy Discrimination Act

The Pregnant Workers Fairness Act (PWFA) is a new law that requires covered employers to provide "reasonable accommodations" to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship."

The PWFA applies only to accommodations. The PWFA protects employees and applicants of "covered employers" who have known limitations related to pregnancy, childbirth, or related medical conditions.

"Covered employers" include private and public sector employers with at least 15 employees, Congress, Federal agencies, employment agencies, and labor organizations.

BCN will provide reasonable accommodation to pregnant employees for known limitations related to pregnancy, childbirth, or other related medical conditions in accordance with the federal Pregnant Workers Fairness Act (PWFA).

Examples of potential reasonable accommodations include:

- Seating;
- Closer parking;
- Flexible hours;
- Appropriately sized uniforms and safety apparel;
- Additional break time to use the bathroom, eat, and rest;
- Leave or time off to recover from childbirth;
- Limitations on strenuous activities and
- Limitations on strenuous activities or those that involve exposure to compounds not safe for pregnancy.

If you require an accommodation, notify your managers or Human Resources. If the need for a particular accommodation is not obvious, you may be asked to include relevant information such as:

- The reason you need accommodation.
- A description of the proposed accommodation.
- How the accommodation will address limitations caused by pregnancy, childbirth, or related medical conditions.

The agency will not require you to accept any accommodation without engaging in the interactive process to accurately understand your limitations and explore potential accommodations. The agency is not required to make your specific requested accommodation and is not required to provide any accommodation that would constitute an undue hardship on the agency.

If leave is provided as a reasonable accommodation, it may run concurrently with leave under the federal Family and Medical Leave Act and/or any other leave where permitted by law. The agency will comply with state or local laws that provide additional protections beyond the PWFA.

The agency will not retaliate against employees who request or receive accommodation under this policy.

Training Requirements

All staff employed by BCN are required to successfully complete the following **mandatory trainings within the first 3 months of employment:**

- CPR, First Aid, AED, and Blood Bourne Pathogens – bi-annual recertification required, training must be completed in-person with demonstration of CPR and AED skills using a mannequin
- DDA Core Training – 9 hour online training curriculum.
- Choking and Dysphasia
- Basic Food Safety
- Emergency Preparedness
- Health Insurance Portability and Accountability Act (HIPPA)
- Seizure Disorders
- Nursing 101
- MANDT – annual recertification
- Driver Safety & Passenger Assistance
- Incident Management in Cases of Abuse, Neglect and Exploitation
- Introduction to CIMS

Additional training may be required dependent upon the position:

- Certified Medication Technician Training Program – annual recertification
- Behavior Plan training
- Any other training that may be necessary based on the position

Failure to receive all required trainings will result in disciplinary action up to and including termination. In addition, it is mandatory that you attend all recertification trainings. Maintaining your training certifications is necessary in order to maintain your employment. **Training classes occur during the day. and you must attend to maintain employment. If you have a second job, school, or other obligations during the day, you must make the necessary arrangements so you can attend these classes. Ultimately, employees are responsible for completing and maintaining all required trainings.**

Employees are not eligible for pay increases and cannot apply for open positions if their training or training re-certifications are NOT complete and maintained.

Certified Medication Technician Training Program

Employees will only be given two opportunities to pass the initial Medication Technician Training Program (MTTP). If any employee is unable to get their MTTP certification after taking the class twice or has their CMT privileges revoked, their employment will be limited to positions that do not require medications to be given (if available). If no alternative positions are available, employment may be terminated. This policy only applies to direct care positions. Janitorial, maintenance, and administrative employees are not required to be certified in MTTP.

Employees are responsible for the cost associated with their CMT certification. Once you are certified, you own your certification, not Bayside. For initial certification, the fee of $20.00 will be due when your application and photo are submitted for processing to the Maryland Board of Nursing (MBON). For current

employees requiring recertification, a fee of $30.00 will be due at the end of the class. The fees are set by the MBON. Fees may be paid by cash or check. All checks are to be made payable to Bayside Community Network or BCN.

Standards of Business Conduct

Ethical behavior is the guiding force behind BCN's operations. The Agency's success will be based upon mutual trust amongst administrators and employees. Such mutual trust can only be established when BCN as a Company, and a group of responsible individuals, behave with unquestionable integrity.

Every organization must have rules by which it operates. While it is neither possible nor desirable to identify every possible infraction, all BCN employees are expected to observe reasonable standards of conduct, as set forth in the *Standards of Business Conduct*. It is generally expected than an employee will not initiate or become party to any form of dishonesty, disruption of the workplace, non-compliance with any Agency policy or practice or state or federal laws or any form of misconduct that does not serve the best interests of BCN or its employees.

The following is a list of offenses that will lead to disciplinary action, up to and including termination. This list is by no means all inclusive. This list is intended to be a guide only, and in no way limits the authority of the Agency to discipline employees for misconduct, nor does this list alter the status of BCN employees as "at-will" employees.

1. Reporting to work under the influence of alcohol, marijuana, drugs (illegal or unprescribed) or in the possession of such items while on Agency property.
2. Theft or misuse of Agency property of funds.
3. Possession of firearms, explosives or weapons on Agency property.
4. Misrepresentation or falsification of forms, records or attendance reports.
5. Immoral or indecent conduct.
6. Any act of insubordination. (e.g. refusing to follow supervisor's instructions)
7. Deliberate damage to either Agency or private property.
8. Sleeping on the job, except in positions where administrative approval is granted.
9. Leaving consumers unsupervised in vehicles, residences, classrooms, etc. unless otherwise specified in an individual's Individual Plan, Behavior Plan or Person-Centered Plan.
10. Employees must remain on duty until relieved by the next shift according to staffing ratios.
11. Conducting personal business on Agency time.
12. Unauthorized use of Agency vehicles or equipment.
13. Excessive tardiness or absenteeism.
14. Altering your scheduled shift without informing the Program Director.
15. Abusive, intimidating, or threatening language or actions towards a supervisor, co-worker, consumer or the public.
16. Having visitors on agency property without prior administrative approval.
17. Carelessness and/or negligence in the performance of job duties.
18. Violation of the Agency's harassment policy.
19. Making false and/or malicious accusations against another employee.
20. Use of foul, obscene or abusive language to anyone.
21. Provoking or instigating a fight on any Agency property owned or operated by BCN.
22. Release or dissemination of confidential Agency information.
23. Engaging in sexual or romantic relationships with individuals receiving services (i.e. consumers)
24. Falsification of Employment Application, Agency forms or timekeeping data.
25. Failure to satisfactorily perform the essential job functions and responsibilities of a position.

26. Clocking in for another employee or having someone clock in for you.
27. Any other conduct detrimental to other employees, consumers or the Agency's interests or its efficient operation.

Drug and Alcohol Free Workplace

We have a vital interest in providing you with a safe, healthful, and efficient work environment. We recognize that our employees are valuable. Because of this belief, we strive to maintain a safe, drug-alcohol free workplace. We have a zero tolerance for illegal or improper drug use and/or alcohol abuse.

OSHA

We comply with OSHA's policy on Anti-Retaliation, incentive programs, and reporting requirements including drug testing employees when an injury or incident has occurred. If employees do not feel free to report injuries or illnesses, the employer's entire workforce is put at risk. Employers do not learn of and correct dangerous conditions that have resulted in injuries, and injured employees may not receive the proper medical attention, or the workers' compensation benefits to which they are entitled. Ensuring that employees can report injuries or illnesses without fear of retaliation is therefore crucial to protecting worker safety and health.

Marijuana and Maryland Law

According to the U.S. Drug Enforcement Administration (DEA), marijuana is considered a Schedule I illegal drug under the **Title 21 United States Code Controlled Substances Act**. That means a person may not use, possess, manufacture, or distribute the drug, even for medical reasons. However, despite marijuana being a Schedule I illegal drug pursuant to Title 21 of the United States Code Controlled Substances Act, Maryland has passed both medical marijuana and recreational marijuana laws that permit citizens of the State of Maryland to use marijuana for specific purposes.

There presently exists a conflict between state and federal law on this issue that is not likely to be resolved anytime soon. Maryland recognizes medical and recreational marijuana. Regardless, an Employee is prohibited under Maryland law from:

1. **Using marijuana during working hours;**
2. **Possession of marijuana on Company premises. This includes on employee's person or in his/her car.**
3. **Arriving at work under the influence of marijuana.**
4. **Selling marijuana at work.**

Accordingly, recreational marijuana shall be treated as an illegal drug in this policy and medical marijuana shall be treated as a prescribed drug in this Policy.

Statement of Policy

BCN is seriously concerned about the adverse effects of alcohol and illegal and prescribed drug abuse on the health and safety of our employees and our communities, and about maintaining standards of high

performance in our business. Dependence on alcohol and/or illegal and prescribed drugs can interfere with an employee's health and job performance and may pose serious safety, health, or security risks not only to the user but to those who work with the user. The possession, use, sale, or presence of an illegal drug, misuse of prescribed drugs, or alcohol in the workplace poses unacceptable risks for safe, healthful, and efficient operations, and is illegal.

Definitions

a) **Alcohol** or alcoholic beverages means any beverage that may be legally sold and consumed and that has an alcoholic content.

b) **Prescribed** drugs means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured and pursuant to and in accordance with a valid prescription or according to manufacturer's instructions. This includes medical marijuana.

c) **Illegal** drug means any drug that is (a) not legally obtainable, or (b) not legally obtained by the user, or (c) an otherwise legal drug or other substance which is used inappropriately. This term includes recreational marijuana and prescribed drugs not being used for prescribed purposes, or not being used as prescribed dosages, or not being used by the person to whom the drugs were prescribed. It also includes, but is not limited to, controlled substances as defined below.

d) **Controlled** substance as used in this policy means any narcotic drug, hallucinogenic drug, amphetamine, marijuana or any other controlled substance. The term does not include the use of a controlled substance pursuant to a valid prescription or other use authorized by law.

Prescription and/or Prescribed Drugs

a) Use of prescription or legally obtained drugs, including over-the-counter drugs, by an employee while performing Company business or while in a Company facility is permitted when used in accordance with directions or prescription and when it does not pose a safety threat to the employee or others. The use of such drugs must be reported to Human Resources and only the dosage needed for the day may be possessed by Employee.

b) If your use of prescription drugs or over-the-counter drugs may affect your capacity to perform job duties or may create a danger to you or other employees, you are required to report such use to your supervisor in charge and/or Human Resources.

c) No prescription drugs may be brought onto Company premises by any person other than the person for whom the drug has been prescribed by a licensed medical practitioner, and will be used only in the manner, combination and quantity prescribed.

d) Notwithstanding anything to the contrary above, and as it relates to Medical Marijuana:

   (i) Employees are prohibited from using recreational marijuana and/or medical marijuana, during working hours;

   (ii) Employees are prohibited from possession of recreational marijuana and/or medical marijuana on Company premises. This includes on employee's person or in his/her car; and

(iii) Employees are prohibited from arriving at work under the influence of recreational marijuana and/or medical marijuana.)

e) Recreational marijuana for this Policy is not considered a prescribed drug or legally obtained drug.

Illegal Drugs

The use, possession, manufacture, distribution, or sale of illegal drugs on Company property, as well as the presence of an illegal drug in an employee in any detectable amount while on company premises or performing company business, is strictly prohibited. An employee need not be affected by usage or "under the influence" of an illegal drug to be subject to disciplinary action, up to and including termination, under this policy. This includes recreational marijuana.

Alcoholic Beverages

a) No alcoholic beverages may be brought on to or consumed on Company premises or adjacent parking areas.

b) Being "under the influence" of alcohol while on duty, or in conjunction with Company work-related business is prohibited. "Under the influence" means that you are affected by alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor of the obvious impairment of physical or mental abilities such as slurred speech or difficulty in maintaining balance. The determination of being under the influence can be established by a professional opinion, a scientifically valid test, and in some instances, by a reasonable layperson's objective, documented opinion.

c) Drinking, reasonable evidence of drinking, including having alcoholic beverages on your breath, having slurred speech, inability to stand or walk, or displaying other signs of drinking on company premises or otherwise engaged in performing Company work-related duties is strictly prohibited.

d) Impaired job performance as a result of drinking alcoholic beverages is prohibited.

Illegal Drug Abuse or Prescription Drug or Alcohol Use on the Job

a) A person presently using illegal drugs will not knowingly be employed or allowed to perform work for **BCN**.

b) Off duty abuse of alcohol which results in excessive absenteeism or tardiness or is the cause of accidents or poor performance will result in discipline up to and including termination.

Safety of Workforce; Work Rules; Drug and/or Alcohol Tests

In order to ensure the safety of all personnel, as a condition of employment, all employees may be required to submit to tests to determine alcohol, abuse of prescription drugs and/or illegal drug use in the **following circumstances:**

a) **Random:** All employees are subject to random drug testing. Marijuana is not included in our random panel. Marijuana testing will occur for Reasonable Suspicion and Post Accident testing, as described below.

b) **Reasonable Suspicion:** Reasonable suspicion means suspicion based on specific personal observations by the supervisor or a reliable witness concerning such factors as the appearance, behavior, speech, or breathe odor of an employee. If the employee is acting in an abnormal manner

and/or a supervisor has reasonable suspicion to believe that an employee is under the influence of alcohol or illegal drugs, the employee may be required to provide an appropriate specimen for laboratory testing by a medical or testing facility designated by **BCN**.

c) **Missing Medication:** When medication, used for our consumers and prescribed by their physician is found missing, all employees who were in contact with the medication on the date and time period the medication was determined missing, will be required to submit to testing for the missing substance within two hours of notification.

d) **Post-Accident-Illness/Injury:** Any employee with a work-related accident or illness resulting in personal injury (necessitating medical treatment) or substantial damage to property may be required to submit to testing for illegal drug or alcohol use or abuse immediately or as soon thereafter as allowed by the employee's medical condition. **For purposes of this provision, the employee will only be required to submit to drug/alcohol testing for incidents for which the employee's drug/alcohol use is likely to have contributed to the incident or there is a reasonable basis to investigate whether drug or alcohol use may have caused or contributed to the injury or illness, and for which the drug/alcohol test can accurately identify impairment caused by drug/alcohol use.**

(i) The provider of the test will be determined by, and the cost of the test, will be paid by **BCN**.

(ii) For purposes of this policy, reasonable suspicion means that employer reasonably believes that the incident was caused in part or in whole because the employee was under the influence of drugs or alcohol.

(iii) The purpose of this provision is to ensure compliance with OSHA's requirements regarding drug testing.

(iv) Other employees involved in the incident or whom contributed to the incident shall also be tested.

e) **Post-Accident-Injury/Illness-Mandatory Testing.** Subsection b) above does not apply to mandatory Federal (DOT) or state workers' compensation testing provisions or testing under a state free workplace program to comply with workers' compensation provisions. In such case or under these particular circumstances, employees are required to submit to post-accident-illness/injury drug and alcohol tests.

(i) The provider of the test will be determined by, and the cost of the test, will be paid by **BCN**.

Refusal to Comply with Management Request for Screening

Refusal to comply with a management request to a drug or alcohol screening will be viewed as insubordination and an employee may be terminated. Examples of behaviors that constitute refusal to submit to an alcohol or controlled substance screen are as follows:

1. Refusing to provide a specimen. This includes providing an insufficient volume of urine without a valid medical explanation.
2. Tampering with, adulterating, or substituting a specimen.

3. Failing to appear for testing within two (2) hours of being notified.
4. Leaving the scene of an accident without just cause prior to submitting to a test.
5. Leaving collection facility before submitting to a test.
6. Failing to permit an observed or monitored collection when required.
7. Failing to take a second test when required.
8. Failing to undergo a medical examination when required with reasonable time frame.
9. Failing to cooperate with any part of the testing process.
10. Once test is underway, failing to remain at site and provide a specimen.

Safety and Health

BCN expects employees to do their part to make the workplace safe and secure. Accordingly, employees must observe all safety rules and regulations. Any accident, no matter how slight, is to be reported immediately to your supervisor. First Report of Injury must be completed as soon as possible following a workplace injury. Failure to report workplace injuries may result in disciplinary action.

Harassment Policy

BCN prohibits disparate and unfair treatment of any staff member or individual on the basis of race, color, creed, religion, age, sex, sexual orientation, genetic information, national origin, veteran status, physical or mental disability, marital status, pregnancy, including childbirth or any other category covered by applicable law. This treatment includes any harassment and intimidation, whether physical, verbal, or written. Harassment is behavior perceived by the receiver as unwanted behavior or conduct that creates a hostile or offensive environment, making it difficult for someone to feel comfortable and safe. Harassment involves unwanted conduct that intimidates, offends, or humiliates someone, often based on protected characteristics, and can manifest verbally, physically, or through social exclusion.

Any employee who has experienced or is aware of a situation which is believed to be harassing has a responsibility to immediately report the situation to the Executive Director of BCN or the Director of their Department. Upon receipt of the allegation of harassment, the Agency will conduct an immediate investigation into the allegation to determine whether harassment or other inappropriate conduct occurred.

All complaints of harassment will be investigated promptly, impartially and thoroughly. In addition, BCN's investigation will be conducted as discretely as possible; however, the Agency cannot guarantee complete confidentiality. The Agency's general policies regarding harassment investigations are as follows:

- Employees are required to cooperate in any investigation.
- The Agency will investigate any allegations of harassment or other inappropriate conduct, even when the employee complaining later decides not to pursue the matter; and
- Retaliation against any employee for filing a legitimate complaint or participating in an investigation is strictly prohibited and shall be cause for discipline up to and including termination.

In all cases where harassment or other inappropriate conduct is determined to have occurred, the offender will face immediate and appropriate disciplinary action up to and including termination of employment. In addition, an employee determined to be harassing another person may be held personally liable for his or her actions.

Grievance Procedure

If an employee is dissatisfied with any personnel action, or if there should be some other complaint or misunderstanding, they should discuss the matter with their supervisor. In the event that the matter cannot be resolved in a satisfactory manner, the employee may refer their concerns, in writing, to the Human Resources Director. Excluded from the grievance procedure are any disciplinary actions, including dismissal from employment.

If the grievance remains unresolved, it would be necessary for the employee to go to the Executive Director, the employee shall make a full statement regarding his/her grievance, in writing, and request a meeting. At the meeting, the employee shall have the opportunity to present testimony. Any other party involved shall also have the opportunity to present testimony.

After reviewing all testimony, the Executive Director will make a final decision on the matter. The Executive Director's decision shall be final.

Employment References

It is the policy of BCN to provide only neutral employment references. Inquiries from outside interest (for example credit checks, confirmation of employment, etc.) shall be answered by the Human Resources Director who shall confirm only your position, salary, eligibility of rehire, and dates of employment.

Termination of Employment

BCN employees are employed on an at-will basis. Accordingly, BCN employees are free to terminate their employment with the Agency at any time and for any reason, and the Agency retains the similar right to discharge employees at any time for any reason. In order to resign in good standing, a direct care employee must resign in writing and provide at least two (2) weeks notice to their Director. Professional employees are encouraged to provide four (4) weeks notice.

Upon an employee's resignation or termination, it will be the employee's responsibility to return all property including but not limited to keys, phone, computer, tablet, id, and client property. If an employee is terminated they are no longer permitted on property owned, managed or staffed by Bayside Community Network

Prohibiting the Verbal/Physical Abuse, or Neglect of Any Individual

The Staff of BCN is entrusted with providing care that should be centered on a respect for the rights and needs of developmentally disabled individuals. A developmentally disabled individual has a right to be protected from any form of abuse, as well as, to have his/her physical well-being maintained at all times. Abuse and neglect are defined as:

Physical abuse: An employee's non-accidental and inappropriate contact with an individual that causes bodily harm. "Physical abuse" includes actions that cause bodily harm as a result of an employee directing an individual or person to physically abuse another individual.

Mental abuse: The use of demeaning, intimidating, or threatening words, signs, gestures, or other actions by an employee about an individual and in the presence of an individual or individuals that results in emotional distress or maladaptive behavior, or could have resulted in emotional distress or maladaptive behavior, for any individual present.

Sexual abuse: Any sexual behavior consensual or nonconsensual, sexual contact or intimate physical contact between an employee and an individual, including an employee's coercion or encouragement of an individual to engage in sexual activity that results in sexual contact, intimate physical contact, sexual behavior or intimate physical behavior.

Neglect: An employee's failure to provide adequate medical care, personal care, or maintenance, and that, as a consequence, causes an individual pain, injury, or emotional distress, results in either an individual's maladaptive behavior or the deterioration of an individual's physical condition or mental condition, or places an individual's health or safety at substantial risk of possible injury, harm or death. Leaving clients unsupervised is neglect.

Anyone who feels that an individual has been abused and/or neglected **MUST** report (verbally and in writing) the alleged abuse/neglect to their Director immediately. Failure to do so constitutes neglect. All allegations will be immediately investigated in compliance with State Regulations.

Inclement Weather

Residential and Supported Living Employees:

If the forecast calls for inclement weather, staff should prepare themselves for the possibility of staying later than scheduled. BCN will attempt to relieve staff as soon as possible.

In the event of inclement weather that prevents a relief person from arriving at work on time at your assigned home, staff **must** remain on duty. Under **NO** circumstances should any staff leave their assigned house coverage, unless they are relieved by the next shift, or the residents are transported to the day program. There are **NO** exceptions to this rule. This must be staff's primary responsibility. If staff have another job, staff may not leave this job to go to another job.

Day & Personal Support Employees

In the event of inclement weather, Bayside Community Network, Inc. will evaluate weather conditions and determine staff assignments. Staff should check Bayside' s website at www.thevalueofcommunity.org to see where and what time they should report. In addition to the website, weather information is available by calling the weather line at (443)245-3589. If the weather is deemed too hazardous, day staff will be told not to report to work. On days when the center is delayed or closed for employees, employees may use personal time if they wish to get paid for their missed time.

Administrative Employees

Administrative employees will follow the same procedure as day employees, with the exception that they will be required to report to the office rather than a pre-assigned home. They may use personal time if they wish to get paid for missed time due to inclement weather.

Maintenance Employees

Maintenance Employees are required to report prior to the center opening to prepare the building and sidewalks for the work day. Instructions regarding specific arrival times will be posted on the website at www.thevalueofcommunity.org.

Dress Code

In order to maintain and exhibit professionalism, it is expected that all employees dress in a neat and appropriate manner.

The following attire will be considered unacceptable:

- shorts *(Capri pants and cargo shorts that fall to the knee are acceptable.)* **Short shorts and athletic shorts are never acceptable.**
- short skirts or dresses
- t-shirts with rude or obscene language
- midriff revealing shirts
- low cut shirts
- shirts with spaghetti straps, straps must be at least one inch thick
- clothes with holes or tears
- extra long or baggy clothes
- men's tank style shirts (wife beater's)
- pajamas
- piercings and jewelry that dangles and can be grabbed by consumers are a safety risk
- fingernails must not be longer than a quarter inch and neatly manicured. This is necessary for hand hygiene to reduce infection, prevent, client injury, and appropriate glove use.

The following attire is acceptable with the following rules:

- staff may wear jeans, however, they cannot be excessively baggy or tight and must be free of rips, holes, and tears
- leggings must be worn with a top that falls below hips and must not be sheer
- Scrubs can be worn when working in positions performing personal care, however, they are not permitted during community outings.

Open toe sandals, backless shoes (slides), flip flops and high heels are not allowed in non-administrative positions. Slippers are not acceptable footwear and are prohibited in all areas, including residential homes. Additionally, staff working with disruptive individuals may be asked by management to remove jewelry and piercings for safety reasons. Bayside is not responsible for broken jewelry, smart watches, ear buds or nails.

If for some reason your job duties on a particular day warrant clothing that is generally unacceptable (i.e. moving furniture, doing yard work, heavy cleaning), exceptions to the dress code may be granted by your supervisor.

Phones and Technology Use

Direct care staff should limit their use of the Agency telephone and cell phones (including texting, social media, videos, etc.) to emergencies and breaks. Use of a client's personal phone is not permitted unless authorized by administration.

Drivers should **NEVER** talk or text on their cell phones while driving. If an emergency phone call is necessary, drivers should stop their vehicle in a safe location prior to making their call.

Earbuds, headphones and other listening devices can not be used while working directly with clients. Using such devices makes it difficult to hear emergency alerts and challenging for staff to be aware of their surroundings which poses risks to our residents and other staff.

Smoking Policy

In keeping with BCN's intent to provide a safe and healthful work environment and Maryland's Clean Air Indoor Act, smoking in the workplace (center, residences, and vehicles) is prohibited except in those locations that have been specifically designated as smoking areas. This also applies to e-cigarettes, vaporizers, and smokeless tobacco. Staff are not permitted to smoke near non-smoking clients. Staff must find coverage for their area or assigned client prior to taking a smoke break. Staff are never permitted to bring a non-smoking client to a designated smoking area and smoke in their presence. In situations where the preferences of smokers are in direct conflict, the preferences of nonsmokers will prevail.

This policy applies equally to all employees, clients, and visitors. The designated area at the center is near the dumpsters. Smoking areas at residential sites are located at the smoking pods, which are located at least 10 feet from the home.

Smoking, vaporizing or ingesting cannabis/marijuana during work hours is strictly prohibited and will result in disciplinary action up to and including termination.

Employees found smoking in the workplace (center, residences, and vehicles) will be subject to disciplinary action.

No Solicitation Policy

In an effort to ensure a productive and harmonious work environment, persons not employed by Bayside Community Network, Inc. may not solicit or distribute literature in the workplace at any time for any purpose.

Bayside Community Network, Inc. recognizes that employees may have interest in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities at any site owned or operated by BCN (includes all homes, vehicles, off site work areas and the main facility).

Examples of solicitation that are not permissible include but are not limited to:

- The collection of money, goods, or gifts for community groups (school or civic group fundraisers)
- The collection of money, goods, or gifts for religious groups (church fundraisers)
- The collection of money, goods, or gifts for political groups

- The collection of money, goods, or gifts for charitable groups (Girl Scout cookie sales, Boys Scout sale, school sales etc.)
- The sale of goods, services, or subscriptions outside the scope of official organization business
- The circulation of petitions
- The solicitation of memberships, fees, or dues

In addition, the posting of written solicitation on Agency property (bulletin boards, front reception area, work stations, etc.) is prohibited. Bulletin boards are reserved for official Agency communications on such items as:

- Internal memoranda
- Job openings
- Organization announcements
- Payday notice
- Worker's compensation insurance information

Open Flame Policy

To preserve life, promote safety and reduce the risk of fire, the use of candles, incense, fireplaces, wood burning or gas stoves, and other open flame devices is prohibited in all buildings and residences.

Barbecue grills and smoking pods are permitted when placed at least 10 feet from the building/residence exterior.

Computers & the Internet

Use of the internet by employees is restricted to work related purposes. Internet activity and e-mail may be monitored to ensure that is being used for the stated purpose only. The Executive Director or their designee has the authority to monitor computer related activity. No other employee will be authorized to monitor computer use. **Employees have no expectation of privacy with regard to computers, internet, and emails.**

- Documents, home pages, and other resources, including e-mail, published on the BCN system represent not just the author but Bayside Community Network, Inc. as well. Information should be coherent, well-written, logically linked to and from other related documents, and adhere to all policies of Bayside Community Network.
- Personal viewpoints and opinions shall NOT be presented on the system so as to make them appear to represent Bayside Community Network, Inc.
- Inappropriate materials shall not be infused onto the BCN system nor are links to inappropriate materials at other sites permitted. Inappropriate material includes, but is not limited to, libel, plagiarism, illegal activities, copyright infringement, misinformation, harassing materials, pornographic materials, obscene materials and language that is abusive, profane, or sexually offensive.
- Users must have permission to publish copyrighted information on their pages or documents if they are not the author or creator. Users must respect the legal protection provided by copyright license to programs, books, articles and data.
- For-profit commercial activity or campaigns for political office are considered inappropriate.
- Disrupting or interfering with the delivery or administration of computer resources is prohibited.
- Allowing access to computing resources by unauthorized users is prohibited.

- Users will not, at any time, use the Internet to enter chat rooms.
- Users must abide by all existing federal and state laws regarding electronic communication.
- Using computing resources for installing, copying, distributing or using software in violation of copyright and/or software agreements; applicable state and federal laws is prohibited.
- Staff will not knowingly spread viruses; violate copyright laws; use unauthorized software; impersonate another user; attempt unauthorized entry and/or destruction of computer systems and files.
- If an employee must send an email containing Protected Health Information (PHI), the email should contain the minimum amount of PHI necessary to accomplish the work task as required by HIPPA laws. All emails containing PHI should be sent encrypted or password protected. Do not use full names in the subject of the emails. Any attached documents should be password protected.
- Any computer that is left unattended for a period of time must be either locked or logged off.
- Do not open any emails that look suspicious. Be aware of phishing scams by ensuring the email address and URL is correct.

Social Media

At Bayside Community Network, Inc. (BCN) we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries certain responsibilities with it. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media. This policy applies to all employees who are employed by BCN.

GUIDELINES

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with BCN, as well as any other form of electronic communication. The same principles and guidelines found in BCN's policies and Standard of Business Conduct apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects consumers, families, or professional colleagues may result in disciplinary action up to and including termination.

Know and follow the rules

Carefully read these guidelines, the BCN Standard of Business Conduct Policy, the Harassment Policy, and the Computers and Internet Policy and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, breeches of confidentiality (including pictures and information regarding consumers and their family members), harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful

Always be fair and courteous to fellow employees, consumers, families, and professional colleagues. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers rather than by posting complaints to a social media outlet. Nevertheless, if you decide to post

complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage employees, consumers, families, and professional colleagues, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about BCN, employees, consumers, families, and professional colleagues.

Post only appropriate and respectful content

- Maintain the confidentiality of BCN's confidential information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Express only your personal opinions. Never represent yourself as a spokesperson for BCN. If BCN is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of BCN's fellow employees, consumers, families, and professional colleagues. If you do publish a blog or post online related to the work you do or subjects associated with BCN, make it clear that you are not speaking on behalf of BCN. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of BCN."

Using social media at work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with the Computers and Internet policy. Do not use BCN email addresses to register on social networks, blogs or other online tools utilized for personal use.

Retaliation is prohibited

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

For more information

If you have questions or need further guidance, please contact the Human Resources Director.

BCN's Property

BCN may at any time, with reasonable suspicion, inspect or search any BCN property, which may include, but is not limited to: employee work areas; employee desks; all contents, effects, or articles that are in desks; any file cabinet and any form of electronically recorded information, received by, transmitted by or stored in computer files, e-mail, facsimile, and telephone voice recorders; whether or not such BCN property is designated as being for the exclusive use of the particular BCN employee. Prohibited materials, including weapons, explosives, alcohol, non-prescribed medications or illegal drugs, and sexual jokes, cartoons, or

other material, may not be placed in a locker, desk, or article brought onto BCN premises. Employees, who, if requested, fail to cooperate in any inspection may be subject to disciplinary action, including possible discharge. BCN is not responsible for any articles that are placed or left in a desk that are lost, damaged, stolen or destroyed.

BCN reserves the right to monitor all property owned and operated by the agency through video surveillance.

All personal property of Bayside including files, documents, forms, memos, videos, photographs and policies cannot be shared with any person or entity unless specific permission has been granted by the Executive Director.

Driving & Agency Vehicles

Employees are not permitted to use agency vehicles for personal use. Van drivers who are permitted to keep an agency vehicle at their residence can only use the vehicle to make their van run, drive to the center, and drive home. Employees who keep an agency vehicle at their home are responsible for any damages that may occur to the vehicle while there. Only BCN employees and clients are permitted in agency vehicles. No other passengers are allowed.

Employees who receive any type of parking tickets, moving violations, fines, toll violations, etc. while using an agency vehicle will be responsible for payment of these costs. In addition, receiving vehicular tickets/fines may be used negatively in an employee's evaluation and may result in the employee losing driving privileges. Since some positions require driving, this could lead to termination.

Driving records are checked upon hire. Bayside receives monthly updates of any changes to employees' driving records. If an employee whose position requires driving, has a driving record that does not meet the guidelines established by our insurance carrier, then the employee will be terminated. The same applies for drivers who are found to have suspended licenses.

Employees may only use their personal vehicle with approval from the Executive Director to ensure their insurance coverage meets our minimum guidelines dictated by the Agency's liability insurance. In addition, vehicles must be properly maintained and in good operating condition.

Employees are **never** allowed to make phone calls or text while driving. This is illegal and dangerous.

Confidentiality

Bayside Community Network is committed to ensuring that all information regarding our consumer's identity and personal information remain private. Please refrain from sharing personal information and photographs with family, friends, and social networking sites. Information cannot be shared with co-workers unless they specifically work with the individual.

Also, please keep in mind that some families have specifically requested that their child's photograph not be taken under any circumstance.

Return to Work Policy

Purpose:

The Return to Work Policy is to return workers to employment at the earliest possible date following an injury or illness. The policy applies to all eligible workers and will be followed whenever appropriate.

Policy:

Bayside Community Network, Inc. (BCN) defines transitional work as temporary, modified work assignments within the worker's physical abilities, knowledge and skills. Where possible, transitional positions will be made available to injured workers to minimize or eliminate time lost. For any business reason, at any time, we may elect to change the position such as working shift, location, etc. based on the needs of the company. BCN cannot guarantee a transitional position and is under no obligation to offer, create or encumber any specific position for purposes of offering placement.

This policy is not intended to instruct the procedures applicable to employees eligible for reasonable accommodation or covered under the Americans with Disabilities Act (ADA) or leave benefits under the Family Medical Leave Act (FMLA). Inquiries about the ADA or FMLA should be directed to Human Resources (HR).

Applicability:

The policy only applies to regular full-time and part-time employees who are on leave as a result of injury or illness and who are receiving workers' compensation benefits. In the event an employee refuses transitional work (outside the employees' FMLA benefits period) and are within the restrictions and ability to perform the transitional position, BCN is not obligated to provide an alternative position. In such cases, BCN will notify the insurance carrier.

Procedure:

When the employee's attending physician releases the worker to return to work on modified duty BCN will determine if a transitional position is appropriate and within business needs. Transitional positions are developed based on the physical capability of the worker, the business needs of the company and availability of transitional work. BCN will determine appropriate work hours, shifts, duration and locations of all work assignments. BCN reserves the right to determine availability, appropriateness and continuation of all transitional work assignments and job offers.

Human Resources will provide the employee with a written transitional work proposal that outlines the hours, shift, duration, location, duties, pay rate, and physical requirements of the position. The employee must return the signed form to HR within 5 business days indicating acceptance or refusal of the job offer.

Work From Home

Employees may be eligible to work remotely if their duties can be satisfactorily performed remotely. Not all jobs offer this flexibility due to the nature of the tasks performed or the needs of the Agency. Typically, positions requiring in person interaction with clients do not meet the requirements to be considered for a work from home arrangement.

To be eligible for a work-from-home arrangement, the employee must:

- Have reliable Internet access
- Be capable and competent to perform job duties, operate with minimal supervision, and possess good time-management and organizational skills
- Have been employed for at least six months
- Must get permission from supervisor with HR and Executive Director Approval.

Compensation and Performance Policies

Classification of Employees

Full vs. Part-time

Employees must work 28 hours or more per week to qualify as a full-time employee. Employees who work less than 28 hours per week are considered part-time.

Exempt vs. Non-exempt

All BCN employees are classified into "exempt" and "non-exempt" categories for purposes of establishing eligibility for overtime pay under the *Federal Wage and Hour Laws*. Hourly employees are classified as "non-exempt" and are eligible for overtime pay. If employees are not paid an hourly wage, they are most likely classified as "exempt". Salaried employees should speak to their supervisors to determine whether they are exempt or non-exempt. "Exempt" employees are not eligible for overtime pay.

Temporary Employees

Temporary employees are hired to work for a specific time period to perform a specific job, either on a part-time or full-time basis. Temporary employees may be classified as part-time or full-time depending on whether they are scheduled to work at least 28 hours per week.

PRN Employees

PRN employees are hired to work on an as needed basis. They are required to work at least 3 shifts per month. Generally, these positions work less than 28 hours per week. IF a PRN employee starts working regular full-time hours, they will be transferred to a full-time regular position.

Overtime

Occasionally, BCN employees may be asked to work overtime. Non-exempt employees must obtain prior approval from their immediate supervisor before working overtime hours.

If you are a non-exempt employee and you perform overtime work, you will be compensated as follows:

- All hours physically worked in excess of 40 hours per week will be paid at the rate of one and one-half times the regular hourly rate.

- Short-term disability, PTO, sick leave, holidays, vacation, jury duty and bereavement leave are not counted as hours worked with respect to overtime pay.

Timekeeping and Attendance

Bayside Community Network pays all employees promptly and accurately for hours worked. Hourly employees must follow these rules regarding the timekeeping system.

- All employees must clock in and clock out of work using the time and attendance system provided. This confirms their attendance at work. Failure to clock in or out may result in a delay in processing the employee's pay for that shift.
- Employees may only clock in/out from their place of work using authorized equipment.
- **Residential and Supported Living** employees must call in to clock in/out using the agency telephone at their location. The timekeeping system uses caller id to track locations. Calling in/out from an unapproved number will be considered a violation of agency policy.
- **Drivers** will call in to clock in/out or transfer jobs using their agency telephone at the start and end of their route.
- **Employees who work at the center** will clock in and out using one of the three fingerprint scanners located throughout the building.
- If an employee forgets to clock in or out, they should notify their manager by completing a Missing Punch Form. Directors must investigate and document the reason for missing punches and remind the employee that failing to clock in/out is an attendance violation. Corrections should be made by the Director prior to approving time cards for payroll.
- Missing a punch and/or submitting a missed punch form may result in a delay in processing employee pay for that shift and may be processed on the following payroll.
- Employees may not work more than their scheduled hours without prior permission from their Director. If an emergency occurs at a location that requires extra hours, your supervisor may authorize additional hours. **Working unauthorized hours may result in disciplinary action.**
- Clock in/out according to your scheduled shift (i.e. if you start work at 8:30am, do not punch in at 8:15am). Start and stop working at your scheduled times.
- Employees who wish to use paid leave, must submit a paid leave form to their supervisor. This is the only way that they can be notified to apply leave time to the pay period. Leave forms must be submitted no later than the Monday following the end of the pay period. Scheduled vacation (greater than 2 days off) still requires a minimum of 2 weeks notice. Requests must be made using the leave form. This form will also be filled out for unplanned leave (e.g. Sick time). If you do not submit the form by Monday following the end of the pay period you will not receive paid leave for your absence. **A retroactive adjustment will not be made.**
- Employees entering fraudulent timekeeping punches will face immediate termination.

Pay Periods

BCN pays employees bi-weekly (every other Friday). If the pay day falls on a holiday, pay checks will be available the preceding workday.

Attendance and Punctuality

Regular and prompt daily attendance is an essential responsibility for every employee's job. In order to minimize disruption to BCN's operations and as a courtesy to co-workers, staff who must be absent, late, or leave early must notify their director as soon as possible before the start of the workday. The supervisor will provide employees with specific contact information.

Excessive unexcused absences or tardiness will result in disciplinary action up to and including termination. For this policy, two types of absences are defined below:

Excused Absence occurs when all the following conditions are met:

- The employee provides his or her supervisor sufficient notice at least 48 hours in advance of the absence.
- The absence request is approved in advance by the employee's supervisor.
- The employee has sufficient accrued paid time off (PTO) to cover the absence.

Unexcused Absence occurs when any of the above conditions are not met.

- If it is necessary for an employee to be absent or late for work because of an illness or an emergency, the employee must notify his or her supervisor no later than 2 hours prior to the employee's scheduled starting time on that same day. If the employee is unable to call, he or she must have someone make the call, or it will be considered a no call/show.

If an employee has **an unexcused absence the workday prior or after a paid holiday, they will not receive holiday pay.** Absence due to illness for three (3) or more consecutive days requires that employees produce a certificate from a health care provider verifying the medical reason for their absence and their return-to-work date. This also applies to Residential 48-hour Weekend Staff who will need to provide a doctor's note for sickness after missing more than 24 hours of work concurrently.

No Call/No Show Policy

Employees who do not report their absences, which include any schedule change, to their Director cause a staffing crisis which affects the quality of services BCN provides to our consumers. **BCN considers this abandonment of position, which will result in immediate termination.** These absences will result in immediate termination and will occur on the first offense. Since BCN's clients are vulnerable and cannot be left unattended, unreported staff absences may place them in a dangerous position. In certain situations, these actions could result in a charge of neglect.

Transfer Policy

Employees are permitted to transfer positions/shift only if they have been in their current position for at least one year, are up to date on all required training, have had no disciplinary actions in the past 12 months, and have a good attendance record. Continuity of care is important to the wellbeing of our consumers. The agency may transfer employees at their discretion in the best interest of the agency at any time. Requests to transfer prior to the one-year guideline will only be considered if a written request is submitted to the

Executive Director explaining the special circumstances that necessitate the need to transfer. Employees must remain in their current position until a replacement has been hired and trained.

Travel Reimbursement

BCN may reimburse employees for the use of their personal vehicle when performing Agency-related duties, only when an Agency vehicle is not available for use. The Agency reimburses employees at the IRS recommended amount. Travel reimbursement **does not** include miles associated with a normal commute to and from the workplace, only miles in excess of your normal commute.

Employees who use their own vehicle must provide a copy of their registration and auto insurance and seek prior approval from the Executive or Deputy Director.

Petty Cash

Petty cash is available to employees for job-related expenses (i.e. minor work related purchases, consumer outings, meals with clients (dine-in only), inexpensive household supplies). The Agency will reimburse meals up to $12.00.

Employees must submit a Petty Cash Request form to their Director for approval prior to the purchases. A request cannot exceed $30.00. After the purchase is approved, it is the employee's responsibility to provide receipts and change. If the money is lost, the employee will be responsible for reimbursing the Agency.

Employee Benefits

Holidays

Full-Time Day, Employment and Administrative Employees will receive the following paid holidays. If the holiday falls on a weekend, the holiday will be celebrated on the federally recognized holiday.

- Memorial Day
- July 4th
- Labor Day
- Thanksgiving
- New Year's Day
- Christmas Day

Day Employees who work in a different program during paid holidays or breaks will receive time and a half when they physically work more than 40 hours, or when working a holiday designated above, **time and a half** will be applied to the specific holiday only. Unexcused absences that occur on the workday prior or following the holiday will result in the holiday being unpaid.

Residential and Supported Living Employees, who work the following days will receive **double time** (2x your regular rate of pay) for working the holidays below. The holiday will be celebrated on the true date of the holiday.

- New Years Day
- Easter Sunday
- July 4th
- Memorial Day
- Labor Day
- Thanksgiving Day
- Christmas Day

Maryland Paid Safe and Sick Leave

Full and part-time employees, pursuant to Maryland law, are entitled to earn sick and safe leave at the rate of 1 hour for every 30 hours that an employee works up to a maximum of 40 hours. To comply with the law, employees will accrue earned sick and safe leave at a rate of one hour for every thirty (30) hours of work **to a maximum accrual of forty (40) hours per calendar year**. Accrual shall begin on the employee's first day of employment. Carryover from year to year will occur as:

- **Part-time employees** – Accrued safe and sick leave carries over from year to year with a maximum accrual of sixty-four hours.

- **Full-time employees** - Employees who have safe and sick leave available at the end of the calendar year (December 31st), will have their safe and sick balance converted to PTO. They will then begin re-accruing 1 hour of safe and sick leave for every 30 hours worked.

Employees will not be paid for any unused sick and safe leave upon termination of employment. If an employee leaves employment and is rehired within 37 weeks of leaving, any earned and unused sick leave that the employee had at the time of separation will be reinstated.

The terms under which employees are permitted to use this leave are set forth below.

Leave Usage

Employees are not permitted to use leave during the first 106 calendar days of their employment.

An employee is allowed to use earned sick and safe leave under the following conditions:

- To care for or treat the employee's mental or physical illness, injury or condition;
- To obtain preventative medical care for the employee or the employee's family member;
- To care for a family member with a mental or physical illness, injury or condition;
- For maternity or paternity leave; or
- The absence from work is necessary due to domestic violence, sexual assault or stalking committed against the employee or the employee's family member and the leave is being used: (1) to obtain medical or mental health attention; (2) to obtain services from a victim services organization; (3) for legal services or proceedings; or (4) because the employee has temporarily relocated as a result of the domestic violence, sexual assault or stalking. Family member includes a spouse, child, parent, grandparent, grandchild, sibling or legal guardian. For a complete list of family members included

under the law, please see §3-1301(G) of the Labor and Employment Article of the Maryland Annotated Code.

If the need to use sick and safe leave is foreseeable (for example a scheduled doctor's appointment), the employee must provide notice to their Director seven (7) days prior to leave use.

If the need to use leave is not foreseeable, the employee must provide notice as soon as possible.
A request for earned sick and safe leave may be denied if the employee fails to provide proper notice and the employee's absence will cause a disruption to the employer.

Employees may only use earned sick and safe leave for one of the listed authorized reasons. Employees using earned sick and safe leave for unauthorized purposes or who have demonstrated a pattern of abusing sick and safe leave may be denied the right to use earned sick and safe leave in the future.

If an employee uses sick and safe leave for more than three consecutive scheduled shifts, the employee must provide verification that the leave use was appropriate.

As indicated above, employees may not use sick and safe leave for the first 106 days of their employment.

THE FOLLOWING SECTION APPLIES ONLY TO PRIVATE EMPLOYERS LICENSED UNDER TITLE 7 OR TITLE 10 OF THE HEALTH GENERAL ARTICLE TO PROVIDE SERVICES TO DEVELOPMENTALLY DISABLED OR MENTALLY ILL INDIVIDUALS:

Employees may be denied sick and safe leave use if (1) the need to use earned sick and safe leave was foreseeable; (2) the employer is unable to find a suitable replacement for the employee after exercising reasonable diligence; and (3) the employee's absence will cause a disruption of service to at least one individual with a developmental disability or mental illness.

Statement of Earned Sick and Safe Leave

With each pay period, employees will be provided with a statement of leave used and available leave.

Paid Time Off (PTO) – for Full-time employees regularly working at least 28 hours per week

Full-time employees will begin to accrue leave after their first full month of work. Leave will be earned based on your years of service as follows:

- Employees who have been employed less than 2 years will earn leave at the rate of 1.75 hours per pay.
- On the pay period following an employee's 2 year anniversary, employees will begin to earn leave at the rate of 3.5 hours per pay.
- On the pay period following an employee's 5 year anniversary, employees will begin to earn leave at the rate of 4.5 hours per pay.
- On the pay period following an employee's 10 year anniversary, employees will begin to earn leave at the rate of 5.5 hours per pay.

Employees will be able to accumulate up to 400 hours of leave. Employees who are age 55 or over and have had at least 15 years of service will be able to sell back their leave at 100% value upon retirement.

If an employee requests to use more than 2 days of leave, they must notify their supervisor no less than 2 weeks in advance. Leave requests will be approved on a first come first serve basis. Directors reserve the right to deny requests based on staffing and/or workload. If employees are using leave due to sickness, they must give their supervisor at least 2 hours' notice. Leave slips must be submitted by the Monday immediately following the pay period. Residential staff cannot request leave during Agency holidays.

Employees must use available paid leave for missed time when their total hours worked for the week are less than 40. Leave without pay may not be used when paid leave is available. Employees with regularly scheduled overtime may use additional leave beyond 40 hours to cover their normally scheduled hours, if requested, but they are not required to use leave for those hours. "Normally scheduled hours" mean the hours assigned to a specific position, such as Day Shift Instructor, Evening Shift Lead, Overnight DSP, or another regular assignment. Only 48-hour weekend employees and day employees whose regularly assigned duties include driving are eligible to use PTO beyond 40 hours to cover their normal shift. Employees may regularly pick up additional hours to earn overtime; however, those extra hours are not considered part of the normally scheduled hours for their specific position.

Employees using PTO, the workday prior or after a holiday, will not receive holiday pay if the absence is unexcused.

Employees who resign and are later rehired will have to start completely over and will be considered a new employee. Prior years will not be counted towards their years of service.

Leave must be used by the employee who accrued it. BCN does not permit employees to share leave. Leave cannot be donated or borrowed between employees.

Employees who are out due to illness for three (3) or more consecutive days and 48 hour weekend staff who miss a consecutive 24 hours, must submit a health care provider's note verifying their medical reason and providing a return to work date. While out on FMLA leave, employees must use their leave concurrently for any unpaid time.

Upon termination of employment, employees will not be paid for any unused leave time. The only exception to this is for retirement as outlined by the retirement policy.

Jury Duty Leave

All employees called to serve as jurors will be paid their normal pay. In order to receive pay, the employee must provide written documentation from the court.

Death in the Immediate Family

In the unfortunate event of a death in your immediate family (spouse, child, parent, siblings, step-children, grandparents, in-laws, or other regular member of the household), full-time employees will be granted up to three (3) days bereavement leave with pay. Each day of bereavement pay will equal 8 hours of pay.

Military Leave

Employees summoned to active military duty, will be placed on an unpaid military leave of absence and be eligible for return in accordance with applicable law.

Personal Leave of Absence

A personal leave of absence will only be granted when the employee has accrued paid leave available to use during the absence. Leave will not be granted for greater than one month and must be approved by their supervisor in advance. This policy does not apply to FMLA or military leave.

Insurance

Bayside Community Network, Inc. makes available medical coverage, including dental to all full-time employees, who work at least 28 hours per week. A twenty thousand ($20,000) life insurance policy is also available. Employees may choose to purchase voluntary benefits at their own cost. Voluntary benefits include AD&D, FSA, additional voluntary life, spouse life, child life, short term disability, and long term disability. Additionally, employees may choose to purchase medical, dental, and/or vision insurance for their spouse or dependents at their own cost. All coverage begins on the first (1st) day of the month following the date of hire.

Health, dental, and prescription coverage will terminate at the end of the month in which the employee terminates employment. Life and voluntary benefits will terminate on the last day of employment.

Failure to maintain full-time employment will result in a termination of insurance. Employees who are not working due to FMLA leave will maintain their insurance during their FMLA leave period provided they make timely payments for their insurance premiums. Failure to resume full-time employment after FMLA, will result in termination of benefits. Benefits will terminate at the end of the month in which the FMLA expired.

Insurance Disclaimer

BCN has established a number of employee benefit programs for its eligible employees. This handbook provides brief summaries of the key features of the benefits programs but does not restate all of the features of these benefit programs. All employees are notified that additional terms, conditions, and limitations regarding program eligibility and benefit entitlement often exist. For that reason, every employee should consult the official plan documents for complete information regarding each benefit program. In the case of an actual or apparent conflict between the benefit summaries set forth in the handbook and the terms of the official plan documents, the provisions of the official plan documents, as interpreted in the sole and absolute discretion of the plan administrator, shall control.

In addition, while it is BCN's present intention to continue these benefits, BCN reserves the right to modify, curtail, reduce or eliminate any benefit, in whole or in part, either with or without notice. Finally, neither the benefit programs nor their descriptions are intended to create any guarantees regarding employment or continued employment. Consistent with the other provisions in this handbook, employment relationships are terminable at will, with or without cause, either at the option of the employee or the employer.

Flexible Spending Accounts

Employees who work full-time, at least 28 hours per week, are eligible to open Flexible Spending Accounts (FSAs).

A medical FSA can be used to pay for IRS approved medical expenses. There is a $100 minimum annual contribution, and the maximum matches the current IRS contribution.

Employees who terminate employment are responsible for any claims submitted to their FSA account that have not been fully reimbursed through payroll deductions. Outstanding balances for claims will be deducted from the final paycheck.

Retirement

Employees, who have been employed by BCN for at least 15 years and who are at least 55 years of age, are eligible to receive payment for accrued paid leave (a maximum of 400 hours) upon retirement. They will be paid for all of their accrued paid leave at their current pay rate. This will be included in their final paycheck.

FMLA

Applicability and Eligibility Requirements

This policy is applicable only to leaves covered by the Family and Medical Leave Act of 1993, as amended, (the "FMLA") and constitutes notice of Employees' rights and responsibilities under the FMLA.

Employees are eligible if they have worked for a covered Employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 Employees are employed by Bayside Community Network ("BCN") within 75 miles.

Policy

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible Employees for the following reasons.

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the Employee's child after birth or placement for adoption or foster care;
- to care for the Employee's spouse, son or daughter, or parent, who has a serious health condition, as defined below; or
- for the Employee's serious health condition as defined below that makes him/her unable to perform his/her job.

It is BCN policy that all eligible Employees may take up to 12 weeks of unpaid leave (or a total of 12 weeks leave using a combination of PTO and unpaid Family/Medical Leave) within any "Certain 12 month period" for the above family and medical reasons, i.e., within a "rolling" 12-month period measured backward from the date of any FMLA usage.

Any Employee taking leave for the birth or placement of a child must do so within 12 months of the birth or placement of the child.

Military Family Leave Entitlements

Eligible Employees with a spouse, son, daughter, or parent (1) on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation; or (2) on active duty with the Regular Armed Forces deployed to a foreign country, may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. Families of servicemembers in the Reserves, National Guard and certain Retired members of the Armed Forces; and families of active duty servicemembers deployed to a foreign country are covered by this Exigency Leave provision. An Employee whose family member is on active duty or call to active duty status in support of a contingency operation as a member of the Regular Armed Forces is not eligible to take leave because of a qualifying exigency, unless the servicemember is deployed to a foreign country.

FMLA also includes a special leave entitlement that permits an eligible Employee to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. It is Bayside' s policy that an eligible Employee who is the spouse, son, daughter, parent or next of kin (nearest blood relative) of a covered servicemember shall be entitled to a total of 26 weeks of unpaid leave during a 12-month period (or a total of 26 weeks leave using a combination of vacation, sick leave, and unpaid Family/Medical Leave) to care for the covered servicemember. For purposes of this paragraph, the term "covered servicemember" means a current 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. As provided by law and regulation, the term "covered servicemember" may also include former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list who served in the armed forces within five years of the date the individual is undergoing medical treatment, recuperation or therapy. A serious injury or illness in the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the servicemember in the line of duty on active duty in the Armed Forces, or aggravated by the servicemember in the line of duty during active duty service, that may render the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating.

During the single 12-month period described in the preceding paragraphs, an eligible Employee shall be entitled to a combined total of 26 weeks of leave (including for the incapacity due to pregnancy or prenatal medical care, the birth or adoption of a child, for the care of the Employee's family member with a serious health condition, for the Employee's own serious health condition, because of a qualifying exigency arising out of the active duty or call to active duty of a family member, and for the care of a covered servicemember.) The 26-week leave described in this and the preceding paragraph shall only be available during a single 12-month period.

Definition of Serious Health Condition

For purposes of FMLA leave, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the Employee from performing the functions of the Employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Procedure

Employee Responsibilities-Notice of Leave

If an Employee's need for Family/Medical leave is foreseeable, the Employee must provide BCN with 30 days advance written notice. If the 30 days notice is not possible, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, a medical emergency, or an unexpected call to active duty, notice must be given as soon as practicable, within 1 to 2 business days of the Employee learning of the need for the leave. In all cases, Employees must comply with BCN's normal call-in procedures.

Employees must provide sufficient information for BCN to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the Employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. The Employee must inform BCN if the requested leave is for a reason for which FMLA leave was previously taken or certified. The Employee may be required to provide a certification and periodic recertification supporting the need for leave.

If an Employee fails to give 30 days notice for foreseeable leave with no reasonable excuse for the delay, the taking of the leave will be denied until at least 30 days after the date the Employee provides notice of the need for the leave.

If the need for the leave is not foreseeable, an Employee must notify BCN within 1 to 2 business days of learning of the need for the leave, unless the situation involves extraordinary circumstances.

Medical or Military Certification

As provided for under the FMLA, it is BCN's policy that an Employee who requests FMLA eligible leave to care for the Employee's seriously-ill spouse, child or parent, due to the Employee's own serious health condition that makes the Employee unable to perform the functions of the Employee's position, or to care for a covered servicemember, must provide a certification issued by the health care provider of the Employee, the Employee's family member or the servicemember, as the case may be. The medical certification must be provided to BCN no later than 15 calendar days after the date of BCN's request for the certification. Failure to timely provide the medical certification may result in denial of the leave until it is provided.

The medical certification from the health care provider must contain the following information:

- the name, appropriate contact information, and type of medical practice/specialization of the health care provider;
- the date on which the serious health condition began;
- the probable duration of the condition;
- the medical facts regarding the condition;
- the statement that the Employee is unable to perform his/her essential job functions or that he/she is needed to care for a spouse, parent or child; and
- estimate of the time required for the leave.

In addition to the above information, the medical certification from the health care provider for a covered servicemember also must contain the following information:

- whether the health care provider is a Department of Defense, Veterans Administration, or a DOD network or non-network TRICARE authorized provider;
- whether the injury or illness was incurred in the line of duty on active duty;
- information to establish that the covered servicemember is medically unfit to perform the duties of the servicemember's office, grade, rank, or rating and is in need of care;
- the relationship of the covered servicemember to the Employee;
- whether the covered servicemember is a current member of the Armed Forces, the National Guard or Reserves and the military branch, rank and current unit assignment;
- the name of the medical treatment facility or unit to which the covered servicemember is assigned;
- whether the covered servicemember is on the temporary disability retired list; and
- a description of the care to be provided by the Employee.

In the case of the Employee's serious health condition or that of the Employee's family member, BCN reserves the following rights:

- to require an Employee to obtain a second opinion from a health care provider of BCN's choice, at BCN's expense, if it reasonably doubts the validity of the medical certification provided by the Employee. If the opinions of the Employee's and BCN's designated health care provider differ, BCN may require the Employee to obtain certification from a third health care provider, again at BCN's expense. This third opinion shall be final and binding. The third health care provider shall be designated or approved jointly by BCN and the Employee.
- to request recertification at a reasonable interval, but no more often than every 30 days provided however that under certain specific circumstances recertification may be requested on less than 30 day intervals.
- during recertification to provide the Employee's health care provider with a record of the Employee's absence pattern and ask the health care provider if the serious health condition and need for leave is consistent with such a pattern.
- to request recertification of an ongoing medical condition every six months.
- to require a new medical certification in each subsequent leave year, if the Employee's need for leave lasts beyond a single leave year.
- An appropriate health care provider certification form shall be provided to you by BCN when the leave is requested.

Qualifying Exigency Certification

As provided for under the FMLA, it is BCN's policy that an Employee who requests FMLA eligible leave for a qualifying exigency arising out of the active duty or call to active duty of a family member must provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates the active duty or call to active duty status in support of a contingency operation and the dates of the active duty service and a military qualifying exigency certification from the Employee. The military qualifying exigency certification must be provided to BCN no later than 15 calendar days after the date of 1st Mariner's request for the certification. Failure to timely provide the military qualifying exigency certification may result in denial of the leave until it is provided.

The military qualifying exigency certification must contain the following information:

- a description of the facts supporting the need for leave;
- the date on which the qualifying exigency commenced or will commence;
- the relationship of the covered military member to the Employee;
- the beginning and end dates if the leave is for a single, continuous period;
- an estimate of the frequency and duration of the qualifying exigency if the leave is requested on an intermittent or reduced schedule; and
- a description of the meeting purpose and contact information if the qualifying exigency involves a meeting with a third party.
- An appropriate military qualifying exigency certification form shall be provided to you by BCN when the leave is requested.

Certification Sufficiency

If any certification is incomplete or insufficient, BCN will inform an Employee in writing what additional information is necessary to make the certification complete and sufficient. The Employee will have 7 calendar days to cure any deficiency. If the deficiency is not cured in the resubmitted certification, or if the certification is not returned, BCN may deny the leave. Also, in the case of a medical certification of an Employee's own or an Employee's family member's serious health condition, if a deficiency is not cured by the Employee, BCN may have an authorized representative (*i.e.*, a health care provider, human resources professional, leave administrator or manager, but not the Employee's direct supervisor) contact the Employee's or family member's health care provider for purposes of clarifying information in the certification or authenticating the certification.

Status Reports

BCN requires an Employee on leave to report his/her status and intent to return to work to their supervisor every two weeks.

Return to Work Certification

An Employee on leave due to the Employee's own serious health condition that made the Employee unable to perform his/her job may be required to obtain and present certification from his/her health care provider that he/she is able to resume work, when he/she wants to return to work. An Employee failing to provide the requested fitness-for-duty certification to return to work will not be permitted to return to work until the certification is submitted.

Substitution of Paid Leave for Unpaid Leave

Family/Medical leave is unpaid. However, as permitted under the FMLA, BCN requires that any Employee seeking family and medical leave under this policy must first use any Paid Leave which he/she is eligible under BCN's leave policy. If such available paid leave is less than 12 weeks (or 26 weeks, as appropriate), unpaid leave will be made available to complete the 12 weeks (or 26 weeks, as appropriate) of family and medical leave. In order to use paid leave for FMLA leave, Employees must comply with BCN's normal paid leave policies.

Use of Leave-Intermittent and Scheduled Leave

An Employee does not need to use this leave entitlement in one block for certain FMLA purposes. Employees seeking leave for a personal serious health condition or a serious health condition of a spouse, child or parent, or to care for a covered servicemember may take leave on an intermittent/periodic basis or on a reduced leave schedule basis, when medically necessary. Employees seeking leave because of a qualifying exigency arising out of a family member's active duty or call to active duty may also take leave on an intermittent/periodic basis or on a reduced leave schedule basis. If such intermittent or reduced schedule leave is for planned medical treatment, the Employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt Employer's operations and must give 30 days advance notice, or such notice as is practicable. Employer reserves the right to require an Employee taking intermittent or reduced scheduled leave to temporarily transfer to an alternative position with equivalent pay and benefits if the transfer better accommodates these recurring periods of leave.

Both Spouses Employees

Where both spouses in a family are Employees of BCN, and both spouses desire to take leave for the care of a newly arrived child or a sick parent, the aggregate leave is limited to twelve (12) weeks. If the leave is requested to care for a sick child or a spouse, each spouse is entitled to twelve (12) weeks of leave. Where both spouses in a family are Employees of BCN, and both spouses desire to take leave for the care of a covered servicemember, the aggregate leave is limited to twenty-six (26) weeks.

Benefit Coverage and Protections During Leave

During FMLA leave, BCN will maintain the Employee's health coverage under any "group health plan" on the same terms as if the Employee had continued to work. Upon return from FMLA leave, usually, Employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an Employee's leave.

During an Employee's leave under this policy, health insurance benefits will continue on the same basis as if the Employee were not on leave. If paid leave is substituted for unpaid Family/Medical leave, BCN will deduct the Employee's portion of any premiums as a regular payroll deduction. If the leave is unpaid, the Employee will be required to continue to pay his/her portion of any premiums, at the same rate as if the Employee were not on leave. Payment for such premiums will be due at the same time as they would if the Employee were not on leave. Such health insurance coverage can be terminated if an Employee's premium payment is more than 30 days late, or BCN can continue coverage and recover any unpaid Employee premium payments from the Employee upon his/her return to work from leave, either as a deduction from his/her pay and/or by any other legal means. If the coverage is terminated for non-payment of premium, upon return from leave under this policy, the Employee shall be restored to coverage under the health plan.

If an Employee fails to return to work after the leave entitlement under this policy has been exhausted, BCN may recover its share of health plan premiums paid on behalf of the Employee during the period of leave unless the reason the Employee does not return to work is due to: (1) the continuation, recurrence, or onset of a serious health condition; or (2) other circumstances beyond the Employee's control.

An Employee who takes unpaid family and medical leave is not entitled to the accrual of additional benefits or seniority that would have occurred during the period of leave. An Employee who takes family and medical leave will not lose any seniority or employment benefits that accrued before the date leave began

(with the exception that an Employee will be required to first use accrued paid leave at the outset of the FMLA leave, and as part of the FMLA leave, as explained in paragraph e, above).

Return to Former Position or Equivalent

Upon completion of leave under this policy, an Employee will be returned to his/her former position or to a position equivalent in pay, benefits and other terms and conditions of employment except that "key Employees," as defined in FMLA and its regulations, may be denied restoration of employment if return to work would cause substantial and grievous economic injury to BCN's business.

BCN will notify an Employee if he/she is a highly compensated Employee, if BCN will not return him/her to his/her former position.

Employer Responsibilities and Notice Requirement

BCN will promptly inform Employees requesting leave whether they are eligible under FMLA. If the Employee is not eligible, BCN will provide a notice stating the reason for the ineligibility. If the Employee is eligible, the notice will indicate the eligibility and will specify the Employee's rights and responsibilities under the FMLA, including, as appropriate, the following:

- that the leave may be designated as FMLA-protected and counted against the Employee's annual FMLA leave entitlement if qualifying, and the applicable 12-month period for FMLA entitlement;
- the requirement, if any, for the Employee to furnish medical certification of a serious health condition or military certification, and the consequences of failing to do so;
- the requirement that available paid leave must be used before any unpaid leave will be permitted;
- the requirement, if any, for the Employee to make any premium payments to maintain health benefits and the arrangements and due dates for making such payments, and the consequences of not making timely payments;
- if applicable, the status of an Employee as a "key Employee" and the potential consequences that restoration may be denied following FMLA leave, explaining the conditions required for such denial;
- the Employee's rights to maintenance of benefits during the FMLA leave and restoration to the same or an equivalent job upon return from leave; and
- the Employee's potential liability for payment of health insurance premiums paid by the employer during the Employee's unpaid FMLA leave if the Employee fails to return to work after taking FMLA leave.
- When BCN has enough information to determine whether the leave is for an FMLA-qualifying reason, BCN will inform the Employee if the leave will be designated as FMLA leave and, if known, the amount of leave that will be counted against the Employee's leave entitlement. If BCN determines that the leave is not FMLA-protected, BCN will notify the Employee of that determination.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or related to FMLA.

Enforcement

An Employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Any questions regarding BCN's Family and Medical Leave Policy should be directed to BCN's Director of Human Resources.