

8.9 SAMPLE PERSONNEL POLICIES

(See MT TX FP Administrative Manual, Policy 4.2, *Personnel Policies*)

Policy: To help each employee be a successful team member, the family planning program created guidelines to clarify personnel policies and procedures applicable to employees. These policies are designed to be a reference guide for current employees, as well as a source of information to new employees. (For situations not covered in the manual, or for further information or clarification, please feel free to consult the Director.) It is the responsibility of all family planning employees to comply with the policies and procedures in this manual. It is the responsibility of the Director to ensure that these policies and procedures are implemented.

In accordance with the family planning by-laws the hiring and firing, the wages, benefits and other compensation, as well as job description and duties, of all executive staff shall be approved in advance by the Board of Directors. All promotions, raises and other increases in benefits or other compensation of executive staff shall be approved in advance by the unanimous consent of the Board of Directors. As such, any revisions to the policies and procedures in this manual, including revisions suggested by the Director or the executive staff, must be approved by the Board of Directors.

This manual sets forth policies and procedures and is not intended to be contractually binding. In case of any differences, an employee's contract supersedes this manual. If his/her contract does not cover a provision, the employee may rely on this manual as it pertains to items not covered in the contract.

Procedure:

1. Hiring Process
 - a. Standards of Performance
 - i. It is the family planning's policy to employ and retain only the best-qualified personnel available.
 - ii. The family planning program will expect from each employee only the highest standards of performance, cooperative effort, and dedication to its objectives and programs.
 - iii. In return, the family planning program will attempt to maintain salaries and benefits on a comparable basis with those provided in similar employment.
 - b. Affirmative Action Policy
 - i. It is the family planning program's policy to recruit and employ the best-qualified personnel and provide equal opportunity without regard to race, religion, color, sex, sexual orientation, national origin, age, marital status, veteran status, or non-job function related disability in all matters related to employment and to treatment on the job.
 - ii. The family planning program will comply with the requirements of any non-discrimination statutes, which may apply.
 - iii. Each employee of the family planning program will be treated on an equal basis with all other employees in accordance with applicable local, state, and federal laws. This policy applies to every phase of the employment relationship, including recruitment, hiring, promotion, demotion, transfer, discipline, lay-off, termination, rates of pay, and other benefits.
 - c. Employee Recruiting and Selection
 - i. Recruitment
 1. It is the family planning program's policy to be an equal opportunity employer and to hire individuals solely upon the basis of their qualifications and demonstrated ability to perform the job.

2. Upon approval by the Board of Directors, the Director will: (1) prepare a formal job description and job announcement; (2) ensure that recruitment sources and methods are used that will attract a diverse pool of qualified applicants; (3) prepare and fairly distribute employment announcements; (4) review all applications for employment; (5) interview and screen applicants, as necessary; and (6) provide a recommendation for hiring to the Board of Directors for their approval.
 3. The Administrative Assistant will forward timely responses to all applicants and inform them of the status of their application.
 4. All information submitted by applicants for open positions shall be kept on file for a period of three years
- ii. Selection
 1. The Board of Directors shall appoint a Director to be responsible for the managerial and technical administration of the daily activities of the family planning program. The term of appointment of the Director shall nominally be for one year and at the discretion of the board of directors may be extended for successive terms.
 2. The board of directors may appoint or authorize additional executive staff as required by the workload. The executive staff shall be responsible to the Director. The hiring and firing, the wages, benefits and other compensation, as well as job description and duties, of all executive staff shall be approved in advance by the Board of Directors.
 3. An offer of employment will be made in writing to prospective employees. The letter of employment will clearly state all conditions of employment, job description, rate of pay, benefits, starting date, working hours, and reporting arrangements. Starting salaries offered will be comparable with those for jobs of similar characteristics and prior work experience requirements.
 - d. Immigration Policy
 - i. Employees must comply with the Immigration Reform and Control Act of 1986 and provide proof of identity and eligibility for employment in the United States. An updated Immigration and Naturalization Service Form I-9 must be completed. Required documents satisfying both requirements will be maintained in employee personnel files.
2. Employment
 - a. Regular Full-time Employee
 - i. A “regular” employee is one hired without a specific limitation on the length of employment. The term “regular” does not connote any contract or agreement as to continued employment.
 - ii. An employee who works 36 or more hours per week is considered to be a regular, full-time employee.
 - b. Regular Part-time Employee
 - i. An employee who works more than 12 hours per week on a regular schedule, but less than 36 hours per week, is considered a regular, part-time employee.
 - c. Temporary Employee
 - i. A temporary employee is one who does not work on a regular basis, but rather on-call as the workload demands, or is hired for a specific duration of time to perform a certain job function.
 - d. Exempt and Non-Exempt Status
 - i. For the protection of all workers, the federal government enacted the Fair Labor Standards Act (FLSA) to regulate minimum wages and overtime requirements. The

- law also classifies positions into two categories, those who are in positions covered by the law (non-exempt) and those who are not covered by the law (exempt).
- ii. The term “non-exempt” refers to employees whose primary job duties do not involve making independent decisions or directly managing a program. Non-exempt employees are subject to the law’s overtime provisions that require employees to be paid one and one-half times their regular rate of pay for all hours worked in excess of 40 in a workweek. All non-exempt employees must obtain authorization from the family planning program’s Director before working overtime.
 - iii. The term “exempt” refers to salaried professional administrative or executive employees whose primary job duties are directly related to management policies or general business operations; that exercise discretion and independent judgment; or directly manage a program. Exempt employees are not subject to FLSA’s overtime and minimum wage provisions. Exempt employees are expected to carry out the necessary functions of their position even if it requires working in excess of 40 hours per week.
- e. Outside Activities
- i. Regular, full-time employees should not engage in other (outside) employment that is related to the work of the family planning program, unless permission is obtained in advance from the Director. The good of the organization and compliance with family planning program’s conflict of interest policy will be determining factors in considering such permission.
 - ii. Regular, full-time employees should not serve on a governmental board, commission, or other agency, or to perform a service for some body that is outside the normal duties of the family planning program, unless permission is obtained in advance from the Director. In the case of the Director, permission must be obtained from the Board of Directors.
- f. Hours of Work and Attendance
- i. The normal work schedule for regular, full-time employees is Monday through Friday from 8:00 a.m. to 5:00 p.m., with one-half hour for lunch. The normal work schedule for regular, part-time employees will be determined upon hiring and will be within the work schedule for regular, full-time employees. The family planning program recognizes, however, the need for flexible scheduling. Alternative schedules which include the one-half hour for lunch may be approved by the Director provided they do not negatively affect the work of other family planning employees.
 - ii. All personal matters should be taken care of during the lunch break or outside of normal working hours. Personal phone calls should be strictly limited during working hours.
 - iii. An employee should notify the Director or the Administrative Assistant if they are going to be late or absent from work. Should an employee arrive late for work (or need to leave early), then the employee may either charge that time to vacation or personal leave, or make-up that time within that pay period. A reduced lunch break will not be substituted for arriving late or leaving early.
- g. Inclement Weather and Building Closure
- i. The Director may order the office closed during periods of severe inclement weather. The Director may also order the office closed if the working conditions are unsuitable (e.g., due to a power outage). If the office is closed by the Director, regular, full time and regular, part-time employees will be paid as if they worked the hours that they were expected to work that day. An employee on vacation will not be charged a vacation day, if the office is closed. Employees who can accomplish work at other locations will be expected to do so (e.g., attend meetings away from the office or work at home).

- h. Personnel Records
 - i. A personnel file is maintained for each employee. Each personnel file will contain pertinent records related to: hiring, compensation, position classification, benefits, attendance, performance evaluations, disciplinary actions, and termination.
 - ii. Access to an employee's personnel file is strictly limited to: the employee, the Director, and the Administrative Assistant. Except as required by law, persons not employed by the family planning program will not generally have access to employees' personnel files.
 - iii. To ensure that vital information is current, each employee shall promptly notify the Administrative Assistant of any changes in:
 - 1. Legal name
 - 2. Home address
 - 3. Home phone number
 - 4. Person to be notified in case of accident or other emergency
 - 5. Name, ages, and number of dependents
 - 6. Beneficiary for benefits.
- i. Training
 - i. The family planning program will provide job-related training opportunities for its employees. This training is necessary to ensure the highest standards of performance by the executive staff. In addition, the family planning program will attempt to accommodate (e.g., through flexible scheduling) other employee training.
- j. Performance Evaluation
 - i. This section on performance evaluation concerns only non-probationary or part-time employees; temporary employees shall be evaluated in a similar manner, insofar as possible.
 - ii. Frequency: Each family planning employee will have a job performance evaluation not less than annually. New employees will have an evaluation after six months from their hiring date in addition to their annual evaluation. Periodic or special performance evaluations are subject to determination by competent authority, such as the system manager and the immediate supervisor.
 - iii. Responsibility: Each family planning employee will be evaluated by his or her immediate supervisor or higher authority, as appropriate. The system manager will receive an annual performance appraisal from the family planning Board, which shall be reviewed with the system manager by the chairman of the advisory board.
 - iv. Documentation Required: Each family planning employee will receive a completed evaluation sheet at least annually, and it will be personally reviewed with him/her by the immediate supervisor or higher authority. Both the supervisor and the employee will sign and date the evaluation sheet in the appropriate places. The employee may attach comments to explain or clarify any points made in the evaluation. It will then be filed in the subject employee's personnel record in a confidential manner.
 - v. Evaluation results will be the basis for promotion, salary actions, demotions, suspensions, dismissals, and other such actions.
 - vi. All performance appraisals are maintained in a secure manner.

3. Compensation
 - a. Pay Procedures
 - i. Frequency. Employees are paid bi-monthly on the 15th and last day of the month. Payment is for the preceding 15-day period. If the 15th or last day of the month falls on a weekend, then employees will be paid on the preceding Friday.
 - ii. Payment and Documentation. Employees will have their pay electronically deposited (direct deposit) into the account they designate. For each pay period, employees will receive a statement of gross earnings, authorized deductions, and net earnings.
 - iii. Authorized Salary Deductions. Authorized salary deductions are those required by law, such as FICA, Medicare, and federal, state, and local taxes, and those allowed by law, such as 403(b) plan (if the employee elects to participate).
 - iv. Salary Adjustment/Promotion. The family planning program will provide a performance evaluation and make any salary adjustments on an employee's anniversary date. Appraisals will focus on the employee's positive contributions to family planning program, including productivity, quality of work, punctuality, attendance, ability to learn, initiative, attitude, and conduct. Promotions are intended to be non-interim. Promotions may occur only within the employee's unit; an employee may be promoted to a position outside his or her unit provided the employee has required skills or education prerequisite for the post.
 - v. *"None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II."*
 - b. Time-Sheets
 - i. Regular, full-time, part-time and non-exempt employees will record actual time worked by funding source and activity. Any leave taken will also be recorded. The Director and employee will sign and date the report.
4. Benefits
 - a. Applicability
 - i. The family planning program provides employee benefits to its regular, full-time and regular, part-time employees. Temporary and other employees are not eligible for employee benefits other than those required by law, such as FICA, worker's compensation, and unemployment insurance.
 - b. Life Insurance
 - i. The family planning program provides a term life insurance policy in the amount of \$_____ for each regular, full-time employee, free of charge.
 - c. Health Insurance
 - i. Standard Health Insurance. The family planning program provides a health and dental insurance policy for employees and dependents. The family planning program pays ___% of the monthly cost. More complete information on health insurance is available from the Administrative Assistant.
 - d. Long-Term Disability Insurance
 - i. The family planning program provides long-term disability for employees. The family planning program insurance pays ___% of an employee's salary after the first 180 days, up to \$_____ per month, until retirement age.
 - e. Retirement Plan
 - i. The family planning program offers an optional, tax-exempt 403-B plan. An employee can put any amount up to ___% (maximum \$___ per year in calendar year 2___) of his/her salary into this account. There is no employer match under this plan.
 - f. Worker's Compensation Insurance

7. a display in the workplace or sexually suggestive objects or pictures;
 8. sexually explicit or offensive jokes;
 9. physical assault.
- ii. Sexual harassment also includes verbal or physical conduct when:
 1. submission to the conduct is made either explicitly or implicitly a term or condition of any individual's employment; or
 2. submission to or rejection of the conduct is used as the basis for employment decisions; or
 3. the conduct has the purpose or effect of substantially interfering with the individuals work performance or creating an intimidating, hostile, or offensive working environment.
 - iii. Employees should report any harassment immediately to the Director or any of the Board of Directors, who will make every effort to resolve the complaint promptly and effectively.
 - iv. All actions taken to resolve complaints of harassment will be confidential. Retaliatory action against an employee who charges harassment will be subject to appropriate sanctions, up to and including termination.
- d. Conflict of Interest
- i. The family planning program employees shall not engage in conduct resulting in a real, potential, or apparent conflict of interest.
 - ii. A conflict of interest may arise when any action by a family planning employee, whether isolated, recurring, or continuous, is to the direct financial advantage of this employee, or their spouse, parent, or child.
 - iii. Family planning employees shall not participate in the selection, final choice, or management of a contract, covered by donor funds, if a real, potential, or apparent conflict of interest would be involved.
 - iv. Such a conflict of interest would arise when any employee or any member of their family, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm/organization selected for a final contract.
 - v. Family planning employees must at all times provide full disclosure of their actions or relationships with perspective vendors, contractors, or consultants.
 - vi. If any family member is to be employed or contracted, then prior approval from the Board of Directors is required.
 - vii. Family planning employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, sub-recipients, parties of project contractors, or entities regulated by its member states.
 - viii. Family planning employees are, however, allowed to accept gifts including meals at of a nominal face value not to exceed \$25.
 - ix. As appropriate, either the Dire or the Board of Directors will be responsible for determining the disciplinary action that will be imposed for any conflict of interest violations.
- e. Smoking Policy
- i. The family planning office is designated as a no-smoking area. That designation covers the entire office, not just individual areas. Consequently, smoking is not allowed anywhere in the office, including common or public areas, such as conference rooms and hallways.
- f. American with Disabilities Act
- i. The American with Disabilities Act (ADA) of 1990 is a federal civil rights law that prohibits discrimination against individuals with disabilities. The ADA also prohibits discrimination because of an individual's relationship or association with a disabled

person. It is the family planning program's policy to provide equal employment opportunity to all employees and applicants, including individuals with disabilities.

6. Employee Separation

a. General

- i. Separation is an act that terminates the employee's relationship with the family planning program. Each employee may terminate their employment relationship at any time, with or without notice or reason. Resignation is a voluntary separation initiated by the employee, and terminations and lay-offs are separations initiated by the family planning program.
- ii. The family planning program retains the right to terminate the employment relationships without notice for cause and with two weeks' notice for non-cause. Expected, long-term reductions in federal funding levels may necessitate reductions in staffing levels.
- iii. An employee who resigns or is terminated may be asked to participate in an exit interview, and a record of such will be placed in the employee's personnel folder. Before departure, all employees must surrender all credit cards, keys, and any other family planning program property in the employee's possession.

b. Resignations

- i. Employees considering resigning are encouraged to discuss this with the Director before formalizing the decision. Resignation is an important decision; other alternatives may be possible. The family planning program would like to have at least two weeks' notice so that proper arrangements can be made in work schedules.

c. Termination

- i. Regretfully, there may be instances where conditions may warrant the termination of an employee for cause. This includes, but is not limited to, dismissal due to:
 1. unacceptable job performance, or
 2. misconduct towards other employees, members, donors, and others associated with the family planning program.
- ii. In some cases, the employee may receive prior warning and given a time period for adjustments to be made. Under certain circumstances, an employee may be immediately terminated. In the case of dismissal for reasons of misconduct, an employee forfeits any notice.
- iii. In the event of involuntary termination of employment, no compensation is provided for unused vacation (or other leave) days.

7. Disciplinary Actions

a. Background

- i. Some violations of the family planning programs rules and standards may not warrant immediate termination of employment. Any such violation may be grounds for discipline, and repeated and cumulative violations may result in suspension or discharge. Disciplinary actions may include verbal correction, written notice, suspension without pay, or discharge.
- ii. The Director is responsible for taking appropriate disciplinary action to ensure the highest standards of performance and a high quality working environment. The Director will consult with the Board of Directors, as appropriate.

b. Types of Unacceptable Behavior.

- i. The following list of offenses is among, but not all inclusive of behavior that may result in immediate discipline, suspension, or discharge:
 1. supplying false and/or misleading information as a means of obtaining employment;

2. use of intoxicating liquor or drugs during work hours;
 3. use of intoxicating liquor or drugs off the job in such a way as to interfere with attendance at work or ability to work;
 4. theft or willful damage to the family planning programs property or the property of other employees;
 5. carrying of weapons;
 6. failure or refusal to perform work as directed, or willful neglect of duties;
 7. immoral conduct or conduct that violates the common decency of fellow employees, family planning program, or the community;
 8. excessive tardiness;
 9. absence without approval;
 10. submitting inaccurate time sheets;
 11. use of the family planning programs position for personal advancement contrary to the goals of the family planning program;
 12. violating the privacy of family planning program or unauthorized use of any information gained in the performance of job duties;
 13. violating the HIPAA Act
 14. unsatisfactory work performance; and
 15. failure to comply with verification and attestation procedures pursuant to the Immigration Reform and Control Act of 1986.
- c. Action To Be Taken
- i. The Director shall take the following progressive disciplinary steps:
 1. meet with the employee to discuss the matter;
 2. inform the employee of the nature of the problem and the necessary corrective action; and
 3. prepare written documentation for the Director's and employee's own records indicating that the meeting has taken place.
 - ii. If there is a second occurrence, then the Director shall hold another meeting with the employee and take any of the following steps:
 1. issue a written reprimand to the employee;
 2. suspend the employee without pay; or
 3. terminate the employee.
 - iii. Whatever action is taken, the Director shall prepare a written report detailing the action taken and submit the report to the Board of Directors.
 - iv. Appeal Process
 1. Appeals must be submitted in writing to the Board of Directors. The decision of the Board shall be final.
- d. Grievances
- i. Situations may occur where an employee believes that the fair and consistent application of a policy affecting him or her has not been followed. In most cases, the family planning program expects that the employee will be able to satisfactorily address such concerns within his or her supervisor. However, when a recent or continuing problem has not been resolved, the family planning program wishes to provide employees an alternative vehicle for doing so. No employee shall be subjected to discrimination or adverse treatment for participating in a grievance procedure.
 - ii. Step I – Informal Step: In many cases, disputes over the application or interpretation of policy can be resolved through communications within a particular department or work area. As such, the first step in the grievance process is a discussion between the employee and the supervisor or the Office of Human Resources. The employee can initiate this step in one of two ways:

1. Talk with his or her supervisor. The employee should promptly bring the matter to the attention of the immediate supervisor, explaining the nature of the problem and the relief sought. The supervisor should respond within three business days, if possible. If the supervisor provides an oral response to the employee, the supervisor should prepare a written record of the response.
 2. Talk with the Director. If an employee cannot decide whether or not to initiate a grievance or is reluctant to discuss the matter with the supervisor, he/she may seek the advice of the appropriate human resources consultant for the work area who may seek to resolve the issue by discussions with the supervisor. The Director or the supervisor should provide a written response to the employee at the completion of this process.
 3. If the informal procedure fails to resolve the grievance, and the employee wishes to continue the matter, the employee must begin the steps of the formal procedure no later than 14 calendar days after the receipt of the supervisor's response.
- iii. Step II – Formal Step
1. If the matter is not resolved at Step I, the employee may proceed to Step II by submitting a written statement to the Director. This statement should outline the relevant facts that form the basis of the employee's grievance, indicating the family planning programs policy that has allegedly been violated, and stating the resolution sought. The statement should also identify the supervisor who was involved at Step I.
 2. Upon receipt of the employee's written statement, the Director, or his or her designee, will:
 - a. Advise the employee's department head of the grievance and determine if the Step I procedure was complied with. (If the Step I procedure was not followed, Director or his or her designee will refer the employee back to Step I unless the Director determines that such referral is not likely to resolve the matter.)
 - b. Schedule a meeting with the employee, the department head, and the employee's supervisor. The meeting should be held promptly (if possible within 14 calendar days of receipt of the employee's written statement).
 - c. Act as chairperson of the meeting, hear both sides of the dispute, render a written decision following the hearing, and provide the parties with copies of the decision.
 - d. If the employee wishes, a fellow family planning employee may accompany him/her to the Step II meeting to provide support. However, this effort at resolution is not to be regarded as an adversarial proceeding and is not subject to the legal procedures of a court of law. The presence of legal counsel at the meeting is not permitted. Note taking is allowed, but tape recording of the meeting is prohibited.
8. Amendments and Exceptions
- a. Amendments
 - i. The hiring and firing, the wages, benefits and other compensation, as well as job description and duties, of all executive staff shall be approved in advance by the Board of Directors. All promotions, raises and other increases in benefits or other compensation of executive staff shall be approved in advance by the unanimous consent of the Board of Directors. As such, any revisions to the policies and

procedures in this manual must be approved by the Board of Directors. All changes will be in writing and given to the employees 15 days prior to implementation of the new policies or procedures.

b. Exceptions

- i. The Director may make temporary exceptions pending consideration of amendments by the Board. The Director will immediately inform the Board of Directors of any such exemptions and arrange for expeditious consideration of the amendments. All changes will be in writing and given to the employees 15 days prior to implementation of new policy or procedures.

SAMPLE